

## **Instruction**

### **Surveys of Students (Student Privacy)**

The Board of Education recognizes the staff's need to collect input from students and parents in order to assist decision-making related to curriculum and instruction, program development and operations. To this end, the Board supports the use of appropriate surveys in accordance with the guidelines contained within this policy.

Administrators, teachers, other staff members and the Board of Education may use surveys for many purposes. Such purposes may include, but are not limited to, the need for student services, the determination of prevailing views pertaining to proposed policies and/or practices, or the determination of student knowledge and/or attitudes related, to a specific subject or units. These are examples of surveys and not intended to be an all-inclusive listing. Administrative approval is required for surveys. Responses will not be used in any identifying manner.

Parents shall have the right to inspect all instructional material that will be used for a survey, analysis, or evaluation as part of a federal program.

<b>Note:</b> The term "survey" includes an evaluation.
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Prior to administering a survey, the Board of Education must approve all those that are received by the Superintendent that include reference to any of the factors listed below. In addition, no student may, without parental consent, take part in a survey, analysis, or evaluation that reveals information concerning:

1. political affiliations or beliefs of the student or the student's parent;
2. mental or psychological problems of the student or the student's family;
3. sex behavior or attitudes;
4. illegal, anti-social, self-incriminating and demeaning behavior;
5. critical appraisals of other individuals with whom respondents have close family relationships;
6. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
7. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program); or
8. religious practices, affiliations, or beliefs of the student or the student's parent.

**Instruction****Surveys of Students (Student Privacy) (continued)**

Surveys conducted for other agencies, organizations or individuals must have the recommendation of the Superintendent of Schools and the approval of the Board of Education as to content and purpose. The results of such approved surveys must be shared with the Board of Education.

Parents/guardians shall have the right to inspect, upon their request, a survey created by a third party before the survey is administered or distributed by a school to a student. Such requests shall be made in writing with a response to be at least two weeks in advance of any survey to be given.

Overall survey results following decisions must be shared with all parties who request such information.

Parents/guardians shall be notified at least annually, at the beginning of the school year, of this policy and when enrolling students for the first time in district schools. This notification must explain that parent/guardians, or students 18 or older, have the right to “opt the student out of participation,” in writing, in the following activities:

1. The collection, disclosure and use of personal information gathered from students for the purpose of marketing or selling that information. This does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to students, such as:
  - a. College or other postsecondary education recruitment, or military recruitment;
  - b. Book clubs, magazines and programs providing access to low-cost literary products;
  - c. Curriculum and instructional materials used in schools;
  - d. Tests and assessments used by schools to provide cognitive, evaluative, diagnostic, clinical, aptitude or achievement information about students;
  - e. Student recognition programs; and
  - f. The sale by students of products or services to raise funds for school-related activities or education-related activities.
2. The administration of any survey that delves into the restricted sensitive subject areas identified and listed above; or
3. The administration of any non-emergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school not necessary to protect the immediate health or safety of the student or other students and not otherwise permitted or required by state law.

## Instruction

### Surveys of Students (Student Privacy) (continued)

**Note:** *The term “invasive physical examination” means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision or scoliosis screening.*

*The term “personal information” means individually identifiable information including a student’s or parent’s name, address, telephone number, or social security number.*

Parents/guardians of a student shall also have the right to inspect, upon request, any instructional material used as part of the educational curriculum.

**Note:** *The term “instructional material” means instructional material that is provided to a student, regardless of format including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). It does not include academic tests or academic assessments.*

Legal Reference: P.L. 103-227 Section 1017 (which amends Section 439 of the General Education Provisions Act)

P.L. 107-110, (HR 1-“Leave No Child Behind”) § 1061/1062 – Student Privacy, Parental Access to Information, and Administration of Certain Physical Examinations to Minors. (20 U.S.C. §1232h)

Regulation 34 CFR Part 99

Policy adopted: January 17, 2012

PUTNAM PUBLIC SCHOOLS  
Putnam, Connecticut

**Model Notification of Rights Under the Protection of Pupil Rights Amendment (PPRA)**

PPRA affords parents and students who are 18 or emancipated minors (“eligible students”) certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

- **Consent** before students are required to submit to a survey that concerns one or more of the following protected areas ("protected information survey") if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED)-
  1. Political affiliations or beliefs of the student or student’s parent;
  2. Mental or psychological problems of the student’s family;
  3. Sex behavior or attitudes;
  4. Illegal, anti-social, self-incriminating, or demeaning behavior;
  5. Critical appraisals of others with whom respondents have close family relationships;
  6. Legally recognized privileged relationships, such as with lawyers, doctors or ministers;
  7. Religious practices, affiliations, or beliefs of the student or parents; or
  8. Income, other than as required by law to determine program eligibility.
- **Receive notice and an opportunity to opt a student out of-**
  1. Any other protected information survey, regardless of funding;
  2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
  3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.
- **Inspect, upon request and before administration or use-**
  1. Protected information surveys of students;
  2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
  3. Instructional material used as part of the educational curriculum.

**[School District will/has develop[ed] and adopt[ed]]** policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. **[School District will directly notify parents and eligible students of these policies at the beginning of the school year]** and after any substantive changes. **[School District]** will also directly notify parents and eligible students, such as through U.S. Mail or email, at least annually at the start of each school year of the specific or approximate dates of the following activities listed below and provide an opportunity to opt a student out of participating. Parents will also be provided an opportunity to review any pertinent surveys.

- Collection, disclosure, or use of personal information for marketing, sales or other distribution.
- Administration of any protected information survey not funded in whole or in part by ED.
- Any non-emergency, invasive physical examination or screening as described above.

*Parents/eligible students who believe their rights have been violated may file a complaint with:*

Family Policy Compliance Office - U.S. Department of Education  
400 Maryland Avenue, SW

Washington, D.C. 20202-4605

**PPRA Model Notice and Consent/Opt-Out for Specific Activities**  
**[LEAs should adopt the following model form as appropriate]**

The Protection of Pupil Rights Amendment (PPRA), 20 U.S.C. §1232h, requires **[name of school district or school]** to notify you and obtain consent or allow you to opt your child out of participating in certain school activities. These activities include a student survey, analysis, or evaluation that concerns one or more of the following eight areas ("protected information surveys"):

1. Political affiliations or beliefs of the student or student's parent;
2. Mental or psychological problems of the student or student's family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or parents; or
8. Income, other than as required by law to determine program eligibility.

This requirement also applies to the collection, disclosure or use of student information for marketing purposes ("marketing surveys"), and certain physical exams and screenings.

Following is a schedule of activities requiring parental notice and consent or opt-out for the upcoming school year. This list is not exhaustive and for surveys and activities schedules after the school year starts, the District will provide parents with a reasonable period of time prior to the administrations of the surveys and activities, notification of the surveys and activities and be provided an opportunity to opt your child out, as well as an opportunity to review the survey. (Please note that this notice and consent/opt-out transfers from parents to any student who is 18 or older or an emancipated minor under State law.)

**Date:** On or about October 15, 2009

**Grades:** Five and Six

**Activity:** ABC Survey of At-Risk Behaviors.

**Summary:** This is an anonymous survey that asks students questions about behaviors such as drug and alcohol use, sexual conduct, violence, and other at-risk behaviors. The survey also asks questions of a demographic nature concerning family make-up, the relationship between parents and children, and use of alcohol and drugs at home.

**Consent [for ED funded, protected information surveys only]:** A parent must sign and return the attached consent form no later than **[insert return date]** so that your child may participate in this survey.

**Opt-out [for any non-ED funded protected information survey]:** Contact **[school official]** at **[telephone number, email, address, etc.]** no later than **[date]** if you do not want your child to participate in this activity.

**Date:** November 22 - 24, 2009  
**Grades:** One through Six  
**Activity:** Flu Shots  
**Summary:** The County Department of Public Health Services will administer flu shots for influenza types A and B.

**Opt-out:** Contact [school official] at [telephone number, email, address, etc.] no later than [date] if you do not want your child to participate in this activity.

**Below are two examples dealing with the collection, use and distribution of personal information for student-based commercial services. Administrators should particularly note the difference in the type of consent required for each activity depending on what personal information is being collected, used or distributed.**

*[Survey A: Limited to personal information designated as "directory information "']*

**Date:** 2009-2010 School Year  
**Grades:** Nine through Twelve  
**Activity:** Student-Based Commercial Services  
**Summary:** [School] collects, or allows businesses to collect, use, and disclose personal information on students, including names, addresses, and telephone listings. These businesses provide student-based products and services, such as computer equipment, sports clothing, school jewelry, and entertainment products.

**Opt-out:** Contact [school official] at [telephone number, email, address, etc.] no later than [date] if you do not want your child to participate in this activity.

**[Note to schools: This information - names, addresses, and telephone listings - may be designated and disclosed as "directory information" under the Family Educational Rights and Privacy Act (FERPA). Instead of using this Model Notice format, schools may meet PPRA notice requirements for specific marketing activities that involve only designated "directory information" by allowing parents to opt out of "directory information" at the start of each school year, which would include all marketing activities.]**

*[Survey B: Collects personal information beyond designated directory information]*

**Date:** 2009-2010 School Year  
**Grades:** Nine through Twelve  
**Activity:** Student-Based Commercial Services  
**Summary:** [School] collects, or allows businesses to collect, use, and disclose personal information on students, including names, addresses, telephone listings and social security numbers. These businesses provide student-based products and services, such as computer equipment, sports clothing, school jewelry, and entertainment products.



**PUTNAM PUBLIC SCHOOLS**  
**Putnam, Connecticut**

**RIGHT TO INSPECT CERTAIN INSTRUCTIONAL MATERIAL**

In addition to any other rights with respect to the inspection of instructional materials, the parent or guardian of a child enrolled in a school within the \_\_\_\_\_ School Corporation which receives funds from the United States Department of Education either directly or indirectly, shall be entitled to inspect those instructional materials which will be used in connection with any survey, analysis, or evaluation as part of any school program or curriculum.

Any complaints arising under this policy may be submitted in accordance with the policy for parental (public) complaints.

Legal Reference: 20 U.S.C. 1232h(a)

**STUDENT SUBMISSION TO REQUIRED SURVEYS,  
ANALYSIS, OR EVALUATIONS OF SCHOOL PROGRAMS**

No student shall be required without prior written consent of the student's parent or guardian, as part of any school program or curriculum which receives funds from the United States Department of Education, to submit to a survey, analysis, or evaluation which reveals information concerning:

- (1) political affiliations or beliefs of the student or the student's parent;
- (2) mental or psychological problems of the student or the student's family;
- (3) sex behavior or attitudes;
- (4) illegal, anti-social, self-incriminating or demeaning behavior;
- (5) critical appraisals of other individuals with whom respondents have close family relationships;
- (6) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- (7) religious practices, affiliations or beliefs of the student or the student's parent; or
- (8) income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

Legal Reference: 20 U.S.C. 1232h(b)

## **Instruction**

### **Use of Copying Devices**

#### **Copyright Law Compliance**

The Board of Education acknowledges the necessity of complying with federal laws governing the use of copyrighted material and does not condone violations of the United States copyright law.

Infringement on copyrighted material, whether prose, poetry, graphic images, music, theatrical performances, video or computer code, is a serious offense against federal law and contrary to the ethical standards required of staff and students alike. The Board further recognizes that severe penalties are provided for unauthorized copying of audio, visual or printed materials unless the copying falls within the bounds of “fair use.”

The fair use of a copyrighted work for purposes of teaching, scholarship, or research is not an infringement of copyright. The following factors shall be considered in determining fair use:

1. The purpose and character of the use, including whether the use is of a commercial nature or for non-profit educational purposes.
2. The nature of the copyrighted work.
3. The amount and importance of the portion used in relation to the copyrighted work as a whole.
4. The effect of the use upon the potential market for or value of the copyrighted work.

The Board, therefore, requires that all reproduction of copyrighted material be conducted strictly in accordance with applicable provisions of law. Unless otherwise allowed as “fair use”, under federal law, permission must be acquired from the copyright owner prior to reproduction of material in any form. Prior written permission must be obtained whenever copyrighted plays and musical numbers are to be performed in public.

The Board therefore directs that;

1. Unlawful copies of copyrighted materials may not be produced on District-owned equipment or any other equipment on District property.
2. Unlawful copies of copyrighted materials may not be used with District-owned equipment or other equipment on District property.

**Instruction**

**Use of Copying Devices**

**Copyright Law Compliance** (continued)

Any District employee who willingly and knowingly violates the copyright policy shall be held personally liable for infringement and may be subject to disciplinary action. In no circumstances shall it be necessary for District staff to violate copyright requirements in order to perform their duties properly. Copyrighted materials shall be treated as the property of the copyright holder, with all rights and limitations specified in the law.

Legal Reference:       Public Law 94-553, The Copyright Act of 1976, 17 U.S.C. 101 et seq.

## **Instruction**

### **Use of Copying Devices and Copied Materials**

#### **General Responsibilities**

1. The building Principal will be designated with the responsibility for disseminating and interpreting copyright regulations at the building level. He/She will provide employee training as needed, distribute and review District policy and administrative regulations with staff, control the approval process and maintain written records regarding permissions, response to requests and license agreements, as may be necessary.
2. The building Principal will ensure that budget recommendations include appropriate funds for the purchase of multiple copies of needed software and/or site licenses.
3. The building Principal will ensure that appropriate warning notices are posted to educate and warn individuals using district equipment of the applicable provisions of copyright law. Warning notices will be posted as follows:
  - a. In or near all copiers;
  - b. On all forms used to request copying services;
  - c. On all video recorders;
  - d. On all computers;
  - e. At the library/media center or other places where interlibrary loan orders for copies of materials are accepted.
4. The building Principal will ensure that building computers and computer labs are used only with proper supervision to help protect against unauthorized copying.
5. All computer software license agreements must be signed by the Business Manager/Technology Coordinator.
6. The employee reproducing a copyrighted work will determine whether copying is permitted by law in accordance with District policy and administrative regulations.
7. The employee will obtain written permission to reproduce copyrighted materials whenever the copying does not fall within the “fair use” guidelines of copyright law.
8. The employee using technology will be responsible to ensure that the intended use of the media does not conflict with copyright law. Such technology includes, but is not limited to digital video, videodisk, satellite transmission, distance learning, CD-ROM, on line databases, informational networks, and other emerging electronic information which can be manipulated into new copyrightable forms of expression.

## **Instruction**

### **Use of Copying Devices and Copied Materials (continued)**

#### **Guidelines to Follow**

The Copyright Law (Public Law 94-553) requires that all employees honor the following guidelines for classroom copying. Failure to do so could expose the employee and the school system to legal challenge and possible monetary damages.

#### **Books and Periodicals**

##### **1. Single Copying for Teachers**

A single copy may be made of any of the following by or for a teacher at his/her individual request for his/her scholarly research or use in teaching or preparation to teach a class:

- A. A chapter from a book.
- B. An article from a periodical or newspaper.
- C. A short story, short essay or short poem, whether or not from a collective work.
- D. A chart, graph, diagram, drawing, cartoons or pictures from a book, periodical, or newspaper.

##### **2. Multiple Copies for Classroom Use**

Multiple copies (not to exceed in any event more than one copy per student in a course) may be made by or for the teacher for classroom use or discussion, provided that:

- A. The copying meets the test of brevity and spontaneity as defined below.
- B. The copying meets the cumulative effect test as defined below.
- C. Each copy includes a notice of copyright.

##### **3. Definitions**

###### **A. Brevity**

- (1) **Poetry:** A complete poem of less than 250 words, and if printed on not more than two pages, or from a longer poem, an excerpt of not more than 250 words.
- (2) **Prose:** Either a complete article, story or essay of less than 2,500 words, or an excerpt from any prose work or not more than 1,000 words or 10% of the work, whichever is less, but in any event a minimum of 500 words.

## Instruction

### Use of Copying Devices and Copied Materials (continued)

#### Definitions (continued)

- (3) **Illustration:** One chart, graph, diagram, drawing, cartoons or pictures per book or per periodical issue.
- (4) **“Special” Works:** Certain works in poetry, prose or in “poetic prose” which often combine language with illustrations and which are intended sometimes for children and at other times for more general audience and fall short of 2,500 words in their entirety. Subparagraph (2) above notwithstanding, such special works may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than 10% of the words found in the text thereof may be reproduced.

#### B. Spontaneity

- (1) The copying is at the instance and inspiration of the individual teacher.
- (2) The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

#### C. Cumulative Effect

- (1) The copying of the material is for only one course in the school in which copies are made.
- (2) Not more than one short poem, article, story, essay or two excerpts may be copied from neither the same author, nor more than three from the same collective work or periodical volume during one class term.
- (3) There shall not be more than nine instances of such multiple copying for one course during one class term.

(The limitation stated in (2) and (3) above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.)

## **Instruction**

### **Use of Copying Devices and Copied Materials (continued)**

#### **4. Prohibitions**

Notwithstanding any of the above, the following shall be prohibited:

- A. Copying shall not be used to create or to replace or substitute for anthologies, compilations or collective works. Such replacement or substitution may occur whether copies of various works or excerpts therefrom are accumulated or reproduced and used separately.
- B. There shall be no copying of or from works intended to be "consumable" in the course of study or of teaching. These include workbooks, exercises, standardized tests and test booklets and answer sheets and similar consumable material.
- C. Copying shall not
  - (1) Substitute for the purchase of books, publishers' reprints or periodicals.
  - (2) Be directed by higher authority.
  - (3) Be repeated with respect to the same item by the same teacher from term to term.
- D. No charge shall be made to the student beyond the actual cost of the photocopying.

### **Educational Uses of Music (Sheet and Recorded Music)**

#### **1. Permissible Uses**

- A. Emergency copying to replace purchased copies, which for any reason are not available, for an imminent performance provided purchased replacement copies shall be substituted in due course.
- B. For academic purposes other than performance, multiple copies of excerpts of works may be made, provided that the excerpts do not comprise a part of the whole which would constitute a performable unit such as a section, movement or aria, but in no case more than 10% of the whole work. The number of copies shall not exceed one copy per student.

For academic purposes other than performances, a single copy of an entire performable unit (section, movement, aria, etc.) that is confirmed by the copyright proprietor to be out of print or unavailable except in a larger work may be made by or for a teacher solely for the purpose of his or her scholarly research or in preparation to teach a class.

## Instruction

### Use of Copying Devices and Copied Materials (continued)

#### Educational Uses of Music (Sheet and Recorded Music) (continued)

- C. Printed copies which have been purchased may be edited or simplified provided that the fundamental character of the work is not distorted or the lyrics, if any, altered or lyrics added if none exist.
- D. A single copy of a sound recording (such as a tape, disc or cassette) of copyrighted music may be made from sound recording owned by an educational institution or an individual teacher for the purpose of constructing aural exercises or examinations and may be retained by the educational institution or individual teacher. (This pertains only to the copyright of the music itself and not to any copyright, which may exist in the case of sound recording.)
- E. A single recording may be made and retained of student performances of copyrighted material when it is made for purposes of evaluation or rehearsal.
- F. Performances of nondramatic musical works which are copyrighted are permitted without the authorization of the copyright owner, provided that:
  - (1) The performance is not for a commercial purpose;
  - (2) None of the performers, promoters or organizers are compensated; and
  - (3) Admission fees are used for educational or charitable purposes only.
  - (4) All other musical performances require permission from the copyright owner.

## 2. Prohibitions

- A. Copying to create or replace or substitute for anthologies, compilations, or collective works.
- B. Copying of or from works intended to be "consumable" in the course of study or of teaching such as workbooks, exercises standardized tests and answer sheets and similar material.
- C. Copying for the performance, except as in 1.A. above.
- D. Copying for the purpose of substituting for the purchase of music, except as in 1.A. and 1.B. above.
- E. Copying without inclusion of the copyright notices which appears on the printed copy.

## Instruction

### Use of Copying Devices and Copied Materials (continued)

#### Performances of Dramatic Works: Exemptions

- A. Face-to-face teaching activities are exempt from authorization from the copyright owner for performances by teachers or students of copyrighted dramatic works as part of a teaching activity in a classroom or instructional setting. Playing recordings in class also falls under this category. This exemption does not apply to:
- Performances by actors, singers, or instrumentalists brought in from outside the school to put on a program.
  - Performances given for the recreation or entertainment of any part of an audience.
  - Performances in an auditorium or stadium during a school assembly, graduation ceremony, class play, or sporting event, where the audience is not confined to the members of a particular class.

Such performances listed above require permission from the copyright owner.

- B. Performances at a school concert, as long as no money changes hands, of nondramatic literary or music works are exempt from authorization by the copyright owner. No one can gain any direct or indirect commercial advantage; no fee or compensation can be paid to performers, promoters or organizers; and no admission charge can be levied. If an admission fee is charged, all proceeds must be used only for educational or charitable purposes.

A student concert at a shopping mall is not exempt because the mall gains an indirect commercial advantage.

#### Reproduction by Libraries

It is not a copyright infringement for a library, or any of its employees acting within the scope of their employment, to reproduce or distribute not more than one copy of a work, provided:

1. The reproduction or distribution is made without any purpose of direct or indirect commercial advantage.
2. The collections of the library or archives are open to the public or available not only to researchers affiliated with the library or archives, but also to other persons doing research in a specialized field.
3. The reproduction or distribution of the work includes a notice of copyright.

## **Instruction**

### **Use of Copying Devices and Copied Materials** (continued)

#### **Reproduction by Libraries** (continued)

The reproduction of multiple copies of the same material, whether made on one occasion or over a period of time, and whether intended for aggregate use by one individual or for separate use by the individual members of a group, is not authorized.

Libraries are generally exempt from liability for the unsupervised use of reproducing equipment located on its premises, provided that the reproducing equipment displays a notice that the making of a copy may be subject to the copyright law.

#### **Off-Air Recording of Broadcast Programming**

In the absence of special licensing agreement, the following guidelines for videotaping broadcast programming apply.

##### **1. Commercial Broadcast Programming**

Broadcast programs are television programs transmitted by television stations for reception by the general public without charge.

- A. A broadcast program may be recorded off-air simultaneously with its transmission (including simultaneous cable retransmission) and retained for a period not to exceed the first 45 consecutive calendar days after the date of recording. Upon conclusion of such retention period, all off-air recordings must be erased or destroyed immediately.
- B. Off-air recordings may be used once by individual teachers in the course of relevant teaching activities, and repeated once only when instructional reinforcement is necessary, in classrooms and other instruction spaces. This use must occur within the first 10 consecutive school days in the 45 calendar day retention period. "School days" are school session days-not counting weekends, holidays, vacations, examination periods, or other scheduled interruptions.
- C. Off-air recordings may be made only at the request of and used by individual teachers, and may not be regularly recorded in anticipation of requests.
- D. No broadcast program may be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program may be broadcast.

## **Instruction**

### **Use of Copying Devices and Copied Materials**

#### **Commercial Broadcast Programming** (continued)

- E. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy is subject to all of the provisions governing the original recording.
- F. After the first 10 consecutive school days, off-air recordings may be used up to the end of the 45-calendar day retention period only for teacher evaluation purposes.
- G. Off-air recording need not be used in their entirety but may not be altered from their original content. They may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.
- H. All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.

#### **2. Public Broadcast Programming**

Video tape recorders may be used under the following conditions:

- A. School rerecordings may be made only by students, teachers and faculty or staff members.
- B. School rerecordings will be used solely for classroom, auditorium or laboratory exhibition in the course of classroom instruction or related educational activities.
- C. School rerecordings will be used only in the educational institution for which made, and will not be given away, loaned, or otherwise made available outside the school.
- D. School rerecordings will be used only during the seven-day period of local Educational Television TV and other educational broadcast licensed by the distribution agency, and will be erased or destroyed immediately at the end of that seven-day period except to the extent specifically authorized in writing in advance by the distribution agency.

(This statement was prepared for public school adoption by the following agencies: Public Broadcasting Service; Great Plains Instructional Television Library; Agency for Instructional Television; Public Television Library.)

## **Instruction**

### **Use of Copying Devices and Copied Materials (continued)**

#### **Showing Audiovisual Works in Non-Profit Institutions**

##### **1. Permissible uses**

- A. They must be shown as part of the instructional program.
- B. They must be shown by students, instructors, or guest lecturers.
- C. They must be shown either in a classroom or other school location devoted to instruction such as a studio workshop, library, gymnasium, or auditorium if that space is used for instruction.
- D. They must be shown either in a face-to-face setting or where students and teacher(s) are in the same building or general area.
- E. They must be shown only to students and educators.
- F. They must be shown using a legitimate (that is, not illegally reproduced) copy with the copyright notice included.

##### **2. Prohibited use**

- A. The works are used for entertainment, recreation, or even for cultural or intellectual value but are unrelated to teaching activity.
- B. They are shown in an auditorium or stadium before an audience not confined to students, such as a sporting event, graduation ceremony, or community lecture or arts series.
- C. They involve an illegally acquired or duplicated copy of the work.

(Guidelines from Section 110(1) and 110(4) of Copyrights Act and House Report)

#### **Copyrighted Computer Software**

##### **1. Copying computer software**

Because, of the complexity of computer software licensure, the user is advised to read and abide by the license agreement, which accompanies the software.

## **Instruction**

### **Use of Copying Devices and Copied Materials**

#### **Copying computer software (continued)**

The owner of a copy of a computer program may make or authorize the making of another copy or adaptation of the program provided:

A. That such new copy or adaptation is created as an essential step in the utilization of the computer program in conjunction with a machine and that it is used in no other manner.

**or**

B. That such new copy or adaptation is for archival purposes only and that all archival copies are destroyed in the event that continued possession of the computer program should cease to be rightful. (United States Code, Section 117, Title 17 paraphrased)

C. It is illegal to make duplicate copies of a computer program for distribution to and use by anyone other than the owner of the master copy. Archival copies should be stored in a secure location with appropriate heat and humidity controls.

#### **2. Using Computer Software (copyrighted and shareware)**

A. In the absence of special licensure, computer programs purchased as single-machine versions may not be downloaded into multiple computers simultaneously either physically (sequential booting) or electronically (on a network).

B. District computers may not be used to make illegal copies of copyrighted computer software.

C. In public areas, which have computers capable of copying software, this warning should be displayed: Many computer programs are protected by copyright. Unauthorized copying may be prohibited by law.

D. Users wishing to use a disk (program or data disks) brought from outside of the building must check the disk(s) for viruses prior to using the disk(s) in school computers.

E. Users may not load software onto the district's computer hard drives or networks without prior approval.

## **Instruction**

### **Use of Copying Devices and Copied Materials**

#### **Using Computer Software (copyrighted and shareware) (continued)**

- F. Users must abide by policies, regulations, and guidelines for using networks. A network is any means by which computers, computer services, and related technologies are linked. It includes, but is not limited to, local, wide-area, commercial, and the Internet networks.

### **3. Computer Licenses**

- A. The Business Manager is responsible for negotiating and signing licensing agreements for computer software, hardware, or networks. Individuals and individual schools shall refrain from entering into licensing agreements.

### **Downloadable Programming**

Current guidelines for the educational use of electronic transmissions from off-site technology are not well defined. The following recommendations preserve the intent and spirit of copyright law and fair use guidelines.

- A. Technology should not be used to capture licensed programming illegally.
- B. Captured, off-site transmissions should be used for face-to-face instruction, not entertainment.
- C. When programming requires special licensing, the terms of the license must be observed, including taping and duplication rights.

### **Educational Multimedia**

#### **Introduction**

Under the Copyright Act of 1976, copyright owners have the exclusive right to reproduce, prepare derivative works, distribute, perform, display, transfer ownership, rent or lend their creations. Under the same Act, the "fair use" exemption places a limit on these exclusive rights to promote free speech, learning, scholarly research and open discussion. Accordingly, under the Act, educators may use portions of copyrighted material if the purpose and character of the use is educational in nature, previously published, not a substantial part of the entire work and if the marketability of the work is not impaired by the use.

Many technological developments have occurred since 1976. The fair use exemption contained in the Copyright Act must again be interpreted by copyright owners and the educational community to allow educators to apply the Act in light of these new technologies.

## Instruction

### Use of Copying Devices and Copied Materials

#### Educational Multimedia (continued)

#### Introduction (continued)

The following guidelines do not represent a legal document, nor are they legally binding. They do represent an agreed upon interpretation of the fair use provisions of the Copyright Act by the overwhelming majority of institutions and organization affected by educational multimedia.

#### Definitions

These guidelines apply to the use, without permission, of portions of lawfully acquired copyrighted works in educational multimedia projects which are created by educators or students as part of a systematic learning activity by nonprofit educational institutions. **Educational multimedia projects** created under these guidelines incorporate students' or educators' original material, such as course notes or commentary, together with various copyrighted media formats including but not limited to, motion media, music, text material, graphics, illustrations, photographs and digital software which are combined into an integrated presentation. **Educational institutions** are defined as nonprofit organizations whose primary focus is supporting research and instructional activities of educators and students for noncommercial purposes.

For the purposes of the guidelines, educators include faculty, teachers, instructors, and others who engage in scholarly research and instructional activities for educational institutions. The copyrighted works used under these guidelines are **lawfully acquired** if obtained by the institution or individual through lawful means such as purchase, gift or license agreement but not pirated copies. Educational multimedia projects which incorporate portions of copyrighted works under these guidelines may be used only for **educational purposes** in systematic learning activities including use in connection with non-commercial curriculum-based learning and teaching activities by educators to students enrolled in courses at nonprofit educational institutions or otherwise permitted under Section 3. While these guidelines refer to the creation and use of educational multimedia projects, readers are advised that in some instances other fair use guidelines such as those for off-air taping may be relevant.

#### 1. Preparation of Educational Multimedia Projects using Portions of Copyrighted Works.

These uses are subject to the Portion Limitations listed in Section 3. They should include proper attribution and citation as defined in Section 5.B.

##### A. By Students:

Students may incorporate portions of lawfully acquired copyrighted works when producing their own educational multimedia projects for a specific course.

## **Instruction**

### **Use of Copying Devices and Copied Materials**

#### **Educational Multimedia** (continued)

##### **B. By Educators for Curriculum-Based Instruction:**

Educators may incorporate portions of lawfully acquired copyrighted works when producing their own educational multimedia programs for their own teaching tools in support of curriculum-based instructional activities at educational institutions.

#### **2. Permitted uses of Educational Multimedia Programs Created under these guidelines**

Uses of educational multimedia projects created under these guidelines are subject to the Time, Portion, Copying, and Distribution Limitations listed in Section 3.

##### **A. Student Use:**

Students may perform and display their own educational multimedia projects created under Section I of these guidelines for educational uses in the course for which they were created and may use them in their own portfolios as examples of their academic work for later personal uses such as job and graduate school interviews.

##### **B. Educator use for Curriculum-Based Instruction**

Educators may perform and display their own educational multimedia projects created under Section I for curriculum-based instruction to students in the following situations:

1. For face-to-face instruction.
2. Assigned to students for directed self-study.
3. For remote instruction to students enrolled in curriculum-based courses and located at remote sites, provided over the educational institution's secure electronic network in real-time, or for after class review or directed self-study, provided there are technological limitations on access to the network and educational multimedia project (such as a password or PIN) and provided further that the technology prevents the making of copies of copyrighted material.

## **Instruction**

### **Use of Copying Devices and Copied Materials**

#### **Educational Multimedia** (continued)

##### **B. Educator use for Curriculum-Based Instruction** (continued)

If the educational institution's network or technology used to access the educational multimedia project created under Section I of these guidelines cannot prevent duplication of copyrighted material, students or educators may use the multimedia educational projects over an otherwise secure network for a period of only 15 days after its initial real-time remote use in the course of instruction or 15 days after its assignment for directed self-study. After that period, one of the two use copies of the educational multimedia project may be placed on reserve in a learning resource center, library or similar facility for on-site use by students enrolled in the course. Students shall be advised that they be not permitted to make their own copies of the multimedia project.

##### **C. Educator Use for Peer Conferences**

Educators may perform or display their own multimedia projects created under Section I of these guidelines in presentations to their peers, for example, at workshops and conferences.

##### **D. Educator Use for Professional Portfolio**

Educators may retain educational multimedia projects created under Section I of these guidelines in their personal portfolios for later personal uses such as tenure review job interviews.

### **3. Limitations - Time, Portion, Copying and Distribution**

The preparation of educational multimedia projects incorporating copyrighted works under Section 1, and the use of such projects under Section 2, are subject to the limitations noted below.

#### **A. Time Limitations:**

Educators may use their educational multimedia projects created for educational purposes under Section I of these guidelines for teaching courses, for a period of up to two years after the first instructional use with a class. Use beyond that time period, even for educational purposes, requires permission for each copyrighted portion incorporated in the production. Students may use their educational multimedia projects as noted in Section 2.A.

## **Instruction**

### **Use of Copying Devices and Copied Materials**

#### **Educational Multimedia** (continued)

##### **B. Portion Limitations:**

Portion limitations mean the amount of a copyrighted work that can reasonably be used in educational multimedia projects under these guidelines regardless of the original medium from which the copyrighted works are taken. In the aggregate means the total amount of copyrighted material from a single copyrighted work that is permitted to be used in an educational multimedia project without permission under these guidelines. These limits apply cumulatively to each educator or student's multimedia project(s) for the same academic semester, cycle or term.

All students should be instructed about the reasons for copyright protection and the need to follow these guidelines. It is understood, however, that students in kindergarten through grade six may not be able to adhere rigidly to the portion limitations in this section in their independent development of educational multimedia projects. In any event, each such project retained under Section 3.A and 4.C should comply with the portion limitations in this section.

##### **1. Motion Media**

Up to 10% or 3 minutes, whichever is less, in the aggregate of a copyrighted motion media work may be reproduced or otherwise incorporated as part of a multimedia project created under Section 2 of these guidelines.

##### **2. Text Material**

Up to 10% or 1000 words, whichever is less, in the aggregate of a copyrighted work consisting of text material may be reproduced or otherwise incorporated as part of a multimedia project created under Section 2 of these guidelines. An entire poem of less than 250 words may be used, but no more than three poems by one poet, or five poems by different poets from any anthology may be used. For poems of greater length, 250 words may be used but no more than three excerpts by a poet or five excerpts by different poets from a single anthology may be used.

## **Instruction**

### **Use of Copying Devices and Copied Materials**

#### **Educational Multimedia** (continued)

##### **3. Music, Lyrics, and Music Video**

Up to 10%, but in no event more than 30 seconds, of the music and lyrics from an individual musical work (or in the aggregate of extracts from an individual work), whether the musical work is embodied in copies, or audio or audiovisual works, may be reproduced or otherwise incorporated as a part of a multimedia project created under Section 1. Any alterations to a musical work shall not change the basic melody or the fundamental character of the work.

##### **4. Illustrations and Photographs**

The reproduction or incorporation of photographs and illustrations is more difficult to define with regard to fair use because usually precludes the use of an entire work. Under these guidelines a photograph or illustration may be used in its entirety but no more than 5 images by an artist or photographer may be reproduced or otherwise incorporated as part of an educational multimedia project created under Section 1. When using photographs and illustrations from a published collective work, not more than 10% or 15 images, whichever is less, may be reproduced or otherwise incorporated as part of an educational multimedia project created under Section 1.

##### **5. Numerical Data Sets**

Up to 10% or 2500 fields or cell entries, whichever is less, from a copyrighted database or data table may be reproduced or otherwise incorporated as part of an educational multimedia project created under Section I of these guidelines. A field entry is defined as a specific item of information, such as a name or Social Security number, in a record of a database file. A cell entry is defined as the intersection where a row and a column meet on a spreadsheet.

#### **C. Copying and Distribution Limitations**

Only a limited number of copies, including the original, may be made of an educator's educational multimedia project. For all of the uses permitted by Section 2, there may be no more than two use copies only one of, which may be placed on reserved as described in Section 2.B.3.

An additional copy may be made for preservation purposes but may only be used or copied to replace a use copy that has been lost, stolen, or damaged. In the case of a jointly created educational multimedia project, each principal creator may retain one copy but only for the purposes described in Sections 2.C and 2.D for educators and Section 2.A for students.

## **Instruction**

### **Use of Copying Devices and Copied Materials**

#### **Educational Multimedia** (continued)

#### **4. Examples of When Permission Is Required**

##### **A. Using Multimedia Projects for Non-Educational or Commercial Purposes**

Educators and students must seek individual permissions (licenses) before using copyrighted works in educational multimedia projects for commercial reproduction and distribution.

##### **B. Duplication of Multimedia Projects Beyond Limitations Listed in These Guidelines**

Even for educational uses, educators and students must seek individual permissions for all copyrighted works incorporated in their personally created educational multimedia projects before replicating or distribution beyond the limitations listed in Section 3.C.

##### **C. Distribution of Multimedia Projects Beyond Limitations Listed in These Guidelines**

Educators and students may not use their personally created educational multimedia projects over electronic networks, except for uses as described in Section 2.B.3, without obtaining permissions for all copyrighted works incorporated in the program.

#### **5. Important Reminders**

##### **A. Caution in Downloading Material from the Internet**

Educators and students are advised to exercise caution in using digital material downloaded from the Internet in producing their own educational multimedia projects, because there is a mix of works protected by copyright and works in the public domain on the network. Access to works on the Internet does not automatically mean that these can be reproduced and reused without permission or royalty payment and, furthermore, some copyrighted works may have been posted to the Internet without authorization of the copyright holder.

## **Instruction**

### **Use of Copying Devices and Copied Materials**

#### **Educational Multimedia** (continued)

#### **5. Important Reminders** (continued)

##### **B. Attribution and Acknowledgment**

Educators and students are reminded to credit the sources and display the copyright notice “C” and copyright ownership information if this is shown in the original source, for all works incorporated as part of the educational multimedia projects prepared by educators and students, including those prepared under fair use. Crediting the source must adequately identify the source of work, giving a full bibliographic description where available (including author, title, publisher, and place and date of publication). The copyright ownership information includes the copyright notice “C”, year of first publication and name of the copyright holder).

The credit and copyright notice information may be combined and shown in a separate section of the educational multimedia project (e.g. credit section) except for images incorporated into the project for the uses described in Section 2.B.3. In such cases, the copyright notice and the name of the creator of the image must be incorporated into the image when, and to the extent, such information is reasonably available; credit and copyright notice information is considered “incorporated” if it is attached to the image file and appears on the screen when the image is viewed. In those cases when displaying source credits and copyrights ownership information on the screen with the image would be mutually exclusive with an instructional objective (e.g. during examinations in which the source credits and/or copyright information being simultaneously displayed on the screen. In such cases, this information should be linked to the image in a manner compatible with such instructional objectives.

##### **C. Notice of Use Restrictions**

Educators and students are advised that they must include on the opening screen of their multimedia program and any accompanying print material a notice that certain materials are included under the fair use exemption of the U.S. Copyright Law and have been prepared according to the multimedia fair use guidelines and are restricted from further use.

## Instruction

### Use of Copying Devices and Copied Materials

#### Educational Multimedia (continued)

##### **D. Future Uses Beyond Fair Use**

Educators and students are advised to note that if there is a possibility that their own educational multimedia project incorporating copyrighted works under fair use could later result in broader dissemination, whether or not as commercial product, it is strongly recommended that they take steps to obtain permissions during the development process for all copyrighted portions rather than waiting until after completion of the project.

##### **E. Integrity of Copyrighted Works: Alterations**

Educators and students may make alterations in the portions of the copyrighted works they incorporate as part of an educational multimedia project only if the alterations support specific instructional objectives. Educators and students are advised to note that alterations have been made.

##### **F. Reproduction or Recompilation of Copyrighted Computer Programs**

Educators and students should be aware that reproduction or recompilation of copyrighted computer programs and portions thereof, for example the transfer of underlying code or control mechanisms, even for educational uses, are outside the scope of these guidelines.

##### **G. Licenses and Contracts**

Educators and students should determine whether specific copyrighted works, or other data or information is subject to a license or contract. Fair use and these guidelines shall not preempt or supersede licenses and contractual obligations.

Legal Reference: Public Law 94-553, The Copyright Act of 1976, (17 U.S.C. subsection 101 et seq.)

House Report 94-1476, Congressional Record, September 11, 1976  
(Copyright Law Revision)

Regulation approved: January 17, 2012

PUTNAM PUBLIC SCHOOLS  
Putnam, Connecticut

## NOTICES

Text of warning notice to be posted on or near copiers. It is recommended that type be at least 18 points in size:

### NOTICE

**THE COPYRIGHT LAW OF THE UNITED STATES (TITLE 17 UNITED STATES CODE) GOVERNS THE MAKING OF PHOTOCOPIES OR OTHER REPRODUCTIONS OF COPYRIGHTED MATERIAL. THE PERSON USING THIS EQUIPMENT IS LIABLE FOR ANY INFRINGEMENT.**

Text of warning notice to be displayed at places where orders for copies of materials are accepted by libraries/media centers or archives. Type must be at least 18 points in size; the notice printed on heavy paper or other durable material and displayed prominently within the immediate vicinity of the place where orders are accepted.

The warning is also required on any form that is used to request copying service. There are no specific requirements for type size on request forms.

### NOTICE WARNING CONCERNING COPYRIGHT RESTRICTIONS

**THE COPYRIGHT LAW OF THE UNITED STATES (TITLE 17, UNITED STATES CODE) GOVERNS THE MAKING OF PHOTOCOPIES OR OTHER REPRODUCTIONS OF COPYRIGHTED MATERIAL.**

**UNDER CERTAIN CONDITIONS SPECIFIED IN THE LAW, LIBRARIES AND ARCHIVES ARE AUTHORIZED TO FURNISH A PHOTOCOPY OR OTHER REPRODUCTION. ONE OF THESE SPECIFIC CONDITIONS IS THAT THE PHOTOCOPY OR REPRODUCTION IS NOT TO BE "USED FOR ANY PURPOSE OTHER THAN PRIVATE STUDY, SCHOLARSHIP OR RESEARCH." IF A USER MAKES A REQUEST FOR, OR LATER USES, A PHOTOCOPY OR REPRODUCTION FOR PURPOSES IN EXCESS OF "FAIR USE," THAT USER MAY BE LIABLE FOR COPYRIGHT INFRINGEMENT.**

**THIS INSTITUTION RESERVES THE RIGHT TO REFUSE TO ACCEPT A COPYING ORDER IF, IN ITS JUDGMENT, FULFILLMENT OF THE ORDER WOULD INVOLVE VIOLATION OF COPYRIGHT LAW.**

Text of warning notice to be affixed to video recorders and computers. (There is no specific requirement for type size.)

### NOTICE:

**MANY VIDEOTAPED MATERIALS AND COMPUTER PROGRAMS ARE PROTECTED BY COPYRIGHT (TITLE 17 UNITED STATES CODE). UNAUTHORIZED COPYING MAY BE PROHIBITED BY LAW.**

**6162.6**  
**Appendix**  
(continued)

Text of warning notice to be affixed to package containing the copy of a computer program subject to loan. The notice must be printed in such a manner as to be clearly legible, prominently displayed and durably attached to the copies or to a box, reel, cartridge, cassette or other container used as a permanent receptacle for the copy of the computer program:

**WARNING: THIS COMPUTER PROGRAM IS PROTECTED UNDER THE COPYRIGHT LAW. MAKING A COPY OF THIS PROGRAM WITHOUT PERMISSION OF THE COPYRIGHT OWNER IS PROHIBITED. ANYONE COPYING THIS PROGRAM WITHOUT PERMISSION OF THE COPYRIGHT OWNER MAY BE SUBJECT TO PAYMENT OF \$150,000 OR MORE IN DAMAGES AND, IN SOME CASES, IMPRISONMENT FOR ONE YEAR.**