

*Copyright Policy,  
Administrative Regulations  
and Guidelines for  
Appropriate Use  
of Technology*



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# ENID PUBLIC SCHOOLS

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Jonette Bracy  
249.3558



# ENID PUBLIC SCHOOLS COPYRIGHT POLICY AND ADMINISTRATIVE REGULATIONS

## Table of Contents

|  |    |
|--|----|
| Introduction.....  | i  |
| Professional Development Requirement/Appreciation.....         | ii |
| Copyright Policy .....   | 1  |
| What is Copyright?.....  | 3  |
| How to Seek Copyright Permission.....                          | 5  |
| Determining Appropriate Use of Copyrighted Materials.....      | 7  |
| What is Fair Use?.....   | 8  |
| What is Face-to-Face Teaching Exemption?.....                  | 9  |
| Books and Periodicals.....                                     | 10 |
| Copying by Libraries .....                                     | 13 |
| Facsimile (FAX) Sharing of Copyrighted Materials .....         | 14 |
| Music.....   | 15 |
| Public Performances and Displays.....                          | 18 |
| Audiovisual Materials.....                                     | 21 |
| Fair Use Policy of Unitedstreaming.....                        | 22 |
| Off-Air Recording of Broadcast Programming.....                | 27 |
| Computer Software.....   | 30 |
| Internet, World-Wide Web, and Network Access.....              | 35 |
| Educational Multimedia Technology/Production and Fair Use..... | 40 |
| Citing References Used for Academic Works.....                 | 45 |
| Forms and Policies:  |    |
| Notification of Copyright Infringement .....                   | 47 |
| Request for Permission to Copy.....                            | 49 |
| Request for Public Performance/Display Rights.....             | 51 |
| Video and Laser Disk Request Form .....                        | 53 |
| Affidavit of Receipt.....                                      | 55 |





**Shawn Hime**  
**SUPERINTENDENT OF SCHOOLS**

## Introduction

As we continue to provide educational excellence, I know EPS teachers will employ an array of resources in their classroom discussions and activities so that students will even better understand new concepts and ideas. We want to ensure, however, that all materials are used in a legal and ethical manner.

On March 2, 1992, members of the Enid Board of Education formally adopted a copyright policy for district-wide use. It was their intent for EPS employees to adhere to all U.S. copyright laws, and to maintain only the highest ethical standards in the use of copyrighted materials.

The copyright committee developed this handbook to provide guidelines that ensure those associated with the district understand copyright laws and standards of conduct that relate to the use of another person's creative work. It includes an easy-to-use, question-and-answer format that explores a variety of publishing areas, including print and electronic media.

I ask all EPS staff members to read and comply with these guidelines, thus setting an example for our students and our community. Thank you for your cooperation.

Sincerely,

Shawn Hime  
Superintendent

*Excellence.  
Pride. Success.*

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## Professional Development Requirement

“A minimum of one point for Copyright Laws is required annually for all certified teachers and administrators in the district. Every certified employee of Enid Public Schools must attend and certify attendance by signature that they have been in-serviced regarding Federal Copyright Laws and Guidelines and the requirements to adhere to these laws and to Enid Public Schools Copyright Policy.” (Enid Public Schools Professional Development Handbook)

Copyright in-service will be offered at beginning-of-the-year site staff meetings. A video and other resources, which can be used for in-service, are available by calling 249.3558.

All Enid Public Schools staff members – certified and non-certified – are required to attend a copyright in-service annually.

## ENID PUBLIC SCHOOLS

Enid Public School District Copyright Committee thanks the following organizations and people for assistance in preparing this handbook.

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Groton Public Schools Copyright Committee Member

Babby White – Enid Public Schools

### USING COPYRIGHTED MATERIAL

It is the intent of the Enid Public Schools to adhere to the provisions of the copyright law (Title 17 of the U.S. Code), the Computer Software Act of 1980, the Berne Convention, and accompanying legislative guidelines as they affect the district and its employees. While the law identifies some "fair use" provisions, it also defines specific restrictions on the reproduction of copyrighted materials. A copyright is a property right representing potential income to the creator of the copyrighted material; willful infringement of a copyright is a form of theft and can result in criminal prosecution. It is the position of Enid Public Schools that copyrighted materials, whether they are print or nonprint, will not be duplicated unless such reproduction meets "fair use" standards or unless written permission from the copyright holder has been received and is on file in the central office. Illegal copies of copyrighted materials will not be used for instructional or other purposes or made or used on district equipment.

Congress has identified four criteria to be balanced in considering questions of "fair use." All four criteria must be met before reproduction of copyrighted material is allowed:

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

The Berne Convention is an international treaty that establishes international standards for protection of copyrighted works. On March 1, 1989 the U.S. acceded to Berne Convention and Congress made modification to copyright law to comply with Berne. Among the significant changes is Berne's requirement that there be no formalities to acquisition of copyright rights. Therefore, U.S. does not require registration or notice as a pre-requisite to copyright protection.

In an effort to discourage violation of the copyright law and to prevent such illegal activities:

1. all employees and students will be advised of this policy
2. this policy will be printed in all employee and student handbooks produced and used in the district; and
3. employees who willfully disregard the district's copyright position are in violation of board policy; they do so at their own risk and assume all liability responsibility. The legal and/or insurance protection of the district will not be extended to anyone who violates the fair use standards of this policy.

Willful disregard of the district's copyright position and/or violation of copyright law is a serious moral and ethical offense and may be considered moral turpitude and statutory grounds for dismissal.



## WHAT IS COPYRIGHT?

- |    |   |   |
|----|---|---|
| 1. | Q. What exactly does it mean when one says something is copyrighted?  | Definition<br>& Rights<br>of<br>Ownership |
|    | A. A copyrighted work is one with which the creator has exclusive rights to the work that no one else has. These rights include the rights to: <ul style="list-style-type: none"><li>? reproduce the work</li><li>? prepare a derivative work</li><li>? distribute the work</li><li>? perform the work publicly</li><li>? display the work publicly</li></ul>   |   |
| 2. | Q. How long does a copyright last?  | Length<br>of<br>Copyright<br>Protection   |
|    | A. Copyright protection is generally for the life of the author/creator plus 70 years. For works made for hire, copyright protection lasts for 95 years.  |   |
| 3. | Q. What if the author of a work is not known. Is the work still copyrighted?  | Anonymous<br>or<br>Pseudonymous<br>Works  |
|    | A. Yes. U.S. Copyright law protects all works, even those whose author is unknown. The Sonny Bono Copyright Term Extension Act (October 1998) states that for anonymous and pseudonymous works, the copyright protection is 95 years from the first publication date or 120 years from the year of creation, whichever expires first.   |   |
| 4. | Q. What kind of creations can be copyrighted?   | What<br>Can be<br>Copyrighted             |
|    | A. The following types of works are copyrightable. <ul style="list-style-type: none"><li>? literary works</li><li>? musical works, including any accompanying words</li><li>? dramatic works, including any accompanying music</li><li>? pantomimes and choreographic works</li><li>? pictorial, graphic, and sculptural works</li><li>? motion pictures and other audiovisual works</li><li>? sound recordings</li></ul> |   |

5. Q. Are there any types of creations that aren't copyrighted?
- A. Yes. They are:
- ? words and short phrases such as names, titles, and slogans
  - ? familiar symbols or designs (however, a trademark protection notice, in essence, protects original symbols or designs just as a copyright protects other creations)
  - ? mere variations of typographic ornamentation, lettering, coloring
  - ? mere listing of ingredients or contents
  - ? ideas, plans, methods, systems or devices
  - ? blank forms, account books, bank checks, diaries, graph paper, order forms, report forms, scorecards, timecards
  - ? works consisting of common property-type information
  - ? works whose term of copyright has expired (works in the public domain)
  - ? works of the U.S. government
6. Q. Are facts copyrightable?
- A. No. The facts themselves are not copyrightable. However, how an author expresses those facts is copyrightable, and this expression cannot be used without the creator's permission.

More questions? Call 249.3558.

## HOW TO SEEK COPYRIGHT PERMISSION

### **(Right to Copy, Right for a Public Performance, Right to Display, Right to Create a Derivative Work, Right to Distribute)**

If you think what you wish to do with copyrighted material is outside the copyright law or guidelines of Fair Use or other educational exemptions, you must seek permission from the copyright holder.

To seek permission follow these steps:

- (1) Copy and fill out the appropriate request form in the back of this handbook (pages 57 to 59).
- (2) Send the completed request to the Chair of the District Copyright Committee.

It's that simple!

The Chair of the District Copyright Committee will determine any other information which may be needed and then send the request and a reply form to the appropriate copyright holder. When the reply is received, we will notify you immediately, and send you a copy of it.

It is important to remember that responses to copyright requests can take anywhere from two weeks to two months, or sometimes longer. Basically, it holds true that the larger the company (or the more famous the individual), the longer it takes to receive a reply.

Although we know it is not always possible, it is best to plan ahead! Until an answer is received, the answer we have to work with is, "No". Hence, the sooner you know you may want to use copyrighted material in a manner which requires permission, the sooner we need to apply.

### **Questions & Answers**

1. Q. What if I can't find information that needs to be included on the copyright permission forms?  
A. Call 249.3558 and let us know what you can't find. Oftentimes, we'll be able to help you locate the information.

Locating  
Copyright  
Information

Completing  
Copyright  
Permission  
Forms

2. Q. How specific do I need to be when filling out the forms?
- A. It is important that you are very specific and exact in relating what you wish to copy, how many copies you will make, and how you will use your copies. You should include the circumstances under which you'll be distributing copies and the time frame in which you'll be doing this.

The more specific you are the less time it will take to receive an answer. Oftentimes, copyright holders or their representatives will send back requests asking for more information. Of course, when this happens, it delays the process a great deal.

Copyright  
Information  
in  
Compilations /  
Anthologies

3. Q. I wish to present a workshop using copies of several short stories from a freshman literature textbook. On the Request for Permission to Copy form, would the "To" address be for the publisher of the textbook?

A. No. If you would examine the bibliographic notes for stories and articles in compilations, you will notice that the publisher of the compilation (in this case a textbook) rarely owns the copyrights to each individual item. The publisher also had to seek permission in order to include it in their text. Therefore, using the bibliographic information in the text, you will need to complete a request form for each entire short story you wish to copy and address the form to each publisher listed in the bibliographic entry.

4. Q. Can I personally email the copyright holder requesting permission for duplication, use or display of a work?

A. Yes, but the District requires the following.

1. Before you email the copyright holder, notify the chair of the Copyright Committee of your intent.
2. Send a copy of the email request to the chair of the Copyright Committee.
3. Upon receipt of a reply, immediately send a copy of the reply to the chair of the Copyright Committee. (Send the reply even if it is a negative response to the request.)

(See page 17.)

More questions? Call 249.3558.

## DETERMINING APPROPRIATE USE OF COPYRIGHTED MATERIALS

How can you know what you can do with a piece of copyrighted material? How can you know the copyright owner's intent as far as the use of the material is concerned?

Below are four suggestions which should help you determine the copyright limitations or permissions of any given work.

- (1) Read the copyright restrictions/permissions information on the material.
- (2) Check the section of the district Copyright Policy which deals with the type of material you are using. (Books/Periodicals, Music, Computer Software, etc.)
- (3) Ask yourself if your use meets the copyright statement mandates and/or the guidelines for the appropriate materials.
- (4) Make sure that what you are doing, no matter the type of material, meets all of the criteria of Fair Use (page 8) and Face-to-Face Teaching Exemption guidelines (page 9).
- (5) If you still are not sure whether or not you need to seek permission from the copyright owner, call 249.3558 and talk to the Chair of the District Copyright Committee. This person will answer your questions.

Remember, too, that when you and/or the District's contact for copyright questions are not clear as to whether your intended use is appropriate, permission will be sought. Permission from the legal copyright owner(s) always eliminates any doubt as to the use of the work, and it supersedes any license, copyright statement, or law which would ordinarily apply.

### Notification of Copyright Infringement

If you should notice flagrant copyright infringement at your site and you wish to report it, the first person you should visit with should be your site administrator. If it is decided that you or your administrator should report this infringement to the District office, call 249.3558. There is also a Notification of Copyright Infringement form in the back of this handbook (page 55) which you can complete and send to the Chair of the District Copyright Committee. Please note, however, that using this form is strictly optional.

Upon receipt of infringement notification, the following steps will be taken.

1. The building administrator and the committee, if necessary, will investigate the alleged violation. The findings will be shared with the administrator and the committee, and a decision will be made regarding actions necessary to remedy the violation.
2. All employee disciplinary action(s) will be conducted according to District Policy and the negotiated contract.
3. Notifying employees may inquire about the disposition of the alleged violation, however, any employee disciplinary action taken will not be released to the notifying employee.

More questions? Call 249.3558.

How to  
Determine  
Appropriate  
Use

Copyright  
Infringement

## WHAT IS FAIR USE?

Why We  
Need  
Fair Use

1. Q. Why do I need to know about Fair Use?

A. Fair Use is a way to reconcile copyright law and First Amendment rights. It is what allows educators to copy some materials at certain times without seeking the copyright owner's permission. Without it, only copyrighted works that are subject to explicit limitations could be copied without the copyright holder's permission.

Mandated  
Fair Use  
Guidelines

2. Q. What are the guidelines for applying Fair Use?

A. There are four factors which must all be considered in order to copy material under fair use. The guidelines are:

- ? the purpose and character of the use: commercial or nonprofit educational use
- ? the nature of the copyrighted work: fact or fiction; print or nonprint
- ? the amount to be copied in relation to the work as a whole
- ? the effect of the use upon the potential market for or value of the copyrighted work

Helpful  
Guidelines  
to Remember  
about  
Fair Use

When considering Fair Use, it will help you to note these concepts.

- ? You are usually able to apply Fair Use if you wish to use a copyrighted work for comment, criticism, teaching, news reporting or related activities in the area of education/scholarship.
- ? Remember that the more expensive it is to produce a work (e.g. movies), the more copyright protection is given to it by the courts.
- ? Courts give creative works more protection than simply factual works.
- ? When copying works, it is best to use as little as necessary to convey the desired message. Courts have been known to count the actual number of words used and estimate the percentage used. Uses that exceed as little as 10% are most vulnerable, but as little as 3% will not escape scrutiny.
- ? When copying or using works under the Fair Use provision, always display the copyright notice (copyright, year of first publication, and name of copyright holder) with all of the copyright ownership information (author, title, publisher, and place and date of publication) as given on the original work.

More questions? Call 249.3558.

## WHAT IS FACE-TO-FACE TEACHING EXEMPTION?

1. Q. What is face-to-face exemption?

A. The Copyright Law of 1976, Section 106, states that teachers or students are not infringing upon the rights of the copyright holder if a, "... performance or display of a work [is given] by instructors or pupils in the course of face-to-face teaching activities of a nonprofit educational institution, in a classroom or similar place devoted to instruction, unless, in the case of a motion picture or other audio visual work, the performance or display... is given by means of a copy that was not lawfully made... and that the person responsible for the performance knew or had reason to believe it was not lawfully made... "

Definition

2. Q. And the answer to Question 1 means???

A. Basically, it means that utilizing audio visual works (videotapes in particular) or other creative works in the classroom does not infringe on the copyright holders right to public performance or display as long as all of the following criteria are met:

- ? the work directly relates to an instructional use in the classroom
- ? the instruction is led by the classroom teacher, student, or a guest speaker
- ? the public performance or display takes place in a classroom or another similar place in which face-to-face teaching activities are in progress at the time of the performance/display
- ? the work is a lawfully made or acquired copy

3. Q. What is the definition of a public performance?

A. According to Section 101 of the Copyright Act, a public performance occurs in, "... a place open to the public or at any place where a substantial number of persons outside a normal circle of a family and its social acquaintances is gathered." By definition, then all school rooms would be places in which public performances occur; hence, the need for the face-to-face teaching exemption. (See the section Public Performances and Displays page 18.)

Public  
Performance

(For more specific applications of face-to-face exemptions, see the section on Audiovisual Materials, page 21.)

More questions? Call 249.3558.

## BOOKS AND PERIODICALS

### Permissible Copying

#### Permissible Copying Includes

- ? Making a single copy of any of the following by or for a teacher for scholarly research, teaching, or preparation to teach a class:
  - a) a chapter of a book
  - b) an article from a periodical or newspaper
  - c) a short story, short essay, or short poem
  - d) a chart, graph, diagram, drawing, cartoon or picture from a book, periodical, or newspaper
- ? Making one transparency for classroom instruction from consumable materials such as workbooks, exercises, activity sheets, and other such materials.
- ? Making multiple copies (one copy per student) for classroom use or discussion, provided that:
  - a) the copying meets the tests of brevity, spontaneity, and cumulative effect as defined below.
  - b) each copy includes a notice of copyright.
  - c) no more than one copy per pupil in a course is made.
- ? Making a replacement copy of a damaged, deteriorating, mutilated, lost, or stolen magazine or newspaper that a library media center owns if a replacement can't be obtained at a "fair price".
- ? Making replacement pages for those defaced or destroyed in materials the library media center owns.

### Non-Permissible Copying

#### Non-Permissible Copying Includes

- ? Reproduction of copyrighted, consumable materials such as workbooks, exercises, activity sheets, standardized tests and test booklets, answer sheets, and other such materials.
- ? Copying or altering copyrighted comic strip or cartoon characters for use on bulletin boards, hallways, cafeteria walls, publications or school uniform/clothing.
- ? Copying done as a substitute for the purchase of books, publishers' updates or reprints, or periodicals.
- ? Copying of the same items from term to term (school semester or school year).
- ? Photocopying old ditto masters on which the ink has been depleted.

### Audio taping Printed Materials

Unless permission has been granted by the copyright holder, audio recording of books for students (including those on IEP's) is not permitted.

## Questions & Answers

1. Q. What are the definitions of brevity, spontaneity, and cumulative effect?

A. **Brevity**

- ? Poetry: (a) a complete poem (if less than 250 words and if printed on not more than two pages), or (b) an excerpt of not more than 250 words from a longer poem. Copying may be expanded to permit completion of a stanza.
- ? Prose: (a) either a complete article, story, or essay of less than 2,500 words, or (b) an excerpt of not more than 1,000 words from or 10% of the prose work, whichever is less, but in either case a minimum of 500 words. Copying may be expanded to permit completion of an unfinished paragraph.
- ? Illustration: one chart, graph, diagram, drawing, cartoon, or picture per book or periodical issue.
- ? "Special" works are picture books and certain works in poetry and prose that combine language with illustration and which are less than 2,500 words in their entirety. Such "special" works may not be reproduced in their entirety; however, two of the published pages of such a "special" work may be reproduced.

Brevity

**Spontaneity**

- ? The copying is at the instance and inspiration of the individual teacher, and
- ? 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.

Spontaneity

**Cumulative Effect**

- ? The copying of the material is for only one course in the school in which the copies are made.
- ? Not more than one short poem, article, story, essay or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume during one class term (with the exclusion of current news periodicals, newspapers, and current news sections of other periodicals).
- ? No more than nine instances of such multiple copying shall be made for one course during one class term (with the exclusion of current news periodicals, newspapers, and current news sections of other periodicals).

Cumulative  
Effect

Instru ctional  
Course

2. Q. If a teacher has made a single copy of a short story for scholarly research or study, may that story be copied and shared with the students?
- A. No. The article may meet the criteria of brevity and even cumulative effect but not of spontaneity. Such multiple copying is not allowed.
3. Q. If a teacher makes multiple copies of material for students in a fall semester course, may that material be copied again for the course taught again in the spring?
- A. No. The first time the copying met the criteria for spontaneity. However, if the material was useful enough to be needed again in the spring, there was time to seek permission from the copyright holder. If you plan to copy and use a work repeatedly, you must obtain permission.
4. Q. May I make a transparency of a short poem and show it to my class?
- A. Yes. This falls under permissible copying which allows a teacher to make a single copy of a short poem in order to teach a class.
5. Q. When one instructor teaches several subjects (e.g. an elementary classroom teacher), does the law consider the grade level a "course" or is each subject considered a course?
- A. A "course" means one semester or term of a given subject. Therefore, a grade level teacher would be entitled to utilize permissible copying guidelines of brevity, spontaneity, and cumulative effect for each subject taught.

Being Asked  
to Make  
Illegal Copies

6. Q. If a teacher teaches two or more sections of the same course/subject, may copies of the same material be made for the students in each class?
- A. Yes.
7. Q. If a person is directed by a supervisor or anyone else in a higher position than his/her own to copy material illegally, would he/she be protected from liability?
- A. No. A person in higher authority may not direct others to copy materials illegally. However, if the person is directed to copy these materials and does not refuse, then the latter would also be breaking copyright law and would not be legally protected.

Charging  
to Make  
Copies

8. Q. May I charge students, staff, or others to make legal copies?
- A. Yes, but you may not charge more than the cost of the photocopying itself.

## COPYING BY LIBRARIES (Print and Nonprint Works)

In order to preserve a deteriorating legally-owned work, up to three copies may be made. This copying pertains only to libraries. The copies may be used as follows:

- ? one copy for archival purposes
- ? one copy as a master
- ? one copy as a use copy from which other permissible copies may be made.

Use of Copies

Libraries may use current technology, including digital technology, in the making of these copies.

Digital Copies

In the case of unpublished works, digital copies cannot be distributed in that format and cannot be used outside the library premises.

In the case of published works, the digital format cannot be made available outside the library premises. However, the digital copy may be loaned to another library which also owns a legal copy of the same work.

A patron may make fair use facsimile or printed copies of a work in digital format.

The DMCA of 1998 permits libraries to copy a work into a new format if the original format has become obsolete (i.e., the device used to show the format is no longer manufactured or is not available at a fair price). Therefore, it may be legal to transfer a 16mm film to a VHS video format.

Copying into  
New Format

It is advisable that all copies made by a library under the conditions described above contain a legal or copyright notice. However, a library may simply include a notice that the copied work may be protected by copyright law.

Copyright  
Notice

More questions? Call 249.3558.

# FACSIMILE (FAX) SHARING OF COPYRIGHTED MATERIALS

## GUIDELINES

Legal Request

Copyrighted material may be faxed to any person making a legal request.

Destroying  
FAX Copy

After making a copy of a work and then faxing that copy, it must be destroyed.

Collection  
Building

Any faxed material received can be used as resource/research sharing but not as resource building. No additional copies of the received material may be made.

Substituting  
for Purchases

Receiving faxed material may not substitute for purchasing books or subscriptions.

## Questions & Answers

- Q. May I keep a received fax copy or the copy I made to send a fax to file in a permanent file so that students may have access to it at a later time?

A. No. The copy made to send the fax must be destroyed immediately. The received copy may be copied only if the copying meets the guidelines for print and graphic materials or if permission is obtained from the copyright holder.

More questions? Call 249.3558.

# MUSIC

## Guidelines

### Permissible Copying Includes:

- ? copying sheet music for a performance only if a Request for Purchase has been submitted, a Purchase Order has been issued, the order has been placed, and the ordered copies have not yet been received. Immediately after the performance the copies must be collected and destroyed. (All other copying for performances is prohibited.)
- ? copying a single copy of an entire performable unit if the music is out of print or unavailable except in a larger work. It can't be used for performance but only for academic research purposes.
- ? making single or multiple copies of excerpts if the excerpt is less than 10% of the whole work and if it is not a performable unit (e.g. a selection, movement, or aria). The number of copies may not exceed one copy per pupil.
- ? making a single recording for aural exercises or tests. This copy may be kept by the school or teacher.
- ? making a single copy of recordings of performances by students for evaluation or rehearsal purposes. This copy may be retained by the school or teacher.
- ? making a single copy of a student performance for study and for the archives.
- ? making a single copy for a visually impaired student.

Permissible  
Copying

### Purchased printed music may be edited or simplified with the following restrictions:

- (1) the fundamental character of the work may not be distorted;
- (2) lyrics may not be altered or, if none exist, added

Permissible  
Adaptation

All copies must carry the copyright notice. Sometimes this may only be copyright date and name of the creator. Sometimes this notice may be much more lengthy including the date, creator, copyright holder, address, and other information. All information included in the copyright notice must be placed on each copy made. (See *Copyright: The Complete guide for Music Educators* by Jay Althouse, pages 120-123.)

Copyright  
Notice

### Non-permissible copying includes:

- ? copying to create, replace, or substitute for anthologies, compilations, or collective works
- ? copying to avoid any purchase
- ? making copies of works intended to be "consumable", such as workbooks, answer sheets, or tests
- ? transferring music from one format to another (e.g. recording an audio tape onto a CD)

Non-  
Permissible  
Copying

You may only charge students the actual cost of expenditures for making copy or copies.

Charging to  
Make Copies

Public Domain

The Sonny Bono Copyright Term Extension Act, October, 1998, amended the duration of copyright protection to extend from the life of the creator plus 70 years and 95 years for works made for hire. After these terms expire, the work becomes part of the public domain.

For anonymous and pseudonymous works, the term is 95 years from the first publication or 120 years from the year of creation, whichever expires first.

Copyright  
and Sound  
Recordings

A sound recording may involve several copyrights.

- ? one for the music itself
- ? one for the lyrics
- ? one for the recording
- ? one for the arrangement

If a sound recording is to be used in a public performance or if a derivative work is to be made, permission must be granted by all copyright owners.

Arrangement  
and Copyright

It is important to remember that even if music is in the public domain, the arrangement may not be, and permission must be received in order to copy the music or make a derivative work from it.

### Questions & Answers

Compilations

1. Q. There are several pieces I would like my orchestra to play this year. Some of the songs I have found in an anthology. May I make a copy of these songs and then compile them and give each of my students a copy of the compilation?

A. No. Without permission from the copyright owners, you cannot copy music to create a compilation.

Out of Print  
Works

2. Q. Our school song is very old and no longer in print. Can I make copies of it so every year our students will be able to play it?

A. No. Just because a publisher or creator no longer publishes his/her work, does not mean it is in the public domain. Permission to copy must be obtained from the copyright owner(s).

Emergency  
Copying

3. Q. Several students forgot their music the night of the orchestra concert. Can copies be made just for that night?

A. Yes. Emergency copying to replace purchased music is allowed, but the copies must be destroyed immediately after the performance.

## Resources for Music Copyright Information

Below are addresses of excellent resources regarding copyright information for specific works. Please feel free to contact these organizations. However, remember that all copyright permission agreements must be in writing and a copy of that correspondence must be on file with the chair of the District Copyright Committee.

American Society of Composers,  
Authors & Publishers (ASCAP)  
One Lincoln Plaza  
New York, NY 10023  
(212) 621.6000  
e-mail: [info@ascap.com](mailto:info@ascap.com)  
<http://www.ascap.com>

Broadcast Music, Inc. (BMI)  
320 W. 57<sup>th</sup> Street  
New York, NY 10019  
(212) 586.2000  
<http://www.bmi.com>

The Harry Fox Agency  
110 E. 58<sup>th</sup> Street  
New York, NY 10022  
(212) 751.1930  
<http://www.harryfox.com>  
Click on: Limited Quantity Licensing

Music Publishers Association of the U.S.  
152 W. 57<sup>th</sup> Street, 31<sup>st</sup> Floor  
New York, NY 10019  
(212) 554.0418  
<http://host.mpa.org/>

National Music Publishers Association  
711 Third Avenue  
New York, NY 10017  
(212) 370.5330  
<http://nmpa.org>

Rodgers & Hammerstein Library  
598 Madison Avenue  
New York, NY 10019  
(212) 975.6841  
<http://www.rnh.com>

Samuel French, Inc.  
42 W. 25<sup>th</sup> Street  
New York, NY 10010  
(212) 206.8990  
<http://www.samuel french.com>

SESAC  
(Society of European Stage  
Authors and Composers)  
Nashville, Los Angeles, London  
(800) 826.9996  
<http://www.sesac.com>

Tams-Witmark Music Library, Inc.  
560 Lexington Avenue  
New York, NY 10022  
(212) 688.9191  
<http://www.tams-witmark.com>

More questions? Call 249.3558.

## PUBLIC PERFORMANCES AND DISPLAYS

Definition of  
Public  
Performance  
and  
Public Display

Section 101 of the Copyright Act of 1976 states that a performance [or display] occurs in, "... a place open to the public or at any place where a substantial number of persons outside of a normal circle of a family and its social acquaintances is gathered".

### Guidelines

Unless licensed, the public performance of music, whether for profit or not, is a copyright infringement. However, Section 110 of the Copyright Act allows the following exemptions for performances or displays.

Face-to-Face  
Teaching  
Activities

In a face-to-face teaching situation, the law permits the performance or display of any copyrighted work without having to obtain a public performance license. It is required that the performance or display take place in a classroom or similar place of instruction and that it must be directly related to the curriculum.

Transmission  
of a Work

A nondramatic literary work or musical work or display may be transmitted if:

- (1) the performance or display is a regular part of the systematic instructional activities of the nonprofit educational institution;
- (2) the performance or display is directly related to the curriculum being transmitted;
- (3) the transmission is being made primarily for
  - ? reception in classrooms or similar places normally devoted to instruction, or
  - ? reception by persons to whom the transmission is directed because their disabilities or other special circumstances prevent their attendance in classrooms or similar places normally devoted to instruction

If a dramatic work is to be transmitted, permission must first be received from the copyright owner.

Live  
Performances

A public live performance (not televised) of a nondramatic or musical work may be performed without a public performance license if

- (1) the performance is a regular part of the systemic instructional activities of the nonprofit educational institutions;
- (2) there is no direct or indirect admission charge or;
- (3) any proceeds after deducting reasonable production costs are used exclusively for educational, religious, or charitable purposes and not for financial gain, unless the copyright owner (having been given notice) objects in writing seven days in advance of the performance.

If a dramatic live public performance is to be given, a public performance license must be obtained from the copyright owner.

Giving live performances of dramatic works without a public performance license is only allowed in a face-to-face teaching situation which must meet all of the criteria in the Face-to-Face Teaching Exemption guidelines. (See page 9.)

### Questions & Answers

- |    |    |   |                                |
|----|----|---|--------------------------------|
| 1. | Q. | What are some examples of performing a <u>nondramatic</u> literary or musical work?   | Nondramatic<br>Works           |
|    | A. | Performance of a <u>nondramatic</u> work may include singing a song, playing a concert, reciting a poem, reading a short story out loud, or displaying paintings.   |                                |
| 2. | Q. | The drama club performs a copyrighted play that is broadcast on closed-circuit television to English classes. Is this an exempt transmission of a performance?  | Dramatic<br>Works              |
|    | A. | No. While it is a regular part of systematic instructional activities and the transmission is to classrooms, the work is <u>dramatic</u> .  |                                |
| 3. | Q. | The school play is Thornton Wilder's <i>Our Town</i> . Does the school need to pay royalties on performances of the play?   |                                |
|    | A. | Yes. The work is a dramatic one, and the only exception for dramatic works is for works performed during face-to-face teaching activities. While this performance may be educational, we presume the activity is extracurricular.   |                                |
| 4. | Q. | The drama instructor requires students to perform scenes from <i>Our Town</i> (and other plays) in class. Is this permitted?  |                                |
|    | A. | Yes, because the performances take place in class.  |                                |
| 5. | Q. | The drama class performs a play at a school assembly. Is this exempt?   |                                |
|    | A. | Not necessarily. The performance must still be under the face-to-face teaching exemption. The fact that students who are not in the drama class would not automatically disqualify the performance, because these students may be deemed qualified pupils under the exemption. However, the performance needs to be controlled by an instructor engaged in teaching activities. |                                |
| 6. | Q. | The music appreciation class is taught by closed-circuit telecasts of videotapes the school owns. Is this permissible?  | Closed Circuit<br>Transmission |
|    | A. | Yes. The transmission is to classrooms.   |                                |

Musical  
Performances

7. Q. The school chorus gives a free annual concert open to the public. Are performing licenses required?
- A. No, because the works to be performed are purely musical, the concert is given without any purpose of commercial advantage, and the students are not paid.
8. Q. Same as Q. 7, but the school charges admission.
- A. If the proceeds benefit the educational purpose and the copyright owner is given notice and doesn't file an objection, the performance is exempt.
9. Q. The annual music concert includes works from operas and Broadway musicals. As these are part of dramatic works, is permission needed before performing them?
- A. No. As long as they are performed without the dramatic elements of costumes, scenery, dialogue, etc., they can be considered musical works and can be performed at a school concert without seeking public performance permission.
10. Q. Can school musical concerts be transmitted?
- A. No. Unlike the exception allowed for classrooms, these performances may not be transmitted beyond the place where they occur.

Talent Shows

11. Q. Our school is having a spring talent show in which several students will be performing skits, popular songs, dance routines, etc. Will copyright permission be needed for the music used?
- A. No. Copyright guidelines provide a limited exception to this public performance. No written copyright permission is needed for a school talent show if the following are met:
1. There is no charge for admission to the show
  2. The music is played from a legal copy (not a copy of a copy, illegally downloaded copy, etc.)
  3. There is **no** recording done of the performances. This includes recording by the school or anyone else in attendance.

More questions? Call 249.3558.

## AUDIOVISUAL MATERIALS

(These guidelines apply to use and production  
of ALL audiovisual materials including video and audio tapes)

### Guidelines

1. Whenever a certified member of Enid Public Schools wishes to show an instructional videotape in the classroom, he/she must follow the steps below.
  - ? Before showing any video, make a copy of the Enid Public Schools Video/Laser Disk Request Form. (See page 61.)
  - ? Fill the form out completely, sign it, and take it to your principal for his/her approval and signature.
  - ? After you have completed the form and obtained the signatures, take the form to the library media specialist in your school.
  - ? You may not use equipment in your school or from anywhere else until the form is completed, approved and signed, and filed with the library media specialist.
2. A video (rented or owned) marked "For Home Use Only" may be used in a school if it is directly related to an instructional unit being taught in the classroom.
3. A video (rented or owned) marked "For Home Use Only" may not be shown anywhere on the school property for entertainment purposes.
4. Under Face-to-Face Teaching Exemptions, a teacher may show a "For Home Use Only" videotape in a classroom as long as all of the following four criteria are met:
  - ? the work directly relates to an instructional use in the classroom
  - ? the instruction is led by the classroom teacher, student, or a guest speaker
  - ? the public performance or display takes place in a classroom or another similar place in which face-to-face teaching activities are in progress at the time of the performance/display
  - ? the work is a lawfully made or acquired copy
5. Videotapes may not be borrowed from other school districts and shown in a classroom. Conversely, videotapes purchased by Enid Public Schools may not be loaned outside of the District.
6. In compliance with license restrictions (site license, etc.) and copyright law, DVDs, videos, and computer software will not be circulated through interlibrary loan nor shared in any other way from site to site within the Enid Public School district. These items may also not be loaned outside of the District nor will Enid Public Schools borrow these items from other school districts.

District  
Procedures  
for Showing  
Instructional  
Videotapes

"For Home Use  
Only"

Borrowed  
Videotapes

Preview Videos

## FAIR USE POLICY OF UNITEDSTREAMING™

### Protecting *unitedstreaming™* Content Under Copyright and Fair Use

#### Terms of Use

1. You must maintain the original *intent* of the video. With the exception of the video titles that have been identified as “editable content,” you may not shorten any clip, edit sound, or add images within that clip. For copyright reasons, video editing software may only be used to edit or integrate *unitedstreaming™* videos identified as “editable.”
2. Students are allowed to keep projects containing *unitedstreaming™* video clips for their personal portfolios.
3. Teachers are allowed to keep projects containing *unitedstreaming™* video clips through the duration of the subscription. If you are a student teacher or completing graduate coursework, you may keep the clips for your personal portfolio as part of the University's subscription to *unitedstreaming™* . You are personally responsible for removing all clips from storage in the event that your institution does not renew.
4. When uploading lessons or projects that integrate *unitedstreaming™* video to your school's server, you must protect the content. Ask your technology coordinator to:
  - ? Keep content behind a control system, like a firewall;
  - ? Create a link and stream from *unitedstreaming™* servers (find directions under the *unitedstreaming™* Help section > *unitedstreaming™* Support Materials > Third Party Software > Streaming from *unitedstreaming™* Servers);
  - ? Create realms within your server management software, which permit access by entering a username and password when clicking on a page that hosts a *unitedstreaming™* clip.
5. You have permission to share distance learning models with *unitedstreaming™* subscribers only. Visitors through external applications such as Blackboard® or WebCT® who do not have a valid *unitedstreaming™* subscription are NOT allowed access to *unitedstreaming™* content. You may make a virtual classroom or multicast\* for *unitedstreaming™* subscribers which broadcasts content across television, as long as you and your end-users are *unitedstreaming™* subscribers.  
*\*Multicast: having multiple locations view unitedstreaming™ simultaneously.*
6. Converting digital video to analog (or taking the video clip from the computer, CD, etc. and recording it onto a VHS tape) IS IN VIOLATION OF COPYRIGHT.

7. Cite all content borrowed. Go to the Help section of the *unitedstreaming™* site to find correct APA and MLA formatting directions for video, images, and support materials.
8. Faculty may use their *unitedstreaming™* web access at home to stream/download content. Students may not use the *unitedstreaming™* website at home. One solution: put videos on a storage device that students can check out.
9. When modifying ancillary materials, please include the following statement:  
“Revised with permission from Discovery Education. However, Discovery Education is not responsible for the content of the revision.”

United Learning is a division of Discovery Communications.  
Copyright ©2004 Discovery Communications Inc. All Rights Reserved

More questions? Call 249.3558.

## Questions & Answers

Rented Videos

1. Q. Can I use a rented video for instructional purposes in my classroom?
- A. Yes. Public performance of videos rented from a home video outlet are legal if the performances are a legitimate part of an instructional unit and as long as you have not signed a contract with the video store indicating you will only use the video in your home. Please be sure you check any contracts you have signed with video outlets.

Sharing  
"For Home Use  
Only" Videos

2. Q. If several classrooms are studying the same subject at the same time and one teacher rents a for "For Home Use Only" movie relating to that subject, could all the classes studying this subject meet in the auditorium and watch this movie together?
- A. Yes, as long as the auditorium is actually used as a classroom for systematic instructional activities and as long as all other Face-to-Face Teaching Exemption guidelines are met.
3. Q. If during a unit on the Civil War, I rent the video *Gone With the Wind* so that I can show my class a view of the cultural, geographic, and warfare background of the South, can I invite parents or other classes and teachers to view this video with my class?
- A. No. A "For Home Use Only" video, or one not specifically marked as being available for Public Performance, may only be seen by the students and teachers studying the relevant subject.

Showing Videos  
for  
Entertainment

4. Q. Can I use purchased or rented videos for entertainment, such as a reward in my classroom, special evening programs, rainy days for inside recesses, or the last days of school before breaks or the end of the year?
- A. No. No video can be used for entertainment purposes unless it is marked as giving the user public viewing rights. Videos not so marked must meet the Fair Use and/or Face-to-Face Exemption criteria and be used strictly for instructional purposes.

5. Q. May a teacher use audiovisual materials in a classroom being broadcast for distance learning?

A. At the time of this writing, the answer must be no. No audiovisual material may be transmitted by radio or television from an outside location (such as closed circuit from another building).

However, the Digital Millennium Copyright Act of 1998 directed the US Copyright Office to meet with entities in this industry and develop a way to exempt educational institutions from this restriction. A report was prepared but Congress did not act upon it during the last session. It is expected they will act during the current session, but their decision cannot be anticipated. The Chair of the District Copyright Committee will notify all staff when such an exemption has been approved or disapproved.

6. Q. What are the guidelines for videotaping school programs?

A. The guidelines of the Enid Public School District for videotaping student programs will be that of discouraging such activity. Individuals who do so assume all liability for their actions.

7. Q. Should school employees attempt to stop a parent from videotaping their child during a performance in a posted facility?

A. No. We should not set ourselves up for confrontations by attempting to police the above request.

9. Q. How should a school employee respond when a parent, who does not want their child to be videotaped, complains about another parent or patron videotaping their child during a performance?
- A. Inform the complaining parent that they have the option of removing their child from the performance.

More questions? Call 249.3558.

## OFF-AIR RECORDING OF BROADCAST PROGRAMMING

1. The basic guidelines for Off-Air Recording of Broadcast Programming are:

- a) Off-air recordings, recorded by the teacher or at the teacher's request, must be done spontaneously. A recording may not be made in anticipation of a need or request. The same teacher may record or request a recording of the same program only once.
- b) Tapes may be kept for only 45 calendar days after the recording date. The tapes must be erased after this time.
- c) The videotape may be shown to students once during the first 10 school days after the recording date. During this time, it may also be repeated once for reinforcement.
- d) The use must take place in a classroom or similar place devoted to instruction. The classroom or similar place of instruction must be within a single building, cluster, or campus, or in the home of a student receiving formalized home instruction.
- e) After the first 10 school days allowed for showing, the recording may then only be used by teachers for evaluation purposes to determine whether it should be purchased.
- f) An off-air recording does not need to be viewed in its entirety, but it may not be edited or combined with other recordings to create an anthology or a new work.
- g) All copies must contain a notice of copyright as broadcast.

Remember, these guidelines apply only to off-air recording done by non-profit educational institutions.

2. Programs recorded from HBO, Cinemax, Disney or other subscription television channels do not qualify under Fair Use guidelines. They may not be recorded or used in the classroom.

3. Teachers must always be the ones to formally request off-air taping. Neither principals nor library media specialists may make the request for them.

4. An off-air recorded program may only be taped once for or by a teacher regardless of the number of rebroadcasts in the same or succeeding years.

5. All off-air recordings must meet the tests of spontaneity:

- a. The copying is at the instance and inspiration of the individual teacher, and
- b. 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.

Basic  
Guidelines

Pay TV  
Channels

Personal  
Request

Limit of  
Recordings

Spontaneity

## Questions & Answers

- |                         |    |   |
|-------------------------|----|---|
| Fair Use                | 1. | Q. Do Fair Use rights apply to broadcast programs (public, cable, or satellite)?  |
|                         |    | A. Fair Use applies to all categories of works; however, if a program is subject to a license, that agreement must be reviewed and followed. Contracts can render fair use unavailable. More generally, licenses and rights differ for each individual program, and specific permission from the copyright holder(s) must be acquired. Many channels offer guides that outline educators' rights to their programs. If you need help obtaining information for requesting public performance or copyright permission, please call 249.3558. |
| Cable Television        | 2. | Q. Under the Off-Air Recording guidelines, could I tape a relevant program off of HBO and use it (in my classroom) for instructional purposes?  |
|                         |    | A. No. Programs broadcast on pay television channels (HBO, Cinemax, Disney, A & E, etc.) may not be recorded or shown in a classroom.   |
| Archiving Copies        | 3. | Q. If there is a program airing on PBS in September, and I know it will be perfect for an instructional unit I will be teaching in April, can I tape the program and keep the copy until I need it in April?  |
|                         |    | A. No. You can only keep an off-air recording a maximum of 45 days. Then you must have written permission from the producer or individual holding distribution rights to retain it beyond that limit.   |
| Multiple Copies of Tape | 4. | Q. If several teachers wish to tape a television show for use in their classrooms, can one original copy be made off-air and then more copies be made, as needed, for each requesting teacher?  |
|                         |    | A. Yes. A group request may be made for one taping of the show. Then duplicate copies can be made for each teacher who made the request. However, the guidelines for off-air taping of broadcast programming must be followed, and all copies must be erased according to these guidelines.   |
| Spontaneity             | 5. | Q. A movie on NBC is shown annually and relates to an instructional unit I do in my class each year. As the date that the program airs and the date of my unit closely coincide each year, could I just tape the program every year as long as I never keep any of the tapes longer than 45 days?   |
|                         |    | A. No. Off-air recordings may only be taped once for or by a teacher regardless of the number of rebroadcasts in the same or succeeding years. If you wish to use them each year, you must seek permission from the copyright owner.  |

6. Q. If I have made an off-air video tape, and have written for permission to retain it beyond the 45-day allowance, but have not received an answer at the end of those 45 days, may I keep my copy until I do receive an answer?
- A. No. By law the tape must be erased at the end of the 45 days. For this reason, it is important when you apply to the Chair of the District Copyright Committee for permission to keep the tape, that you let us know it is from an off-air broadcast.
7. Q. A student has made an off-air recording of a movie s/he watched on HBO. The movie relates to our current class studies. May a teacher show this movie in class?
- A. No. The copy would not be considered a legal one and under no circumstances can an illegal copy of a copyrighted work be used in a school.

More questions? Call 249.3558.

## COMPUTER SOFTWARE

### District Procedures

1. All software purchased by the district for classroom, lab, media center, and office use remains the property of the district and may be used only in school-sponsored programs and activities. No employee or student may make a personal copy of any district-owned software.
2. Use of software on a networked computer system is prohibited unless written permission is obtained from the copyright holder or unless the network version is used.
3. When Enid Public School employees or students develop software during the school day on equipment owned by the district, the software becomes the sole property of the district. An individual distribution of such software, without written permission of the district, is strictly prohibited.
4. Only the superintendent or his/her designee may sign district duplication rights agreements or licenses for software for schools within the district.
5. Employees of the district shall not encourage or allow any student to surreptitiously or illegally duplicate computer software.
6. The Technology Department is solely responsible for the duplication of all computer software licensed for district-wide use.
7. Illegal copies of copyrighted software programs may not be made or used on school equipment.
8. Legal copies of copyrighted software programs may only be made by Enid Public Schools' authorized representative(s), and users of these copies must observe software licensing agreements.
9. Software on preview must not be copied and must be returned or purchased after a reasonable evaluation period.
10. The legal, ethical, and practical problems caused by software piracy will be taught annually in all schools in the district.

**You may:**

- ? Make a back-up or archival copy of a software program to use only if the original fails
- ? Adapt a computer program for your use by adding additional content or changing the language (e.g. English to Spanish)
- ? Check out computer software from your school's library media center

Permissible  
Use of  
Computer  
Software

**You may not:**

- ? Make multiple back-up copies
- ? Sell, distribute, or transfer an adapted version of a program
- ? Use a single back-up copy on one computer at the same time the original is being used on another computer
- ? Make any copies of preview software
- ? Make one copy for school and one for home use
- ? Transmit a single-user or site licensed program through a network outside a school building
- ? Make multiple copies of teacher's/user's manuals or other printed material
- ? Load a single-user licensed software program into the memories of several computers which could run the program simultaneously. (This is the same as making multiple backup copies.)

Non-  
Permissible  
Use of  
Computer  
Software

Remember, all of the above apply unless you have received applicable permission from the copyright holder.

Simultaneous use of single-user licensed software is in violation of the copyright law. However, unless otherwise noted in the licensing agreement, sequential use is permissible. This means that for most software, you could load the program on one computer, use it, turn off the computer, load it onto another computer, use it, turn off the computer, etc.

Simultaneous  
vs  
Sequential

At this time, unless the licensing agreement permits, a CD-ROM may not be loaded onto the hard drives of several computers in anticipation of using it later, even if the actual program will only be used on one computer at a time.

CD-ROM's

Automated databases are usually copyrighted. However, temporary storage of information retrieved from a database is normally considered part of the host computer lease agreement. How long information may be stored is either defined in the lease agreement or must be determined through correspondence with the copyright holder.

Databases

Loaning  
Computer  
Software

As the terms of the school's contract with the vendors specify, a teacher or student may download to the printer bibliographic citations or full text of a document identified during a search which uses a commercial search engine. When utilizing such a database, it must be understood that the user will

- (1) require no more than 20-30 citations;
- (2) use a legitimate password or subscription;
- (3) have, if needed, site (local) approval to order, receive, and provide payment for any citations or full-text document.

Making multiple copies of data or distributing data retrieved from a database may only be done through written permission of the copyright holder.

Only nonprofit libraries and educational institutions may rent, lease, or loan computer software programs. This permission does not include such software being loaned by individual teachers or departments. For the latter, such permission must be obtained through the Technology Department (249.3567).

All copies of loaned software will carry a warning to borrowers that unauthorized copying may violate copyright laws.

### Questions & Answers

Loading  
Computer  
Software

1. Q. Is it possible to load stand-alone software on the networked lab?  
A. Yes, if the licensing agreement permits or if written permission has been given by the copyright holder.
2. Q. If my software is a networked version or I have legal permission to load a stand-alone version onto a network, what steps must I take?  
A. Take the following steps:
  - (1) Make sure you have the original master of the disk.
  - (2) Complete a Work Order form for the Technology Department.
  - (3) Send the work order and a copy of the licensing agreement or written legal permission to the Technology Director. (Final approval must come from the Technology Director and the District Software Curriculum Committee.)
  - (4) The Technology Department will then contact you and, if permission is granted, will load the software onto the network.

3. Q. Is it legal for a district employee to use copies of personally owned, copied software in a school situation?
- A. No, loading a copy at school would be a violation of copyright law. School employees must abide by copyright laws in school situations. Educators are role models for students and must demonstrate and reinforce legal software ethics at all times.
4. Q. Can educators ever use their personal software at school?
- A. Yes, under the following conditions:
- (1) The original copy is the one brought to school.
  - (2) The program is not simultaneously loaded on any other computer, including the one at home.
  - (3) Sequential use of the program will not violate any specific guidelines in the licensing or legal written agreement.
  - (4) Permission has been obtained from the Technology Director and the district Software Curriculum Committee.
5. Q. When I have arranged to legally load personal software on a school computer, are there any other concerns I should have?
- A. Yes. Viruses! All software should be considered suspect for virus infection. Before loading it to any local hard drive or network drive, scan the software thoroughly. If a virus is found, do not proceed. Call the Computer Technology department (249.3567).
6. Q. If I am only going to run one computer at a time, can I load a single-user software program on more than one machine?
- A. Unless the licensing agreement prohibits loading the program on more than one computer, sequential use of a single-use software program is legal. However, a single-use program may never be used/ accessed on more than one computer at a time. (See Guidelines – Simultaneous vs Sequential Use – page 29)
7. Q. Why can parents not be given software copies for home use when their tax dollars helped to fund these purchases?
- A. Software purchased with tax dollars is school property and remains within the restrictions of copyright laws.
8. Q. Is it permissible for students to access toll-free databases?
- A. It is permissible for students to access toll-free databases when it is included as part of a curriculum assignment and the assignment is monitored.

Previewing  
Software

9. Q. What is the procedure for accessing electronic databases that charge a fee?

A. Students and/or teachers may access electronic databases that charge a fee only when the teacher has requested and received written permission from the Technology Director and the Executive Administrator of Curriculum and Instruction.

10. Q. If another site has a site license for a specific program I am wanting to try, can I obtain a copy of their software and load it on a machine at my site for evaluation purposes?

A. No, you must obtain a preview copy from the software vendor. Check with your administrator regarding these procedures.

11. Q. If I have to return preview software before I have made a purchasing decision, may I make an archival copy and then return the original?

A. No. You may never make copies of preview software. If you need more time, contact your preview vendor and see if you can get an extension. Otherwise, you will need to return the software without completing your preview.

12. Q. Who is responsible for teaching students about problems which arise due to software piracy?

A. Enid Board of Education regulations state that every year it is each school's responsibility to instruct students on the legal, ethical, and practical problems which arise due to piracy and misuse.

Teaching  
Students about  
Illegal Use of  
Computer  
Software

More questions? Call 249.3558.

## INTERNET, WORLD-WIDE WEB AND NETWORK ACCESS

- ? On an annual basis, teachers will instruct and review students regarding the Internet and Other Computer Networks Acceptable Use Policy and the Code of Conduct for Internet and Other Computer Network Access (District Policies EFBCA and EFBCA-R on pages 47 and 49).
- ? On an annual basis, school administrators will ensure that students have signed District Policy form EFBCA-E (pages 51 and 52) stating they understand and will abide by the Code of Conduct for using the network.
- ? On an annual basis, secondary school administrators will ensure that all teachers have signed District Policy form EFBCA-E (pages 51 and 52) or EFBCA-D (page 53) verifying that they have instructed the students in and made them aware of the Code of Conduct.
- ? Parents/guardians will sign (annually at the elementary level) District Policy form EFBCA-E (pages 51 and 52) stating that they
  - (1) have read, understood and accepted the Internet and Other Computer Networks Acceptable Use Policy and the Code of Conduct for Internet and Other Computer Network Access which their child/children must abide by;
  - (2) that they will not hold the Enid Board of Education or the Oklahoma State Department of Education responsible for inappropriate materials their child/children may access on the network;
  - (3) that they grant permission for their child/children to have access to the network from June 1 to May 31 of the applicable school year.
- ? After being signed by the student, instructor, and parents, District Policy form EFBCA-E will be kept in the student's cumulative file.
- ? A student who does not have a fully signed permission form on file may not have access to the network for the applicable school year.

Teachers and administrators must sign the Information System Security Policy (Enid Board of Education Policy EFBC). This signed agreement will encompass their agreement to proper use of the Internet on school-owned machines.

If parents, substitutes, or other community members wish to access the Internet on district-owned computers they must, on an annual basis, do the following:

- (1) Read Enid Board of Education's Policies EFBCA (page 47) and EFBCA-R (page 49)
- (2) Complete and sign the first section of Enid Board of Education's Policy form EFBCA-E (page 51)
- (3) These forms will be sent to the Personnel Department.
- (4) Before accessing the Internet at any site, parents, substitutes, or other community members must seek permission from the site principals.

District  
Procedures for  
Student Use  
of the Internet

Teacher  
Verification of  
Instruction

Parent  
Permission

Teachers and  
Administrators  
Use of the  
Internet

Others Use  
of the Internet

Placing Student  
Works on  
Enid School  
Districts  
Website

- ? Parents/guardians will sign (annually at the elementary level) District Policy form EFBCA-E (page 51 and 52) giving permission for
  - (1) their child's/children's works to be placed on Enid School District's website;
  - (2) the District to have unlimited rights to broadcast their child's/children's work;
  - (3) relinquishing control over the reproduction, exhibition, publication, and distribution of these works or any materials placed on the District's websites.
- ? No student's pictorial representation, address, or telephone number will ever be placed on the World-Wide Web by an Enid Public School employee acting in an official capacity. No exceptions may be made.
- ? Only student initials or some other coding system may be used to specify a particular student's work.

Placing  
Works On  
Enid School  
Districts  
Website

When placing works on the District's website, the responsible party, school principal, and District Website Supervisor must sign District Policy form EFBCA-F (page 45) which verifies understanding that:

- (1) all web pages must be submitted via e-mail to the Website Supervisor or designee(s);
- (2) material deemed inappropriate by the Webmaster or in noncompliance with District policy will not be posted;
- (3) students' names, addresses, or phone numbers may never be posted on the Internet;
- (4) students' initials may be used on posted works;
- (5) before using a student's work or input on the Internet/District Website, it must be confirmed that the student has a fully signed District Policy form EFBCA-E (pages 51 and 52) giving permission for such posting;
- (6) copyrighted materials may not be posted unless written verification is obtained.

Teachers Using  
Information  
from Websites

- ? The four tests of Fair Use and the guidelines for print and nonprint materials apply to all formats of information obtained from the World-Wide Web.
- ? Remember, facts are not copyrightable but the more creative and original a site is the less it can be used without obtaining written permission.

Displaying  
Web Pages  
In Class

- ? If a teacher is going to show a website to a class, it will be considered a display (public performance) of the material, and display is a right of the copyright owner. Under these circumstances, the guidelines for Face-to-Face Teaching Exemptions will apply. (See page 9.)

? As with other copyrighted materials, students have greater latitude in using websites for classroom reports and projects than teachers have. However, the following must be kept in mind.

Student Use  
of Website  
Materials

- (1) Not even students can copy a complete site without permission. The concepts of Fair Use should be kept in mind. (See page 8.)
- (2) A final multimedia product must remain the property of the student. Neither teachers, peers, nor anyone else may keep the original or any copies made.
- (3) If a student wishes to distribute copies to others or to show the original or copies anywhere except in the classroom, written permission from each appropriate copyright holder must be obtained. (See pages 41 & 42.)

Be aware that all electronic mail sent on school computers is not guaranteed to be private. Personnel who operate the system have access to all mail. All users should also assume that any computer is subject to the Oklahoma Open Records Law.

E-Mail

Electronic mail received and/or sent on school computers is primarily for business use. Staff and students should refrain from using e-mail for personal, unauthorized activities or to transact business other than permitted by the District.

When receiving e-mail with attachments or from unknown senders, users should consider the possibility of viruses being involved. In order to prevent these viruses from infecting a school computer or an entire network, apply the following.

- (1) If the message is from an unknown sender and the Subject box is not filled in or is vague, questionable, or not applicable, just delete the message. Do not open it.
- (2) If the message is from a known sender, but an attachment is included, scan the attachment before opening it.

### Questions & Answers

1. Q. What are the normal rights of a user when accessing an Internet Website?  
  
A. Unless the material states differently, use is restricted to viewing on your computer. However, much material on the Internet is free and is intended to be downloaded and multiple copies made, especially for instructional use. Copyright information is usually found on the creator's homepage or in the article itself.

Using  
Materials  
On the  
Internet

2. Q. I have found a site which has pictures I'd like to use for wallpaper on my computer. Since the World-Wide Web is free, and the website does not show a copyright notice or explain copyright restrictions, could I do this and use the site anyway I wish (e.g. download it, store it, copy it)?
- A. No. Internet (web-based) materials are copyrighted just as print and audiovisual materials are. Visual, on-site, notification of copyright status is not required. Remember, though, that just as you can for print materials, you could apply the criteria of spontaneity, brevity, and cumulative effect when it comes to copying the printed material on the site. (See page 11.)
3. Q. I have found a website which has free graphics and text. In other words, I can download them and use them without seeking copyright permission from the creator. Does this also mean there are no restrictions on how I use them?
- A. "If a party allows free downloading, it does not – absent [a] more explicit statement – mean that someone can take the text [or graphics] and prepare derivative works, publicly distribute, perform or display, or make additional copies... merely because one is permitted to download does not mean that any other use is licensed or allowable." (Arnold Lutzker, Esq.)
4. Q. May a teacher and student download material and store it in his/her hard drive?
- A. You may download the material only if it will not be in violation of copyright law. Remember, too, that there are numerous cases of viruses being contracted from materials off the Internet. All material should be considered suspect of virus infection and scanned thoroughly before downloaded to a local hard drive or network drive.
5. Q. If I want to seek copyright permission for use of website material, what should I do?
- A. You will normally follow the procedures outlined on page 5. However, it is important to note that on a website there is usually a link to an e-mail address. This link can make it much easier and faster to track down the website copyright holder. If you do seek copyright permission through e-mail, remember you must:
- (1) make sure you are getting written permission from the person authorized to grant it;
  - (2) send a copy of the permission letter or e-mail to the chair of the District Copyright Committee.

6. Q. What should I do if I encounter a Website containing inappropriate content?
- A. Make note of the URL (the complete website address) and the name of the website and notify the Technology Department. The computer techs will take necessary steps to review content and then block access to this site via the Internet.
7. Q. If I want to show my class material on a website, do I have to have permission from the copyright holder?
- A. No. Face-to-Face Teaching Exemption permits the display of copyrighted works, including web pages in classrooms or school site areas devoted to instruction. Remember, though, all criteria for Face-to-Face Teaching Exemption must be met. (See page 9.)
8. Q. I receive several unwanted and unsolicited e-mails every day. What should I do with them?
- A. If you receive mail that is unsolicited, from an unknown sender, or has no information or vague information in the Subject box, do not open it. Simply delete it. Unsolicited e-mails and attachments are highly suspect of viruses. If you are going to open an attachment be sure to scan it first for possible viruses. If a virus, is found and your anti-virus software cannot clean it, call the Technology Department (249.3567).
9. Q. What should I do if I forget my password?
- A. Contact the site's technology person responsible for accounts at your site or contact the Technology Department (249.3567).

Permission for  
Public  
Performance of  
Internet Sites

Passwords

More questions? Call 249.3558.

## EDUCATIONAL MULTIMEDIA TECHNOLOGY/PRODUCTION AND FAIR USE

Applying the doctrine of Fair Use, the following allows students and educators in nonprofit educational institutions to use, without permission, portions of lawfully acquired copyrighted works in educational multimedia projects.

Note the following about Fair Use.

- (1) It is a way to reconcile copyright law and First Amendment rights. It is what allows educators to copy some materials at certain times without seeking the copyright owner's permission. Without it, nothing could ever be copied without permission.
- (2) There are four factors which must all be considered in order to copy material under fair use. They are:
  - ? the purpose and character of the use: commercial or nonprofit educational use
  - ? the nature of the copyrighted work
  - ? the amount to be copied in relation to the work as a whole
  - ? the effect of the use upon the potential market for or value of the copyrighted work

The guidelines below apply to students and educators who produce (create) educational multimedia projects as part of a systematic learning activity in the nonprofit educational institution. The institution's primary focus must be to support research and instructional activities for educators and students for noncommercial purposes.

### General Guidelines

Using Works  
From  
the Internet

Remember, that unless otherwise noted, materials found on the Internet should be used with caution, as they will be considered to be protected by copyright law. Users should also be aware that some copyrighted works may have been posted to the Internet without authorization of the original copyright holder.

Beyond  
Classroom  
Instruction

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 a commercial product, they should take steps to obtain permissions during the development process for all copyrighted portions utilized, rather than wait until after completion of the project.

Fair Use ends when the multimedia project creator (educator or student) loses control of the project's use, such as when it is accessed by others over the Internet, duplicated beyond guidelines limitations, or distributed over an electronic network other than remote instruction. In these situations, educators and students must seek individual permissions for all copyrighted works used in their educational multimedia projects.

When Fair Use Does Not Apply

A notice stating, "Certain materials are included under the Fair Use exemption of the U.S. Copyright Law and have been prepared according to the educational multimedia Fair Use guidelines and are restricted from further use", must be included on the opening screen of the multimedia project and on any accompanying print material.

Fair Use Statement On Opening Screen

When utilizing portions of other works in a multimedia project, proper credit must always be given. This attribution should include the source of the work, the author/producer/creator, title, publisher, place, and date of publication; and it should be presented in a credit section of the multimedia project.

Crediting Sources for Most Copyrighted Works

When crediting sources for illustrations, cartoons, photographs and/or other images, the copyright notice and name of the creator of the image must be incorporated into the image (i.e. attached to the image file so that it will appear on the screen as the image is viewed). Full bibliographic information should then be included in the credit section of the multimedia project.

Crediting Sources for Images

Educators and students may make alterations in portions of the copyrighted works only if it supports specific instructional objectives. Within the multimedia project, note should be made of the alterations.

Altering Copyrighted Works

Reproduction or decompilation of copyrighted computer programs is not permitted.

Using Copyrighted Computer Programs

It is important to remember that Fair Use guidelines shall not preempt or supersede any licenses and contractual agreements.

License and Contractual Agreements

### Student Guidelines

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

Using Copyrighted Works

Students may perform and display their own educational multimedia projects created 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.

Use Other Than Classroom

## Educator Guidelines

Using  
Copyrighted  
Works

Educators may incorporate portions of lawfully acquired copyrighted works for their own teaching in support of curriculum-based instructional activities.

Permitted Use  
of Projects

Educators may perform and display their multimedia projects for the following situations:

- ? face to face instruction
- ? demonstrations of how to create multimedia productions
- ? assignments to students for directed self-study
- ? 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
- ? If the network used to access the multimedia project cannot prevent duplication of copyrighted material, students or educators may use the 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, one of two copies may be placed on reserve in a media center for on-site use by students enrolled in the course.
- ? presentations at peer conferences
- ? retention of their multimedia project in professional portfolios for later personal use such as tenure review or job interviews

Time  
Limitations

Educators may use their multimedia projects for teaching courses for a period of up to two years after the first use with a class. Beyond two years, permission is required for each copyrighted portion.

Copying and  
Distributing of  
Projects

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 above, there may be no more than two use copies (including the original), only one of which may be placed on reserve in a media center. 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.

## Limitations for Students and Teachers Regarding Portions of Copyrighted Material Used in Multimedia Projects

Portion limitations mean the amount of a copyrighted work that can reasonably be used. These limits apply cumulatively to each educator's or student's multimedia project for the same academic semester, cycle or term.

Portions  
Definition

The following portion limits are set for various formats.

- ? Up to 10% or 3 minutes, whichever is less.
  
- ? Up to 10% or 1,000 words, whichever is less.
  
- ? 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.
  
- ? Up to 10%, but in no event more than 30 seconds, of the music and lyrics from an individual musical work may be used. Any alterations to a musical work shall not change the basic melody or the fundamental character of the work.
  
- ? A photograph or illustration may be used in its entirety but no more than five images by an artist or photographer may be used. When using photographs and illustrations from a collective work, not more than 10% or 15 images, whichever is less, may be reproduced.
  
- ? Up to 10% or 2,500 fields or cell entries, whichever is less, from a copyrighted database or table may be reproduced.

Motion Media

Text

Poetry

Music, Lyrics,  
Music Video

Illustrations,  
Cartoons,  
Photographs

Numerical  
Data Sets

### Questions & Answers

1. Q. What may a student do with a multimedia project she/he has created which utilizes copyrighted materials?
  - A. A student may do the following:
    - (1) Display the work in the class for which it was created
    - (2) Keep the work for a personal portfolio to be used for academic interviews and/or job interviews
    - (3) Show the project to a parent group if there is no admission charged and if the music used is owned by the student or a production/school library

Permitted Use  
of Student  
Projects

Non-Permitted  
Use of Student  
Project

2. Q. What may a student not do with a multimedia project she/he has created which utilizes copyrighted materials?
- A. A student may not do the following:
- (1) Leave any copies of the project with the teacher or school
  - (2) Broadcast the project over the Internet
  - (3) Show the project in a school assembly or in any other public performance situation
  - (4) Disseminate the project beyond the classroom, whether or not as a commercial product
  - (5) Use the project in any way other than for a classroom assignment or personal portfolio

More questions? Call 249.3558.

## CITING REFERENCES USED FOR ACADEMIC WORKS

It is the creator's responsibility to credit all materials used when creating an academic work for professional use, classroom assignments, or personal research. This not only is alluded to in the copyright guidelines but also required by the academic and creative worlds.

Generally, the MLA (Modern Language Association) Style Sheet is the standard used for citing references. Below are URL addresses which include examples for print, nonprint, and electronic resources.

A+ Research and Writing for High School and College Students  
(The Internet Public Library)  
<http://www.ipl.org/teen/aplus/>

Library of Congress – The Learning Page: Citing Electronic Resources  
<http://lcweb2.loc.gov/ammem/ndlpedu/index.html>

MLA Style Sheet for Citing Sources in a Bibliography  
<http://www.nrcsd.org>

Click on: Library (under Resources)  
MLA Style Sheet

More questions? Call 249.3558.



*(Reference page 3 of this handbook.)*

NOTIFICATION OF COPYRIGHT INFRINGEMENT

**Enid Public Schools  
Enid, Oklahoma**

DATE \_\_\_\_\_ SCHOOL \_\_\_\_\_

1. Description of Copyright Violation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. If applicable, please refer to the Enid Public Schools Copyright Policy and Administrative Regulations and indicate the page and item numbers to which this violation applies.

\_\_\_\_\_

3. Other Comments (if needed):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_ Check here if, outside of the building administrator and the Copyright Committee, you would like to have your identity kept confidential.

The procedure for investigating this violation will be as follows:

1. This form will be shared with the District Copyright Committee and your building administrator.
2. The building administrator and the committee, if necessary, will investigate the alleged violation. The findings will be shared with the administrator and the committee, and a decision will be made regarding actions necessary to remedy the violation.
3. All employee disciplinary action(s) will be conducted according to District Policy and the negotiated contract.
4. Notifying employees may inquire about the disposition of the alleged violation, however, any employee disciplinary action taken will not be released to the notifying employee.

**Send this form to Attn: Chair, District Copyright Committee**

**Date received by the Chair of the District Copyright Committee \_\_\_\_\_**

BUILDING ADMINISTRATOR'S  
REPLY TO REPORTED COPYRIGHT INFRINGEMENT

Action Taken:

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Information Confirmed:

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---

Steps Proposed to Correct Situation:

---

---

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Additional Comments (if needed):

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\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Send this form to Attn: Chair, District Copyright Committee**  
**Date received by the Chair of the District Copyright Committee \_\_\_\_\_**

# REQUEST FOR PERMISSION TO COPY

*(Please print legibly or type)*

DATE \_\_\_\_\_

TO: Permissions Department

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

FROM: Enid Public Schools

Attn: Chair, District Copyright Committee  
500 South Independence  
Enid, Oklahoma 73701-5693

Person making request: \_\_\_\_\_

*(Please print)*

Dear Permissions Department:

We request permission to copy the following copyrighted material:

Title, author and/or editor copyright date, ISBN number: \_\_\_\_\_

Copyright/edition of materials: \_\_\_\_\_

Materials to be copied: (i.e. specify number of pages, sections, portions, etc.)

Copy medium: \_\_\_\_\_

Use of copies: \_\_\_\_\_

The copies will be distributed **FREE OF CHARGE** and will bear a notice of copyright.

I am enclosing a copy of this request for your files, and a self-addressed envelope for the return of this request. Thank you for your cooperation.

Sincerely,

Signature of person making request: \_\_\_\_\_

Title: \_\_\_\_\_

Administrative approval of request:

\_\_\_\_\_  
Building Principal

\_\_\_\_\_  
Chair, District Copyright Committee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**Fill out applicable information and send to  
Attn: Chair, District Copyright Committee.**

PRODUCER'S REPLY

SEND TO: Attn: Chair, District Copyright Committee  
Enid Public Schools  
500 South Independence  
Enid, Oklahoma 73701-5693

Fax Number: (580) 249.3565

TITLE: \_\_\_\_\_  
\_\_\_\_\_

DATE: \_\_\_\_\_

Permission granted \_\_\_\_\_

Permission denied \_\_\_\_\_

Conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Position

\_\_\_\_\_  
Date

REQUEST FOR PUBLIC PERFORMANCE / DISPLAY RIGHTS  
(Please print legibly or type)

DATE \_\_\_\_\_

TO: Permissions Department  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

FROM: Enid Public Schools  
Attn: Chair, District Copyright Committee  
500 South Independence  
Enid, Oklahoma 73701-5693

Person making request: \_\_\_\_\_  
(Please print)

Dear Permissions Department:

We request permission for Public Performance/Display Rights for:

Title, creator and/or producer: \_\_\_\_\_  
\_\_\_\_\_

Copyright holder/date: \_\_\_\_\_

Format: \_\_\_\_\_

Purpose and place of performance/display: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date(s) to be shown: \_\_\_\_\_

The performance will be **FREE OF CHARGE** and any written program will bear a notice of copyright.

I am enclosing a copy of this request for your files, and a self-addressed envelope for the return of this request. Thank you for your cooperation.

Sincerely,

Signature of Person Making Request: \_\_\_\_\_

Title: \_\_\_\_\_

Administrative Approval of Request:

\_\_\_\_\_  
Building Principal

\_\_\_\_\_  
Chair, District Copyright Committee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**Fill out applicable information and send to  
Attn: Chair, District Copyright Committee.**



ENID PUBLIC SCHOOLS  
VIDEO & LASER DISK REQUEST FORM

Name of  
Video/Laser Disk \_\_\_\_\_

Date to  
be shown \_\_\_\_\_ Place to  
be shown \_\_\_\_\_

Instructional Unit  
Purpose of Video/Laser Disk \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Source of Video/Laser Disk \_\_\_\_\_

**I understand the video or laser disk I have scheduled is a legal copy and my showing it complies with the copyright laws, meets my instructional objectives, and is included in my daily lesson plans.**

Teacher's Name (*Please print*) \_\_\_\_\_

Teacher's Signature \_\_\_\_\_

The teacher named above has assured me the scheduled video/laser disk is a legal copy and will be shown in accordance with copyright laws as a portion of an instructional unit. Based upon these assurances I approve the stated use of this video.

Principal's Signature \_\_\_\_\_

Procedures for Completion of Form:

1. Teacher completes top part of form
2. If in agreement, principal signs in box
3. Teacher takes signed form to site library media center for library media specialist to file

\*Note: No equipment may be issued or videos shown until this form has been signed by the site principal and filed with the library media specialist.

REVISED 3 February 1997





Affidavit of Receipt  
Copyright Policy Handbook and Inservice  
Training on Copyright Law

I, the undersigned, hereby certify that I have received access to the Enid Public Schools Copyright Policy and Handbook, as well as inservice training on Copyright Law, Board Policy and regulations concerning copyright.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Employee Name *(Please Print)*

\_\_\_\_\_  
Date

Please complete, sign and date this affidavit and retain for your records.