# Guidelines for the Use of Digital Content in the 21st Century Classroom

# Based on Federal Copyright Law, State Statutes and District Policy

The School District of Osceola County, Florida Media and Instructional Technology Department

> Revised May 2018

### **OVERVIEW**

**ALL instructional materials** including but not limited to: library books, motion pictures/videos, audios, transparencies, magazines, textbooks, kits, computer software, websites, digital content (free or subscription), etc.

- in library media centers
- in classrooms
- in schools

### are governed by:

- Federal Copyright Law PL 94-553
- Mandates in Florida Statutes 847.012, 1001.41, 1001.42, 1001.43, 1006.28, 1006.34
- Copyright as in School Board Policy 3.52, and the document "Copyright & You"
- Use of videos and films in School Board Policy 4.21 (I.) (E)
- Selection criteria in School Board Policy 4.22 (II.) (C), "Educational Media Materials Selection"

### **DIGITAL VIDEO GUIDELINES**

As technology continues to advance and teachers and students increasingly rely on digital content for instruction and learning, it is crucial for educators to understand how to utilize that content legally. There is a wide variety of sources for digital content, from websites like SchoolTube, TeacherTube and YouTube<sup>TM</sup> to paid content provider services such as Discovery Education Streaming and Safari Montage. As with any classroom content, teachers are responsible to preview and evaluate potential videos or resources for appropriate use with their students. Using digital content illegally or inappropriately will endanger our students' safety, the offending teacher's certificate, and the district's participation in federal funding totaling millions of dollars.

### **Paid Content Providers (Educational)**

Another source of digital content is paid content providers, companies who grant users access to exclusive digital material for a fee. Discovery Education Streaming and Safari Montage are two examples of this type of content. These services also have Terms of Use or Subscriber Agreements, detailing what users may and may not do with their materials. It is important to note that while these sites may allow downloading of materials for user convenience, copies of those videos must be deleted after use or expiration of the Term of Service for that product. Also, these sites may identify specific criteria such as "for noncommercial instructional use" or "copies must be erased after use or expiration of the Term, whichever comes first." As with any source of digital video, it is essential to read the Terms of Use statement for your source and be sure you are following all legal guidelines for using those materials.

### **Paid Content Providers (Entertainment and Home Use)**

It is never appropriate for teachers or staff to utilize personally subscribed digital content for educational use. This includes, but is not limited to Netflix, Hulu, YouTube TV, Playstation Vue, etc. Such subscriptions are for personal use only.

### Websites

Websites containing digital content, whether site-created or user submitted videos, are governed by their own "Terms of Use" agreements. These agreements are legally binding contracts that supersede copyright laws and privileges. However, these agreements do provide for copyright protection for user-submitted content, which does mean that Fair Use guidelines and special exemptions under the law still apply. When previewing content, teachers should also examine the Terms of

Use on the website to ensure that the method planned to communicate this content is permissible. In most cases, linking to the video in an online course (such as Moodle or Edmodo) or live streaming the video from the website is permissible under Fair Use guidelines for face to face instruction. The process for deciding whether or not a video can be downloaded for offline use is more complicated.

At this time, filtered YouTube digital content is available to teachers for streaming with students. Teachers must preview all content before sharing with students and are responsible for using this content in their classroom. Teachers may choose to utilize SafeShareTV or Safari Montage to eliminate advertisements shown to students. Student DO NOT have access to YouTube on the school district network. Only teachers may download appropriate videos under certain conditions. If the user who created the video has given permission, there is a download link on the page that allows other users to download the video. Conversely, if the user has not given permission, no download button is present. IT IS NEVER APPROPRIATE TO USE A THIRD PARTY SOFTWARE TO CAPTURE A STREAMING VIDEO FROM YouTube<sup>TM</sup>, or any other website with a Terms of Use agreement that prohibits downloading content without specific permission.

### **COPYRIGHT REMINDER**

Unauthorized copying, redistributing, and republishing of copyrighted or proprietary material is illegal and strictly prohibited. Copyright infringement is serious business and the District strictly prohibits any such activity.

The term "Fair Use" does not imply unlimited use of copyrighted information, images, music, or other types of information without permission of the copyright holder. The District will, in no way, support any employee charged with a copyright violation.

Many employees do not believe they will be sued in court for copyright violations. But in fact, copyright holders are fighting back. Previously, the U.S. Supreme Court let stand a jury's decision in which a file-sharer was forced to pay the recording industry \$222,000 for downloading and sharing 24 copyrighted songs. In another case, a Massachusetts college student was forced to pay \$675,000 for sharing 30 songs.

### **Motion Picture Association of America – Moving Rating System**

Motion pictures/videos rated by the Motion Picture Association of America may be used in Schools in Osceola County only as indicated below:

NC-17, R or X Videos may NOT be used under any circumstances.

**PG/PG-13** 

Videos **MAY** be used provided the following steps are followed to determine legality based on Florida Statutes, value for instructional use, content appropriateness for intended students, and parental permission granted in writing:

- 1. Preview of video in entirety by teacher desiring to use video;
- 2. Completion by same teacher of the form, Teacher Evaluation and Request to Use Video (Video Rated PG, or PG-13) (FC-820-1636).
- 3. Approval in writing on designated form by School Video Screening Committee (FC-820-1635).
- 4. Parental permission form on file in school (FC-820-1637E/S) (An alternate, related assignment must be provided to students without permission forms.) Parent permission is not required for high school students. (Revised 9/15/03)

ALL PG/PG-13 Videos screened and approved by the School Video Screening Committee must be labeled to alert all potential teacher users of the rating.

G Videos For Instructional Use Only MAY be used if content complies with Copyright Law

**NON Rated** 

Rating level to be determined by School Video Screening Committee. If categorized as NC-17, R, or X, video **MAY NOT** be used. If categorized as G, PG, or PG-13, **must follow** all applicable procedures.

### SCHOOL "VIDEO" SCREENING COMMITTEE

### Each school is expected to establish a VIDEO SCREENING COMMITTEE composed of:

- administrator
- media specialist
- teachers representing most subject areas/grades
- parent(s)

**PURPOSE:** To maintain the integrity of instructional materials used in the school by applying Federal Copyright Law, State Mandates, and local school district policy/guidelines for evaluation of materials.

**I. FOR ALL VIDEOS** (Physical Copies: DVD, VHS, etc.)

The School Video Screening Committee will establish school procedures for requiring and maintaining the **forms** for:

- "OFF-AIR" Videotaping from Commercial Television Networks:
  - Teacher Statement
- For Home Use Only Videos:
  - Teacher Statement
  - Teacher Evaluation and Request to Use Video (Video Rated PG, PG-13) FC-820-1636
  - Video Screening Committee Response (Video Rated PG, PG-13) FC-820-1635
  - Parent/Guardian Permission for Student to View (PG or PG-13 Video) FC-820-1637E/S

### II. FOR PG AND PG-13 VIDEOS:

The School Video Screening Committee will:

- 1. Preview the video and meet to review forms submitted by teachers; <u>Teacher Evaluation and Request to Use Video</u> (Video Rated PG, or PG-13) FC-820-1636
- 2. Consider materials selection criteria in The School Board of Osceola County's School Board Policy 4.22

- 3. Consider Florida Statute mandates for criteria and content of materials prohibited for use with students; (F.S. 847.012)
- 4. DENY or APPROVE use of videos using designated response form; Video Screening Committee Response FC-820-1635

### **Videos for Entertainment Purposes**

In order to legally view movies for entertainment purposes (positive behavior rewards, class parties, PTA movie night, etc.) and be copyright-compliant, the school must purchase a movie license permitting said video to be shown for entertainment. Schools can obtain a movie license for a specific title or an annual license from a licensing company. There are several licensing companies from which to choose. Regardless of licensing company, only movies licensed by that company may be used for public viewing. Contact the MITD department for more information and additional information on movie licensing can be found at https://www.swank.com/k-12-schools/copyright/.

### PG and PG-13 rated videos

In the School District of Osceola County, Florida, PG and PG-13 rated videos are evaluated using Florida Statute mandates and additional district guidelines/criteria. Florida Statutes charge the school board with the responsibility for assuring that all materials used for educational purposes shall be appropriate.

The following statutes apply:

### F.S. 1006.34(2)(b) Standards for selection

(SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS) This statute states, "Any instructional material containing pornography or otherwise prohibited by F.C. 847.012 may not be used or made available within any public school."

## F.S. 847.012 Harmful materials; sale or distribution to minors or using minors in production prohibited; penalty.

This statute includes, "Any picture, photograph, drawing, sculpture, motion picture film, video cassette, or similar visual representation or **image** of a person or portion of the human body which depicts **nudity** or **sexual** conduct, sexual excitement, sexual battery, bestiality, or sadomasochistic abuse which is harmful to minors,

#### OR

Any book, pamphlet, magazine, printed matter however reproduced, or sound recording which contains any matter defined in s.847.001, **explicit** and detailed verbal descriptions or narrative accounts of sexual excitement, or sexual conduct and which is harmful to minors."

In the School District of Osceola County, Florida, PG and PG-13 rated videos can be used with students ONLY AFTER the following procedure is implemented:

### **PROCEDURE:**

1. Preview of video in entirety by the teacher requesting to use video.

<sup>\*</sup>See these statutes in full at: <a href="http://www.leg.state.fl.us/Statutes">http://www.leg.state.fl.us/Statutes</a>

- 2. Completion by same teacher of form, Teacher Evaluation and Request to use Video (Video rated PG, or PG-13) FC-820-1636.
- 3. Approval on designated response form by School Video Screening Committee FC-820-1635
- 4. Parent permission forms on file in school (FC-820-1637E/S). An alternate, related assignment must be provided for students without permission forms. Parent permission is not required for high school students. (revised 9/15/03)

If the video is approved for a specific course/class, the following steps must be added:

- 5. Application of large label "Alert PG or PG-13" to outside video case
- 6. Application of small label "Alert-Preview" to top of the actual video

**NOTE**: This procedure is required for all PG and PG-13 rated videos purchased for the school media center, purchased by a department and not processed for check out through the media center, or IN A TEACHER'S PERSONAL COLLECTION. This procedure is not in effect for digital streaming services, as those streaming services are not currently licensed for school use.

### MOVIE RATING SYSTEM AT A GLANCE

Rating	Description	Content	Use in Schools	
G	General Audiences	Nothing that would offend parents for	Can use only as	
G	Suitable for all ages	viewing by children.	instructional	
PG	Parental Guidance Suggested	Parents urged to give "parental guidance." May contain some	Approval	
IG	Some material may not be suitable for children.	material parents might not like for young children.		
PG-13	Parents Strongly Cautioned	Parents urged to be cautious. Some material may be	required by School Video Screening Committee. Parent	
	Some material may be inappropriate for children under 13.	inappropriate for pre- teenagers.	Permission Form Required.	
Unrated	Unrated			
Omateu	This video has not yet been rated.			
R	Restricted	Contains some adult materials. Parents are		
	Under 17 requires accompanying parent or adult guardian.	urged to learn more about the film before taking young children with them.	Say NO to these in the School	
NC-17	Osceo		District of Osceola County.	

# APPENDIX A

# SAMPLE FORMS

### THE SCHOOL DISTRICT OF OSCEOLA COUNTY, FLORIDA

### TEACHER EVALUATION AND REQUEST TO USE VIDEO Video Rated PG, or PG-13

	nool:					
Vide Title	eo e:	PG PG-13 (circle appropriate)				
Pro	ducer: Length:	Production Date:				
Tea	acher requesting approval of video:					
for	course/area of study					
Rea	ason: (How does video content relate directly to current classroom inst	tructional plan?)				
Sur	nshine State Standard:	_				
Crite	eria checklist:					
	authenticity and accuracy of content					
	teaching value					
	correlation with classroom curriculum					
	presentation of desirable attitudes and activities					
	sound moral values					
	video/audio quality both sides of controversial issues presented; unbiased no hard-core pornography (per FL. Statute 233.165(2))					
	no sexual conduct, battery, bestiality, sadomasochistic abuse included (per FL. Statute 847.012(2)(a))					
	scription of content, visual or verbal, which might be objectionable to v	iewer:				
Epis	sode 2:					
of st	eviewed this video in its <u>entirety</u> and consider it appropriate for use with stude tudy indicated above.  cher's Signature	-				

Retained by school for the life of the video.

### THE SCHOOL DISTRICT OF OSCEOLA COUNTY, FLORIDA

### VIDEO SCREENING COMMITTEE RESPONSE Video Rated PG, or PG-13

Scho	ol:					Date	e:	
Vided Title:								PG-13
Produ	ucer:				Length:	:	Produc Date: _	
Teac	her requesti	ng appro	val of video:					
for co	ourse/area o	f study _						
THIS	COMMITTE	E:						
	Previewed t	the video						
	Met to revie FC-820-16		achers completed	form, "T	eacher Evaluat	ion and Req	uest to U	se Video"
	Applied Sch	nool Boar	d Rule 3.2.7 crite	ria and F	Torida Statutes	233.165 and	d 847.012	2 mandates
	<b>DENIES</b> us	e for req	uesting teacher ar	nd course	e indicated abo	ve for the fo	llowing re	ason:
		•						
	APPROVES	<b>S</b> use on	ly for course/grade	e as requ	uested above, p	provided that	:	
			guardian permission will be given re				rior to use	: (Students
	• two "ale	rt" labels	be applied to top	of video	cartridge and t	o its case		
СОМ	MITTEE ME	MBER S	SIGNATURES:					
		/				/		
Pri	nt Name	,	Signature		Print Name	,	Signatur	е
Prir	nt Name	/	Signature		Print Name		Signatur	<u>——</u>
		/	J			/	J	
Pri	nt Name		Signature		Print Name		Signatur	e
Drie	nt Name	/	Signature	<u> </u>	Print Name	/	Signatur	
FIII	ii inaiiie	1	Signature		FIIII Name	1	Signatur	<del>C</del>
Pri	nt Name	/	Signature		Print Name	/	Signatur	e
Priı	nt Name	/	Signature	<u> </u>	Print Name	/	Signatur	e

FC-820-1635 (Rev. 09/01)

Retained by school for the life of the video.

### THE SCHOOL DISTRICT OF OSCEOLA COUNTY, FLORIDA

### PARENT/GUARDIAN PERMISSION FOR STUDENT TO VIEW PG OR PG-13 VIDEO

School:	Date:
Teacher:	Course/Grade:
Dear Parent,	
To support this unit, I plan to use a video rated Association of America. The video is:	PARENTAL GUIDANCE/PG-13, by the Motion Piceo. An alternate assignment related to the unit be rmission for your child to view this video.
Yes, I grant permission	No, I do not grant permission
for my child, —	to view the PG/PG-13 video listed abo
Signature of Parent/Guardian	Date
	FC-820- (07
An Equal	Opportunity Agency
	OF OSCEOLA COUNTY, FLORIDA
MISO DEL PADRE/TUTOR PARA QUE EL/LA E	STUDIANTE VEA UN VÍDEO CLASIFICADO PG O
MISO DEL PADRE/TUTOR PARA QUE EL/LA Es	STUDIANTE VEA UN VÍDEO CLASIFICADO PG O
MISO DEL PADRE/TUTOR PARA QUE EL/LA Es	STUDIANTE VEA UN VÍDEO CLASIFICADO PG O
Escuela:  Maestro/a:  Estimado Padre,  En mis clases, los estudiantes han estado e Para apoyar esta unidad de estudio tengo plane	Fecha:  Materia/Grado:
Escuela:  Maestro/a:  Estimado Padre,  En mis clases, los estudiantes han estado e Para apoyar esta unidad de estudio tengo plane GUÍA de los PADRES/PG-13, por la Motion Pic  No se requiere que su hijo/a vea este vídeo. este vídeo, se le proporcionará una asignació	Fecha:  Materia/Grado:  studiando eado usar un vídeo clasificado para ser visto bajo l
Escuela:  Maestro/a:  Estimado Padre,  En mis clases, los estudiantes han estado e Para apoyar esta unidad de estudio tengo plane GUÍA de los PADRES/PG-13, por la Motion Pic  No se requiere que su hijo/a vea este vídeo. este vídeo, se le proporcionará una asignació	Fecha:  Materia/Grado:  studiando eado usar un vídeo clasificado para ser visto bajo l ture Association of America. Este vídeo es:  Si usted no otorga el permiso para que su hijo/a ve
Escuela:  Maestro/a:  Estimado Padre,  En mis clases, los estudiantes han estado e Para apoyar esta unidad de estudio tengo plane GUÍA de los PADRES/PG-13, por la Motion Pic  No se requiere que su hijo/a vea este vídeo. este vídeo, se le proporcionará una asignació enseñada.	Studiando  Materia/Grado:  Materia/Grado para ser visto bajo la ture Association of America. Este vídeo es:  Si usted no otorga el permiso para que su hijo/a von alterna relacionada a la unidad que está sieno.

Una Agencia de Igualdad de Oportunidades

LI461 (4/00)

FC-820-1637S (04/00)

# APPENDIX B

# FAIR USE GUIDELINES

### **CHECKLIST FOR FAIR USE**

Every case of "Fair Use" is different and it is your responsibility to defend your use of copyrighted works. The following guidelines are not a legal document but instead provide you with a framework to make a determination if the use of a copyrighted work qualifies as "Fair Use." It is recommended you keep a copy of this checklist in connection with each possible "fair use" of a copyrighted work.

Name:	
Institution:	
Project:	Date:/
Vou must waigh four feators to datarmin	as if the use of a convergenced work qualifies as "Fair

You must weigh four factors to determine if the use of a copyrighted work qualifies as "Fair Use." The four factors are: purpose, nature, amount, and effect.

Favoring Fair Use	Opposing Fair Use			
Purpose				
Teaching (includes multiple copies for classroom use)	Commercial activity			
Research	Profiting from use			
Nonprofit educational institution	Entertainment			
Parody	Bad-faith behavior			
News Reporting	Denying credit to original author			
Restricted access (to students or other appropriate group)	Made it accessible on the Web or other public forum			
	ture			
Published work	Unpublished work			
Factual or non-fiction based	Fiction			
Copyrighted work out of print	Highly creative work (e.g. art, music, film, novels, etc.)			
Am	Amount			
Small quantity	Large portion or entire work			
Portion used is not significant to entire work	Portion used is "heart of the work"			
Amount is appropriate for educational purpose	Making enough copies to avoid purchasing textbooks			
	fect			
User lawfully owns or purchased a copy of original work	Could replace sale of copyrighted work			
No significant effect on the market or potential market	Significantly impairs market or potential market of			
of copyrighted work	copyrighted work			
One or few copies made	Numerous copies made			
Lack of licensing mechanism	Reasonably available licensing for use of copyrighted			
	work			
	Affordable permission available for using copyrighted work			
	Repeated or long-term use (e.g. semester to semester or			
	year to year)			

# APPENDIX C

# 2017 Copyright & You



COPYRIGHT ACT OF 1976
GUIDELINES FOR ALL
OSCEOLA COUNTY
SCHOOL DISTRICT
EMPLOYEES

Original, created works protected by copyright include, but are not limited to, books, letters, paintings, software, movies, photographs, music, lyrics, and video games



### Television/Video Programs

Videos/DVDs are allowed to be used in the classroom for FACE-TO-FACE INSTRUCTION ONLY. Videos/DVDs are NOT to be used for entertainment purposes. All other Videos/DVDs from commercial TV, cable, public TV, video kiosks/stores, student's homes, etc., carry special, individual restrictions. Consult your Library Information Specialist or the Media & Instructional Technology Department.

- 1. Teachers should keep in mind, at all times, the appropriateness of the content and the educational value of all audiovisual materials used in the classroom.
- 2. A video rented from a video kiosk/store, borrowed from the Public Library, or brought in from a student's home may not be shown at school.
- 3. A video purchased by a teacher may be used in the school only for face-to-face instruction if approved by the school-based Video Screening Committee.
- 4. Off-air recordings carry special regulations. See your Library Information Specialist.
- 1. Materials obtained from the Internet are not copyright free.

## Educational multimedia "fair use" guidelines for students creating science, history fair, or any other student project:

<u>Illustrations and Photographs</u> - No more than 10% or 15 images, whichever is less, from a collective copyrighted work with no more than 5 images by a single artist or photographer

<u>Music, Lyrics and Music Video</u> - Up to 10%, but no more than 30 seconds, of the music and lyrics may be used from an individual musical work

<u>Text Material</u> - Up to 10% or 1000 words, whichever is less

Motion Media - 10% or 3 minutes, whichever is less

<u>Numerical Data Sets</u>- Up to 10% or 2500 fields (a specific item of information, such as a name or social security number) or cell entries, whichever is less, from a copyrighted database or data table



<u>Users are responsible</u> for materials downloaded and must verify copyright status.

- 2. The use of illegally copied software in schools or offices is prohibited. Computers owned by Osceola District Schools must not be used for making illegal copies of software.
- 3. All software licensing agreements of copyright holders must be observed.
- 4. Installing software on multiple computers without proper licensing is prohibited.
- 5. Downloading of software is permitted, provided it is part of the curriculum and approved by the District Software & Web Tools Committee.
- 6. Requests for the purchase of new software or subscriptions must be submitted to the Software & Web Tools Committee for approval.
- 7. All employees of the School District must abide by the Network Acceptable Use Policy, located in School Board Rule 8.60+ (http://www.osceolaschools.net).



### Print / Graphics

- 1. The reproduction (photocopying) of copyrighted, consumable materials such as workbooks, activity sheets, etc., is specifically prohibited by copyright law.
- 2. Employees must ensure correct use of blackline masters that have the statement for "buyer's classroom", which may not be shared or used as a resource in the media center.
- 3. Any copyrighted, syndicated comic strip or cartoon characters may not be reproduced or altered for bulletin boards, hallways, or cafeteria walls.
- 4. Generally, a teacher may make a single copy of anything to use as research or backup for instruction.
- 5. Multiple copies (not to exceed one per pupil) may be made for classroom use of the following
  - a. A complete poem if less than 250 words (and if printed on not more than two pages)
  - b. An excerpt of not more than 250 words from a longer poem
  - c. A complete article, story or essay of less than 2,500 words
  - d. An excerpt from any prose work of not more than 1,000 words (or 10% of the work), whichever is less, but in any event a minimum of 500 words
  - e. One chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue
  - f. Works copied may not be retained and used in the instructors room repeatedly from year to year

### School Board Rule 3.52

The District shall abide by all provisions of the copyright laws.

- $I. \quad Commercial \, materials, whether printed \, or \, non-printed, \, may \, not \, be \, duplicated \, without \, prior \, written \, permission \, from \, the \, owner \, or \, copyright \, holder \, or \, within \, the \, bounds \, of "fair use" \, guidelines.$
- II. The School Board does not sanction or condone illegal duplication in any form, the use of illegally duplicated materials, or the improper use of commercially duplicated materials.
- III. Procedures and guidelines for the legal duplication of materials for instructional purposes are available to employees from the school principal or on the District's Professional Development Center Media Services website.
- IV. The School Board, in recognizing the importance of the Copyright Law of the United States (Title 17, United States Code), hereby notifies all employees that a willful infringement of the law may result in disciplinary action. In the case of a court action for damages, a finding of willful infringement would preclude the School Board's payment of any judgement rendered against the employee and the payment of any attorney's fees or costs which the employee would incur in conjunction with a lawsuit and may render the employee liable to the School Board for any damages the School Board is liable to pay.

#### V. School Board Copyrights:

- A. The School Board shall hold the copyrights for all data processing software or other computer products created by School Board employees performing job responsibilities, created using School Board resources or equipment, or created by individuals, companies, or agencies under contract with the School Board to develop these products for District use.
- B. The School Board recognizes that staff members under contract to the School Board may develop, in carrying out their professional responsibilities, patentable or copyrightable educational materials for use in the school program. It is understood by the School Board and the staff members that such materials developed as part of regular employment are the property of the School Board when requested by the School Board and/or the employee.
- C. The Superintendent shall insure that a contractual agreement from and an assignment of copyright interests form shall be executed between the employee and the School Board.
- D. It is also understood that educational materials created by an employee during leisure hours when not fulfilling contractual duties to the School Board are the property of the employee.
- E. The School Board shall have legal claim on products created by its employees which in any way may be an outgrowth of their job responsibilities. To minimize misunderstandings about the ownership of such products, the Superintendent will develop procedures to be followed by all persons who are or might be developing commercially attractive products which are or might be construed to be associated with normal job responsibilities.
- F. It is also recognized that from time to time the School Board contracts with individuals, companies, and agencies to develop materials which are used in the school district. In requests for proposals and contracts for development of such materials, a statement of copyright and ownership vested in the Board shall be included.
- VI. School Board License Fees: The Superintendent or designee may establish fees for any public or private entity to purchase or obtain a license for data processing software or other computer products which are copyrighted by the District; however, fees shall be pursuant to Section 119.07(1), F.S. for an individual or entity that needs the District's copyrighted data processing software solely for access to data or for information maintained or generated by the software.

The document "Copyright and You" produced by the District's Media & Instructional Technology Department, shall be distributed to each principal and shall become a part of each school's faculty handbook.

#### What is the doctrine of "Fair Use"?

- 1. Developed through court case decisions
- 2. Limits the rights of creators/copyright holders
- Examples of activities regarded as fair: criticism, comment, teaching, scholarship, research and news reporting
- Four factors to consider: purpose of use, nature of copyrighted work, amount used, effect of use upon potential market value of copyrighted work
- 5. See more: http://www.copyright.gov/fls/fl102.html

"Fair Use" is not always easy to define. If in doubt, obtain permission!

### Music/Performances/School Dances

Any work where the legal owner does not exist, the creator has given his/her work to the public, or where copyright protection has expired is in the "Public Domain". Music with a copyright date of 1922 or earlier is in the public domain. "Fair Use" of music recordings is extremely limited. There are NO sound recordings in the Public Domain in the USA. Music recordings may not be played in public environments without permission and without paying royalties (fees) to the copyright holder.

- 1. Music may be in the form of sheet music or sound recordings.
- 2. Music recordings may not be reproduced from one media format to another (for example: cassette to CD-Rom).
- 3. Consult the Library Information Specialists or TV Production teacher for viable royalty-free copyrighted music libraries.
- 4. Sheet music may not be copied unless the music is on order and has not yet been received by the teacher. A purchase order must have been issued. Any copies must be destroyed once the purchased materials are received.
- 5. Downloading or streaming live music or video from the Internet on your school computer for PERSONAL USE is strictly prohibited. (Network Acceptable Use Policy)
- 6. Recordings of music may not be transferred from a radio broadcast to tape, or from records/cassettes to video, or from the computer to CD.
- 7. A single recording (video or audio) of student performances may be made for evaluation, rehearsal or archival purposes. Copies of student performances may not be made for parents.
- 8. Copyrighted music must not be used in school produced closed circuit television broadcasts without the written permission of the copyright holder.
- 9. Copyrighted music must not be added or attached to any email messages on the School Districts' email system.



School District of Osceola

"If you duplicate and use computer software, printed materials, or any type or format of digital media without the permission of the copyright holder, you render yourself liable to prosecution under Federal Copyright laws. Further, the district will not support you in your legal defense."

- Debra Pace

For additional information, contact:

Scott Clark

Director of Media and Instructional Technology
817 Bill Beck Boulevard

Kissimmee, Florida 34744-4492 • (407) 870-4669