

# Administrator Copyright Scenario Checklist

Technology	Permissible	Violation	Remedy for Violation
Video or DVD used with students	When used for instruction, i.e., lesson plan involved, not generally "educational" content. When used for instruction, rental tapes, DVD's, and tapes made from television broadcasts. (Note: tapes made from television broadcasts may have an expiration period. See guidelines).	Used for entertainment or reward, especially in a place not dedicated to face-to-face instruction (cafeteria, multipurpose room). No "movie clubs" or movies shown as "daycare" during open house, etc.	<ol style="list-style-type: none"> <li>1. Work to develop an instructional use for the material: a study of genres, a discussion of protagonist/antagonist</li> <li>2. Acquire genuinely instructional media. This is often also engaging.</li> <li>3. Get a license for entertainment or reward (e.g., Disney, 1-818-, \$25 per tape per showing)</li> </ol>
Copy machine	A copy for every student when used for instruction within guidelines, e.g., stories less than 2,500 words or 10% (or 1,000 words) of longer works. See guidelines for more. Librarians make copy for archival purposes.	Consumables being copied. The work being copied was not legitimately acquired.	<ol style="list-style-type: none"> <li>1. Have teachers submit list of consumables they need and buy them.</li> <li>2. Secure license for copying material (course packs).</li> </ol>
Copying software CD	Librarians may make copies for archival purposes or to replace lost, damaged, or stolen copies.	Copying in lieu of purchase. Copying to augment class collections or increase the number available for simultaneous use.	<ol style="list-style-type: none"> <li>1. Buy more copies.</li> </ol> <p>Action required: Collect questionable copies for management in the library. Delete unauthorized installations.</p>
Posting music on the Internet on a site open to the public (e.g., school homepage or teacher page)	Music may be posted if the rights are secured or if the school owns the rights (e.g., an original work). Music pieces tied to instruction (e.g., music history) may be temporarily posted behind a password protected page.	Popular commercial titles are almost never open to legitimate posting. Permission is difficult to secure and nearly impossible in a short time frame.	<ol style="list-style-type: none"> <li>1. Encourage student-created works with Garageband, Movie Maestro, Acid Loops, etc.</li> <li>2. Use royalty free music created and sold for that purpose.</li> <li>3. Use public domain or music posted for open use by the rights holder</li> </ol>
Images, music, video in multimedia project	Images, music, and video may be used in student multimedia work without permission. The multimedia guidelines should be followed.	Non-instructional uses (entertainment, clubs, dances, yearbooks, etc.) are not covered.	<ol style="list-style-type: none"> <li>1. Buy rights for entertainment or performance.</li> <li>2. Use music or images from a licensed collection.</li> </ol>
Plays or musicals (band and choral material also falls in this category)	The setting must be a place dedicated to instruction (e.g., classroom) if not narrowly instructional (e.g., History of the Musical); use is almost never okay without permission.	Performance of copyrighted works outside the world of face-to-face instruction without permission or payment.	Secure the rights for school performance. Although school rights are usually less, be prepared to pay (yes, you can then charge admission). Band and choral performance may come with the purchase of the sheet music.
Software installation	Despite what some licenses imply, general interpretation suggests software may be installed on multiple machines. However, simultaneous use is limited to the number of software licenses.	More students using the software than there are licenses, e.g., 20 copies on 25 machines being used by 21 students.	Monitor use. This is important. Otherwise, overuse may be construed as a tacit approval of a violation of stated school policies. Otherwise, buy a license for every machine and every potential workstation.

# Administrator Copyright Scenario Checklist

Technology	Permissible	Violation	Remedy for Violation
<p>Password sharing</p>	<p>Many licenses allow for multiple uses from a single password within a school or licensing population. Use at home may also be legitimate under the license (e.g., Atomic Learning, United Streaming)</p>	<p>Sharing passwords beyond the license, such as with another school that has not purchased the necessary license. Or sharing of single user licenses.</p>	<p>Reinforce the importance of honoring licenses. If you are paying, why shouldn't other schools? Have the passwords changed periodically.</p>
<p>Software found on school computers</p>	<p>Software legitimately purchased and installed on the machine should be fine. Receipts (or even the original boxes) may confirm this. Software in the public domain or free to schools</p>	<p>Software illegally installed. Games are especially suspect. If there is no evidence of legitimate purchase, presume the worse</p>	<ol style="list-style-type: none"> <li>1. E-mail the software company and see if they have a record of a user at the school address. If not, or if not possible, go to 2.</li> <li>2. Delete the software. Non-instructional software in particular is absolutely not worth the risk.</li> </ol>
<p>Library checkout of software</p>	<p>Library may legitimately checkout software.</p>	<p>The software in not removed from the home computer when the software is returned. The software sent home is a copy (the library may keep an archival, noncirculating copy)</p>	<p>Follow up to be sure parents have erased the software. Create contracts with them before allowing checkout. Be certain there is no winking approval of non-erasure in the homes. Parents or students can use the programs at school, after all.</p>
<p>Digitizing video (media)</p>	<p>Students may legitimately incorporate media into their multimedia projects as long as it is from a legitimate original (e.g., purchased VHS tape). Students do not have the right to defeat anti-piracy technology—but an older VCR never had anti-piracy technology to circumvent.</p>	<p>Copies are not legitimate for non-instructional projects. Students may have the knowledge but not the legal permission to defeat anti-piracy protections. (Interestingly librarians do have rights in this area for evaluation purposes.</p>	<p>Erase or destroy illegitimate copies. Do not permit school equipment to be used for impermissible copying. If you install DVD or CD copying machines which have many legitimate instructional uses, consider creating a "contract" for teachers and students who have access to the machine. Even the simplest document demonstrates policy and intention.</p>
<p>Use of copyrighted characters (e.g., Bugs Bunny)</p>	<p>If there is a relevant instructional use of the character, they might be copied—but no such legitimate use comes to mind.</p>	<p>Copyrighted characters may not be used for any school purpose other than instruction without permission. Permission is a virtual impossibility.</p>	<ul style="list-style-type: none"> <li>• Stickers or software with copyrighted images if available for purchase could be used legitimately.</li> <li>• Make a clear policy and monitor the school publications, notices, and postings. This includes PTA, PTO, and booster club publications.</li> <li>• Encourage groups to use original student artwork (this doesn't mean Bugs Bunny knock-offs). It is just as cute and gives additional celebration to student artists.</li> </ul>
<p>Posting copyrighted material on the Internet</p>	<p>This is now permissible if the material is for instruction, is behind a password-protected site, and is managed (i.e., it is up when the topic is no longer under study, it is removed). It is not permissible remain posted as an archive.</p>	<ul style="list-style-type: none"> <li>• The material is not password protected.</li> <li>• The material will be up long after it is relevant.</li> <li>• The material was not legitimately acquired (e.g., pirated material).</li> </ul>	<ol style="list-style-type: none"> <li>1. Make sure all copyrighted material is removed from non-password protected areas on the school or district website.</li> <li>2. Monitor material behind the password to make sure it is relevant to the current instructional program.</li> </ol>

# Administrator Copyright Scenario Checklist

Technology	Permissible	Violation	Remedy for Violation
<p>Cartoons in PowerPoint presentation</p>	<p>Guidelines permit some limited use of cartoons for face-to-face instruction.</p>	<p>Presentations that are not instructional (as in a K-12 lesson plan) may not be used without license.</p>	<p>Instruct the non-instructional presenter that presentation/multimedia licenses are available for cartoons and you would appreciate copyright compliance in such presentations. (At cartoonbank.com, licenses begin around \$20 per cartoon).</p>
<p>Videotape anthologies</p>	<p>Anthologies are permissible only with public domain material or with permission from copyright owners.</p>	<p>The copyright guidelines unfortunately prohibit the creator of videotape anthologies from video. Such anthologies are violation unless permission is secured.</p>	<ol style="list-style-type: none"> <li>1. Suggest multimedia as an alternative technology to videotape</li> <li>2. Suggest committing the anthology to a home library</li> <li>3. Suggest using the anthologies created by <a href="http://filmclipsonline.com">filmclipsonline.com</a></li> </ol>
<p>Showing copyrighted DVD's or tapes for child care at legitimate school events</p>	<p>Permissible only if a license has been acquired.  Some videotapes do permit public performance without a license, but this is not common and virtually never with "Hollywood" media. This includes television programs ("Touched by an Angel").</p>	<p>If the tape comes with a warning ("For Home Use Only") as most tapes and DVDs do, this use is specifically prohibited. It is a common abuse.</p>	<ol style="list-style-type: none"> <li>1. Secure a license. Disney will give you one with a faxed request (call 818-560-1000) and charge \$25 per tape per use.</li> <li>2. Have your student create an original video. These videos are often just as engaging to children as rented tapes.</li> <li>3. Acquire worthwhile videos such as Reading Rainbow with permits such use. It is a better use of student eyes and brains, too.</li> </ol>
<p>PowerPoint presentations downloaded from the web for instruction</p>	<p>Material from public Internet sources may be used for instruction without payment or permission. Attribution must be given (give credit where the!)</p>	<p>Material in the PowerPoint must not be from proprietary sources (e.g., HBO). If material is not legitimately acquired, it may not be used (i.e., the PowerPoint uses licensed or unauthorized material). Unauthorized material posted by someone for download is still prohibited.</p>	<p>Check the bibliography or reference page for the work if it looks like resources are not original. If it doesn't have proper citations (on some perfect day everything will), use common sense. If the work is original and posted, it's usable. "Netiquette" would require an email asking permission and/or giving thanks. There may be more where that came from!</p>
<p>Copying CDs with lessons &amp; media resources</p>	<p>Gathering resources, including videos, sounds, and images, into an authoring or presentation program is perfectly acceptable if sanctioned by the license agreement. Most media libraries with download functions permit this. Sharing best practices between teachers is a good thing.</p>	<p>The resources are not licensed by your school (and are not in the public domain). Caution! Duplication is an area where educational rights are more limited. If the CD came originally from another site, it might bear closer scrutiny. Teachers have wide latitude in their classes, but distribution is a different issue.</p>	<ol style="list-style-type: none"> <li>1. Allocate money in the budget for media or library licenses.</li> <li>2. Make sure material being duplicated is either public domain or covered by licensing.</li> <li>3. Make sure licenses are current (paid for).</li> <li>4. Prohibit use of unlicensed material from commercial libraries. Unauthorized use of commercial resources (i.e., without paying for them) is egregious and most likely to have monetary penalties.</li> </ol>
<p>Taping television programs in the library for teachers</p>	<p>Taping programs must be done at the "instance and inspiration" of a single teacher, not done in advance by an efficient and well-mentioned librarian.</p>	<p>Taping must not be done "in anticipation" of requests.</p>	<p>Keep a good communication channel open between resource folks and teachers. Teachers have the most authority under the copyright act. Knowledge will help them to successfully—and legally—use it.</p>

This document provides information about the law designed to help users safely cope with their own legal needs. But legal information is not the same as legal advice — the application of law to an individual's specific circumstances. Although we go to great lengths to make sure our information is accurate and useful, we recommend you consult a lawyer if you want professional assurance that our information, and your interpretation of it, is appropriate to your particular situation.