

PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS
Board of Education
Upper Marlboro, Maryland

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6160
Policy No.

BOARD OF EDUCATION POLICY

USE AND CREATION OF COPYRIGHTED MATERIALS

I. PURPOSE:

A. To provide guidelines for the legal and permitted fair use of copyrighted materials that is used for educational purposes in accordance with the Copyright Act of 1976, the Digital Millennium Copyright Act of 1998, and the Technology, Education, and Copyright Harmonization (TEACH) Act of 2002.

B. To provide guidelines for the ownership of copyright in works created within Prince George's County Public Schools.

II. BACKGROUND: In the course of providing education and related services, the use and reproduction of materials protected by copyright may be necessary. Federal law requires that the Board of Education maintain a policy for the treatment of copyrighted materials for educational purposes by its employees and students.

In addition, the Board of Education recognizes that both employees and students may contemplate creating works that are or might be owned by the Board. As a result, certain disclosures must be made to the Board by employees and/or students to ensure that all appropriate intellectual property registrations and applications are filed and before the intellectual property is sold, used for profit or disclosed to the public.

III. POLICY STATEMENT ON USE OF COPYRIGHTED MATERIALS: The Board of Education abides by the copyright laws currently in force under Title 17 of the United States Code. Any use or reproduction of copyrighted materials will be done either with the written permission of the copyright holder or within the bounds of "fair use," as defined in 17 U.S.C. § 107.

All employees and students are expected to adhere to all applicable copyright laws and guidelines which cover the reproduction, distribution, and use of print resources, music, recordings, theatrical performances, computer software, television and video resources, and online and electronic resources

and licensing. Employees and students are strictly prohibited from any use or duplication of copyright material not allowed by copyright law, “fair use” guidelines, licenses, or contractual agreements. Where there is reason to believe a use does not fall within one of the foregoing permitted uses, prior written permission shall be obtained. At no time shall it be necessary for an employee to violate copyright laws in order to properly perform his or her duties.

All classes, programs, and activities operating as “distance learning”, otherwise known as Title I programs shall hereby abide by the requirements and guidelines set forth in the TEACH Act of 2002. No use of copyrighted materials outside the parameters of these guidelines will be accepted from Title I teachers and students. Teachers and students in these classes must also abide by all other copyright laws and guidelines incorporated under this Policy.

IV. POLICY STATEMENT ON CREATION OF WORKS: Works created by employees and/or students specifically for use by the Prince George’s County Public Schools or a specific school or department within PGCPs, are properties of the Board of Education even if created on the employee’s or student’s time and with use of their materials.

Further, works created during school/work hours, with the use of school system materials, and within the scope of an employee’s position or student’s classroom work assignment(s) are the properties of the Board of Education. Examples of works which the Board hereby takes ownership are:

1. PGCPs Website
2. Individual School Website
3. Curriculum documents
4. Instructional materials for use in PGCPs or a specific school
5. Software and platforms developed for use by PGCPs, a specific school and/or the Board
6. Other works created for classroom use and instruction

V. VIOLATION OF POLICY:

- A. In the case of a court action for damages, a finding of willful infringement would preclude the School Board paying any judgment rendered against an employee and paying 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 which the School Board is liable to pay.
- B. A willful infringement of copyright law may result in disciplinary action of an employee or a student.

- C. The teacher and/or school must be able to produce WRITTEN permission or proof of purchase from the copyright holder to reproduce copyrighted materials.
- D. This Policy applies to materials found on the Internet.
- E. Copying of “consumable” workbooks is strictly prohibited.

VI. ADMINISTRATIVE PROCEDURES:

The Superintendent is directed to create an appropriate Administrative Procedure to implement this Policy. The Administrative Procedure shall include appropriate guidelines for training and providing assistance with compliance with copyright law to employees and students. In addition, the Administrative Procedure shall include a process for employees and students to follow to determine whether any created works are owned by the Board and to ensure that all registrations and applications are completed. These written guidelines and procedures will be accessible online at: <http://www1.pgcps.org/>.

ADOPTED: February 7, 2013

LEGAL REFERENCE:

Copyright Act of 1976, Title 17 of the United States Code

Digital Millennium Copyright Act of 1998, P.L. 105-304

Technology, Education, and Copyright Harmonization (TEACH) Act of 2002, P.L. 107-273 § 13301 (Nov. 2, 2002)