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Copyright Primer for Administrators

By Hall Davidson

For school and district administrators today, copyright should be front and center on the agenda. As new technologies become increasingly common and integrated into all areas of school instruction and business, an up-to-date education on what is and is not a legal use of resources remains a crucial element of a workable 21st century literacy. Students, staff, parents, and community members should all be well informed of copyright legalities. But in the final analysis, it is the administrator who bears responsibility for the actions of stakeholders in all roles of the education environment.

A school or district invests in administrative and instructional material to educate and increase productivity for employees. Technology is an indispensable asset—an asset that carries risks and responsibilities. It is our goal to share information with administrators to help educate

the education community they serve and to assist districts in receiving the optimum use from the products they purchase or license.

Copyright, when understood, can become a useful tool in the hands of administrators who deeply believe that school time is time for instruction and that every challenge, every break, and every pause in the day can play a part in the learning environment for young people. In truth, most copyright abuses in education are a sign of weakness in the instructional program, not necessarily an indication of inadequate resources. An understanding of copyright law gives teachers, librarians, administrators, and others a great deal of power. This guide and the tips and resources on this page are designed to help administrators make the best use of that power.

Five Steps to Avoiding Copyright Problems

1. Create and implement a technology policy that includes a code of ethics and set of procedures.
2. Review the entire policy with your educational community: students, teachers, and parents.
3. Appoint a technology manager to conduct audits and maintain a log of licenses and registration materials.
4. Teach ethical and legal behavior for technology use.
5. Thank employees and students for supporting these steps.

Additional Sources of Information for Copyright and Ethics

- **The United States Copyright Office** Web site includes law and policy and also information on searching copyright records, how to register a work, licensing, and more.
<http://www.copyright.gov/>
- **Cyberethics for Kids** provides adults, children, and teens information on how to use the Internet safely and responsibly.
www.cybercrime.gov/rules/kidinternet.htm
- **The Ten Commandments of Computer Ethics**, developed by the Computer Ethics Institute, provides ten important rules to keep in mind when using the computer.
www.brook.edu/its/cei/cei_hp.htm
- **Institute for Global Ethics** promotes and educates about ethical decision making both on and off the Internet.
www.globalethics.org/default.html
- **Fair Use Guidelines For Educational Media** offers school-specific examples of permitted uses of multimedia projects.
www.utsystem.edu/ogc/intellectualproperty/ccmcguid.htm

Fair to Share?

If you plan to photocopy this article for your staff or community (which we encourage you to do as many times as you wish), kindly send us a quick note at techlearning_editors@cmp.com.

Quick Quiz

Copyright for Administrators

Virtually every district has a copyright policy. But if the policy is not enforced at the site level it is meaningless, and the district itself can then be liable for damages. Test yourself. What is the site administrator's proper response in the following scenarios?

1. You stop by the library where a librarian is copying a CD with a software program on it whose title you recognize from a purchase order you signed. The purchase order specified one copy.
2. You duck into the computer lab where the student crew is installing software. You notice there are 20 boxes of software open but 25 computers in the room. The lead student installer gets a beep, pulls out a disc, and says, "That's all of them!"
3. You overhear one teacher tell another he's forgotten his password for the Internet media library your school pays for with IMA funds. The other teacher obliges him by sharing her password—and advises him to log on at home where he has a cable modem and can download "tons of stuff."
4. You walk quickly from the lounge and into a classroom where a new teacher is looking over the computer at the teacher workstation, ogling the great collection of software and music files the former teacher has left on the machine. You recognize none of the titles from purchase orders past or present.
5. You head to the yard where you see a copy of school software sticking out of a student's backpack. It has a library-style checkout pocket pasted on it. The student notices it is the Mac version and dashes off to exchange it. "We could never install this at home—we're all Windows," he says.
6. Back at the computer lab, the English teacher stops you. "I love our new network," she says. "Now the whole class can use my one copy of Inspiration at the same time!"
7. At lunchtime, you see a video playing in a classroom crowded with students. From the tiny window in the classroom door, it looks a lot like the Disney movie *Aladdin*.
8. You pass the copy machine where a teacher assistant is busy running off a class set of pages from a Stephen King novel.
9. Back in the library, a student brings up the school home page. The sounds of swing music play as the Glenn Miller Intermediate School logo rotates on the screen. "Pretty cool, huh?" says the student. "I built that page myself!"
10. An excited teacher pulls you into a room to show you a multimedia presentation about civil rights, and you watch as a Nina Simone song digitized from a CD plays to images you recognize from the Fox News Web site.
11. Outside the room, the PTA president catches up with you to sign off on the agenda for the next meeting, which features the choral club's rendition of *Cats*.
12. Later, you head into the media lab where a student has finally succeeded in digitizing a section of a VHS rental tape into the computer.
13. An honor student is taping up sheets of paper in lunar blue with an image of Daffy Duck and the caption, "Don't Duck Your Responsibility! Vote! School Elections Friday!"
14. You pop back to your office where a teacher is using your scanner to digitize a map of the Nile from a recent *National Geographic* magazine. She says, "Carlos showed me how to post this on the school Web site so students could study at home with their parents!"
15. A teacher leaps into the air from his VCR and says, "I've finally put together the definitive anthology of Civil War depictions in American movies! My students will never forget it!"
16. For Back to School Night the owner of the local video rental store has agreed to kick in as many videos or DVDs as needed for the Child Watch area.
17. You are almost knocked down by a teacher racing from her room. "Wow! With Advanced Search in Google, I found a PowerPoint on erosion by a teacher in Kentucky. It's great—I'm downloading it now."
18. A teacher has burned a PowerPoint in which she has inserted all the common denominator videos from the leased media library on the Web. "Would you please make a copy and give to the substitute tomorrow?" she says. "Just tell her 'press and play.'"
19. After dark, you walk to your car with the librarian who stops in his tracks. "I forgot to set the VCR! There is a special on PBS tonight on Martin Luther King."
20. You find the tattered hardcover remains of an antique book that was donated to the school and take it up to the librarian. Unperturbed, she is busy putting together color photocopies of the destroyed pages.

Answer Key

Quick Quiz: Copyright for Administrators

1. Your library can make archival copies. Knowing this may really bail out a technology-dependent lesson in jeopardy because of damage, loss, or theft. However, it is important to remember that archival copies are not additional circulating copies. Be wary of abuse here. Most librarians know the rules. Support them when they decline to misuse archival copies.
2. If the school has a license that allows simultaneous use then the administrator should take steps to ensure that such use is being enforced. Absent a simultaneous use license or some other specialized license terms (such as a site license), the school should follow the one license per workstation rule and run regular audits to ensure that the rules are being adhered to.
3. Online resources requiring a license often permit teachers and students to share passwords (for example, United Streaming under Discovery). Single user licenses (like some music download subscriptions) are not so accommodating—but these are not primarily instructional services.
4. If you can't find a receipt or a purchase order record verifying that the software is legitimate, the safest course is to delete the software and/or purchase a legitimate copy. If you have other written documentation, file it. Hard drives should contain only legitimate files. On the same note, be very careful that the school computers aren't being used for illicit music or video downloading. When the system slows down or the hard drives fill, that is an indicator of illicit use.
5. As an administrator, you should take overt steps to ensure that users do erase the software or other digital content after the original material has been returned to the library. A brief signed contract with the student and parents can be educational and protective.
6. Network or no, you must still purchase as many licenses as required to accommodate additional users.
7. Classroom videos are almost entirely okay as long as they are instructionally based. It can be a Disney movie, a television broadcast, or a DVD as long as it bears on the lesson at hand. If there are hooting boys watching an action movie for the "movie club," then it is not okay. Entertainment (or reward) requires a license (figure \$25 a pop for Disney, for example).
8. Although the copy machine can be used to make copies for classroom use, (see the Fair Use guidelines), it may not be used to lieu of purchase and not for consumables.
9. The school does not have to rely on commercial music for Web pages. Loop-based software (such as Movie Maestro) allows students to create swing, rap, or classical tracks. Garageband (Apple) and its ilk allow real creativity, and www.freeplaymusic.com provides very sophisticated musical scores for a variety of classroom-based projects.
10. Students can legally use media in their projects. There are guidelines for these (www.halldavidson.org), and teachers should follow them, but you should not worry if you recognize mainstream material in projects. The guidelines allow such projects to remain within a student's portfolio indefinitely.
11. You should enforce the prohibition against bootleg performances of *Cats*, *Aladdin*, or *Oklahoma* (we're not talking about talent shows but about performances advertised in fliers, and so on). If performance rights are sold, buy them. Or have students and teachers create an original work.
12. Students are allowed to use digitized media, including video, in projects, though a whole movie or CD would not be permitted. They are not allowed to hack encryption.
13. Copyrighted material such as the Daffy Duck character is very inappropriate (and improper) when used for noninstructional purposes such as fliers.
14. Posting copyrighted materials on the Internet is okay if it is for instructional purposes and meets all the requirements of the TEACH Act. The TEACH Act allows for material to have much the same latitude as traditional classroom fare, but it must reside behind a password, it must be a managed site (that is, not kept up there for longer periods of time than instruction requires). It must be available only to the students in the class and - do we even need to say it - it must deal directly with instruction, among other requirements.
15. Videotape anthologies are permissible only with public domain material.
16. The noninstructional performance (playing) of videotapes and DVDs for children at Open House is prohibited. When licenses are available for noninstructional use, it's better to buy them than to risk large fines.
17. Images, videos, and even presentations from public Web resources may be permissible for instruction if legally uploaded and the terms and conditions on the Web site do not prohibit such use. Duplicating them on CDs for the staff is not the same as using them in a classroom for instruction.
18. Gathering resources—including videos, sounds, and images—into an authoring or presentation program to share is perfectly acceptable if sanctioned by the license agreement.
19. In the case of television, libraries and resource people must wait until asked to record and cannot do it in anticipation of requests.
20. Libraries are able to replace lost or damaged works by copying when a suitable replacement cannot be obtained at a reasonable price.