

The board recognizes and supports the limitations on unauthorized duplication and use of copyrighted materials. The board does not condone any infringement on the property rights of copyright owners.

Employees, students, and visitors are prohibited from the use or duplication of any copyright materials not allowed by copyright law, fair use guidelines sanctioned by Congress, licenses or contractual agreements. Willful or serious violations also are considered to be in violation of expected standards of behavior for employees and students and may result in disciplinary action in accordance with board policy.

A. FAIR USE

1. Unless allowed as "fair use" under federal law, permission must be acquired from the copyright owner prior to copying copyrighted material. Fair use is based on the following standards:
 - a. the purpose and character of the use;
 - b. the nature of the copyrighted work;
 - c. the amount of and the substantiality of the portion used in relation to the copyrighted work as a whole, and;
 - d. the effect of the use upon the potential market for, or value of, the copyrighted work.

2. The superintendent or designee shall provide information and training to personnel and students, as appropriate, on the fair use of copyrighted materials, including in the following circumstances:
 - a. single and multiple copying for instructional purposes;
 - b. copying for performances and displays;
 - c. off-air recording of copyrighted programs;
 - d. use of "for home use only" videotapes or DVDs;
 - e. computer software;
 - f. copyrighted materials on the Internet and databases; and
 - g. reproduction and loan of copyrighted materials by school media centers.
 - h. preparation of educational multimedia projects using portions of copyrighted works.

B. BUDGET

The budget recommended by the superintendent to the board must include sufficient funds for purchasing copyrighted materials as a necessary budget expense.

Legal References: 17 U.S.C. 101, 102, 106, 107, 108, 110, 117

Cross References: Technology in the Educational Program (policy 3220), Technology Acceptable Use (policy 3225/4312/7320), Integrity and Civility (policy 4310), Network Security (policy 6524), Staff Responsibilities (policy 7300), Budget Planning and Adoption (policy 8100), Copyright and Fair Use Fundamentals Exhibit A (3230)

Replaces Board Policy 647

NCSBA wording and revisions replacing Policy 647 were adopted: January 9, 2014

History of Policy 647

Adopted: May 2, 2002

Revised: September 2, 2021