
SMART COPYRIGHT COMPLIANCE FOR SCHOOLS

A How-To-Do-It Manual®

REBECCA P. BUTLER

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Dedication

To Tom, who inspired this book.

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PREFACE

WHY IS COPYRIGHT COMPLIANCE AND TRAINING IMPORTANT?

Suppose you have gone to several copyright workshops, read journal articles, and even read a few books on copyright in schools. You feel reasonably confident that you understand copyright law and its application in K–12 education. Then one day, you hear that a nearby school has been sued for copyright infringement, specifically computer software violations. You talk to a colleague in that district and learn that they, too, had read some of the same articles and books and had gone to similar workshops. You ask your friend how this lawsuit could have happened, and she says that even though her district had sent some people to copyright training, the district did not have a formal copyright policy or any established process of ensuring that district educators and administrators were in compliance.

You begin to question whether your school could find itself in a similar situation despite the efforts you have made to provide training. When you discuss this question at the next faculty meeting, you learn that the same question was raised at the last meeting of district principals. All involved have the same question: “How can we ensure that our district is in compliance with copyright law so we don’t find ourselves in court?”

HOW CAN THIS BOOK HELP?

Smart Copyright Compliance for Schools: A How-To-Do-It Manual evolved from a series of questions and discussion points that have been raised in my copyright classes and in presentations and workshops on copyright that I have conducted over the past 13 years. Time and time again, librarians, teachers, technology coordinators, district administrators, and others have expressed concerns about the schools and districts in which they work—how these organizations do not understand copyright law as it fits into K–12 education or how many of those who work in the organization have little comprehension of what it means to borrow or copy from another’s works.

I have come to believe, even when a district has invested in training key personnel and key staff have a good understanding of copyright law,

that the school organization and its personnel are often unsure as to how to develop a system that allows them to ensure that they are and remain in compliance with the law. As a result, I determined that a practical manual for educators on how to create a copyright-compliant school was needed.

Unlike my first book, *Copyright for Teachers and Librarians*, this is not a question-and-answer book on how to copy things legally in a K–12 environment. Instead, *Smart Copyright Compliance for Schools* describes to the reader the process by which a school district and/or an individual school (and all of the employees of that district or school) can become and remain copyright compliant. Therefore, this volume addresses the parts of the *process* needed to craft an organization that has accepted the premise that copyright compliancy is to be the norm.

HOW IS THIS BOOK ORGANIZED?

Like my workshops, I have organized this book to feature both how-to steps and practical, real-world examples from a wide range of K–12 schools, both large and small. The first chapter defines what copyright compliancy is and discusses the steps in creating a copyright compliant program. Chapter 2 covers an extremely important part of the compliancy process—the copyright policy itself. In this chapter, readers learn what makes up a strong policy as well as how to write one. Chapter 2 also includes samples from existing school copyright policies.

The third chapter of *Smart Copyright Compliance for Schools* addresses the process, without which copyright compliancy would not exist. It includes the process flowchart. Chapter 4 details copyright procedures, or how those who work in schools implement on a day-to-day basis what is in their copyright policy. It is through these procedures that the copyright policy is carried out. This chapter contains examples of copyright compliancy procedures.

Chapter 5 provides a process for training teachers, librarians, curriculum coordinators, technology specialists, copy center personnel, and others about copyright. Training is essential to ensuring that district personnel understand and can work toward copyright compliancy. Carrying out a thorough training process also evidences that the school makes a good-faith effort to adhere to the law. The sixth chapter illustrates the audit part of the process and includes audit checklist models. Like each of the steps before, auditing is essential for a truly compliant school district. It is the evaluation portion of the process; it indicates how well your district is adhering to your own copyright compliance policy as well as to the law. The final chapter in this book deals with feedback. It is through this step that district/school employees, often identified as stakeholders, are able to

see what they are doing right and what needs to be changed or improved. Feedback, coupled with the audit, is the portion of the process that ensures that your district remains compliant.

In addition to the chapters, this book includes seven tools in the “Compliance Toolbox” (located after the chapters and before the index). Tool I: Sample Copyright Compliance Training Materials will be helpful as the organization (school and/or school district) trains its key personnel/stakeholders in copyright compliance. Among the sample copyright compliance training materials included are an initial meeting proposal, a generic training syllabus, and a copyright question-and-answer presentation.

Tool II: Sample Audit Scenario, Audit, and Final Report is composed of three distinct parts: a scenario narrative of a school copyright audit, a model completed copyright compliance audit form, and a sample final report.

Tool III: Sample District Audit Process Annual Planning Calendar and Legend is exactly what the title says: a completed calendar listing when copyright compliance processes will take place and a separate detailed explanation of what these processes are and why they are on the established dates.

Tool IV: Selected Sections of the U.S. Copyright Law covers selected sections of the 1976 U.S. Copyright Law, Public Law 94-553 (Title 17 of the U.S. Code), of importance to those employed in K–12 education, including rights of and provisions for copyright owners; parts of the law of importance to educators, such as fair use and the classroom exemption; and liability limitations relating to online material.

Tool V: School/School District Copyright Policies contains a list of annotated Web sites characteristic of school copyright policies found on the World Wide Web. Their inclusion in this book is not meant to imply that these policies would work in your school district. However, they are examples that illustrate what other schools have chosen to include in their policies. As you write, revise, or re-create your own copyright policy, such examples may prove helpful.

Tool VI: Copyright Teaching and Training Materials on the Internet is also an annotated list of Web sites, this time focusing on copyright instructional materials found on the World Wide Web.

Tool VII: Web-based Copyright Materials (General) is a third annotated list of Web sites. These Internet sites represent a minute selection of the wide variety of material on copyright that is currently available on the Web.

If I have been successful, after reading *Smart Copyright Compliance for Schools: A How-To-Do-It Manual*, you will see that copyright compliance is a relatively straightforward process for establishing a policy, formulating procedures, conducting training and auditing, and providing staff with a process for feedback. With these elements in place and functioning, you will have taken the positive steps necessary to ensure, as well as demonstrate, the intent of your educational organization to be in copyright compliance.