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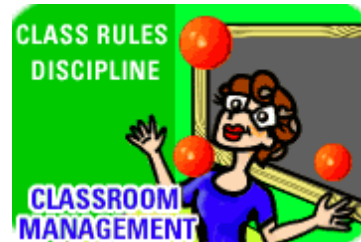
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CURRICULUM ARTICLE

District Liability and Teaching Responsibility Part 5: of an Education World series on copyright and fair use



Going online can put you on the firing line when it comes to copyright infringement. Learn what you and your students need to know about copyright before you post a single word to the Web. **Included: Rules for minimizing district liability and maximizing student responsibility.**

In [Applying Fair Use to New Technologies](#), part 4 of the Education World series on copyright, Nancy Willard told Education World, "The unfortunate result of the situation is that teachers are in an incongruent position of trying to push the limits of the fair use exception at the same time that they have an obligation to teach students about respect for copyright law." Willard, a former copyright attorney and project director at the University of Oregon Center for Advanced Technology in Education, was referring specifically to the situation caused by [CONFU's](#) failure to develop acceptable fair use guidelines.

The truth is, of course, that teachers have always pushed the limits of the fair use exception. Most of us, at one time or another, have found that perfect piece of text, video, music, or art, closed our eyes, and hoped against hope that our use of it fell into the murky area of "fair use." For the most part, cocooned in our own classrooms, we got away with it. With the advent of new -- very public -- technologies, we no longer have that luxury.

"In the past," John Adsit, online education coordinator for Colorado's Jefferson County Schools, told Education World, "teachers got away with illegal practices -- not even having an inkling that they were illegal -- because they were in the privacy of a classroom with a closed door, surrounded by students who had no clue that

Copyright Basics Your Students Should Know

* Students should understand that copyright law is designed to protect the financial interests of those who create original work; that financial rewards provide the incentive for the creation of more original works; and that obeying copyright laws benefits society by ensuring a steady supply of creative works.

* Students should understand that most of the materials they use are protected by copyright; that the creator owns copyrighted work; and that they have to ask permission to use it.

* Students should know how to find the owner of a

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anything illegal was going on. As we use the Web, we blow open the door and leave our practices out there for the whole world to see. We all have to become more knowledgeable -- and more careful."

copyrighted work and how to ask permission to use that work.

DISTRICT LIABILITY

"School districts are liable for any copyright violations committed by their staff, and the area with the greatest potential for liability is the district's public Web site," Nancy Willard agreed. "The [Digital Millennium Copyright Act](#) provides interactive service providers with an exemption from monetary damages for copyright infringement but only if the provider is not directly involved with the placement of the material. On virtually all school Web sites, school staff is, or should be, directly involved with the placement of the material." "School districts," Willard added, "should be very careful about the copyright status of any material posted on their Web sites. Most companies do not want to sue school districts for copyright violations unless the unlawful practice is pervasive and such a suit would send a message to other districts. Promptly removing any material that violates copyright will generally satisfy the copyright holder."

Willard also suggests that federal legislation is needed to provide schools with immunity from financial damages in the event infringing material is posted on the school Web site. "I made a recommendation for such legislation in my testimony to the Web-based Education Commission," Willard noted. "I have also made this recommendation to the National School Boards Association(NSBA) and I'm going to encourage the major education groups to propose and push for such legislation next year. The benefit of the legislation is that it requires schools to be proactive in educating about copyright and allows people who feel their rights have been infringed to have an easier way to resolve the problems."

In the meantime, Willard recommends that school districts take the following steps to limit their liability:

- Establish a process to ensure that all materials on the district Web site are closely evaluated.
- Provide professional development for teachers and instruction to students about defamation, invasion of privacy, harassment, and copyright law.
- Include an immunity provision in the policy.
- Take prompt action if accusations are made.
- Be prepared to stand up for staff or students if false accusations are made.

In other words, school districts can minimize the chances that students or staff will be accused of copyright infringement -- and minimize district liability in the event of inadvertent violations -- by establishing clear policies, developing organized procedures for disseminating the policies, and strictly enforcing the policies.

TEACHING RESPONSIBILITY

Teachers have an additional responsibility to make sure that students understand the spirit and the letter of copyright law.

Nancy Willard recommends that educators address the issue in their classrooms:

1. "Help students learn about the value of created works and develop respect for the creators by discussing the importance of such works on the advancement of society." Students should understand that copyright law is designed to protect the financial interests of those who create original work; that financial rewards provide the incentive for the creation of more original works; and that obeying copyright laws benefits society by ensuring a steady supply of creative works. The sites below will help students better understand the copyright process.



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- [A Visit to Copyright Bay](#) Students sail through the copyright seas in this clearly written, visually appealing voyage.
- [A Copyright Hunt for Elementary Students and their Teachers](#) In this online scavenger hunt, students learn everything they ever wanted to know about copyright law -- and then some!
- [Timeline: A History of Copyright in the U.S.](#) Students explore U.S. copyright law and discover how court actions and legal interpretations have shaped it.

2. "Teach students to request permission when in doubt about the status of a particular work or the appropriateness of their use of that work." Students should understand that the materials they want to use are probably protected by copyright; that the creator owns copyrighted work; and that they have to ask permission to use it. The sites below will help students understand when they should ask permission.

- [Getting Permission to Publish: Ten Tips for Webmasters](#) This site tells students what they should know before asking permission to use copyrighted materials.
- [Web Publishing Rules](#) The Bellingham (Washington) school district's rules for Web publishing provide students with a basic understanding of what they need to do to avoid copyright violations.
- [Copyright Implementation Manual](#) The Groton (Connecticut) school district offers an excellent example of what a school district's copyright manual should look like.

3. "Teach students how to request permission." Students should know how to find the owner of a copyrighted work and how to ask permission to use that work. The sites below provide templates for writing permission-request letters and resources for finding the creators of copyrighted works when the information isn't readily available.

- [Giving and Getting Permissions](#) This site provides a list of agencies that grant permissions to use copyrighted materials.
- [Copyright Permission Request form](#) The Bellingham (Washington) school district provides a form students can use to request permission to use copyrighted material.
- [Copyright Scroll](#) to the bottom of this page for Nancy Willard's permission-request template.

The sites below provide quizzes to help you discover what students know -- and need to know -- about copyright law!

- [Questions About Copyright](#) This true/false quiz is based on 10 Big Myths About Copyright Explained.
- [Copyright on the Internet](#) This printable true-false quiz tests students' knowledge of copyright law.
- [A Visit to Copyright Bay](#) This site provides six multiple-choice quizzes on the application of copyright law.

A TEST FOR YOU

Finally, Education World provides the following quiz designed to test your understanding of the material covered in this five-part Education World series on copyright.

When in doubt about the copyright status of a work you want to use, you should

- Use it and hope for the best.
- Use it in the classroom, but refrain from posting it to the school Web site.
- Ask permission before you use it.

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The correct answer is c. How did *you* do?

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Part 2: Is Fair Use a License to Steal?
Part 3: Copyright Law and New Technologies
Part 4: Applying Fair Use to New Technologies
Part 5: District Liability and Teaching Responsibility

[Click here](#) to return to the main page of the Education World copyright series.

Editor's Note: The information contained in this article is, to the best of our knowledge, correct and up-to-date. Copyright laws and the circumstances surrounding the use of copyrighted materials can be difficult to interpret, however, and information in this article should not be construed as legal advice.

Article by Linda Starr
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