



# VAN INDEPENDENT SCHOOL DISTRICT

## COMPLYING WITH COPYRIGHT LAWS IN ONLINE/VIRTUAL EDUCATION

Teachers and students are not exempt from copyright laws, whether in the traditional or virtual classroom. Much like classroom instruction, teaching online classes may include using a variety of materials ranging from readings, photographs, and images to videos, films, and other recorded performances. During this unprecedented time as we transition to virtual learning, it's a good opportunity to remind our educators of the legal requirements and personal risks of unauthorized use of copyrighted material. As you know, the District prohibits violations of copyright law (and trademark law) through its acceptable use policy, its employee handbook, and board policy. We ask that you please review the information below, as well as the District's Board Policies CY (LEGAL) and CY (LOCAL) regarding intellectual property, which are available here: [Van ISD CY \(LEGAL\)](#) and [Van ISD CY \(LOCAL\)](#). Please be mindful of the law and District policies and expectations, and consult with the principal and/or technology department if you have any questions about how copyright law affects your use of the District's resources. Please keep in mind that content you post on your personal social media page(s) is also subject to copyright and trademark laws. The District is not responsible for your personal content.

**What is copyright?** Most educators are familiar with the issue of plagiarism (i.e., taking someone else's work and/or ideas and passing them off as your own), and we teach our students the concepts of attribution (and plagiarism) and copyright (and copyright infringement). Attribution (i.e., citations, etc.) is meant to give proper acknowledgement to the creator and allow the reader/viewer to distinguish between what parts of a work are original and which are from someone else's work. Copyright, however, is meant to give the creator control over his or her original work and how it is used and disseminated. This means the owner of a work may choose to require compensation or payment in order for others to use or view it. The fundamental purpose of copyright protection is to provide an incentive to writers, artists, and other creators to create new works; just "attributing" a work to them is not enough under copyright law. In the education context, unless usage is permitted under "fair use," a teacher or student could attribute a work to someone but still infringe on the copyright if that person did not have the permission of the creator to use the copyrighted work.

**What does copyright cover?** Copyright covers any original creative media – sound, image, video, or text – that is in a tangible or digital form. When teachers/students come across original works and copy them, distribute them, show/perform them, and/or incorporate them into their own work, they need to be aware of copyright. In the non-education context, this requires permission. For many educational uses, it may be okay for teachers and students to engage in these activities without the copyright holder's permission if it's considered "fair use." However, under no circumstances does it mean, "I bought the book so I can do what I want with it." Even if you purchase something, it comes with limits.

**What is considered "fair use" of copyrighted material?** Generally, "fair use" is the right to use portions of copyrighted materials without permission for purposes of education, commentary, or parody. Fair use rules for educational purposes are very specific, and the exception is narrow. For more information, please see the District's Board Policy, above, and other resources such as <https://www.copyright.gov/help/faq/faq-fairuse.html>. For example, students may use a quote from a book in an essay. Fortunately, this kind of copying – in short lengths, and not damaging to the author – qualifies as fair use. However, there is no bright line rule about what counts as fair use but the exception becomes narrower when use extends beyond the classroom. In a classroom setting, it will generally be fair use when teachers/students use *portions* of someone else's work in a school project or lesson, such as using images or songs for a presentation in class. *But* the fair use analysis changes if the students or teacher posts the project or lesson online to a potentially large audience through social media because then it can be (and often is) distributed widely, at the expense of the creator who is trying to sell his or her work.

**Can I use school district materials in online learning in the same way I use copyrighted works in my traditional face-to-face classroom?** Generally yes, *but only if* certain requirements are met: (1) the material must be provided at the direction of or under the supervision of the teacher and must be an integral part of the course curriculum (i.e., not merely entertainment or unrelated background material); (2) the amount of material provided must be comparable to that typically displayed in a traditional classroom session. For certain works, the display of the entire work could be consistent with displays typically made in a live classroom setting (e.g., short poems, essays, or photos). Distribution of entire textbooks,

course-packs or supplemental readings is not permitted and (3) only use the online platforms approved by the District to share materials (do not make copies of the copyrighted work or disseminate them outside of approved platforms). You should also remind students that materials distributed in the course may be subject to copyright protection.

**Can I read a children's book on Facebook and share the link with my students?** Technically, no *unless* you have specific written permission from the owner. Story time is an infringement of copyright law when the reading is recorded and uploaded to YouTube/Facebook. Unfortunately, when the recording is available online, it can be dispersed widely at the expense of the owner of the work. While we hope for understanding in these tough times, unfortunately, copyright law allows the owner/publisher to take legal action against you.