

# Multnomah Education Service District

Code: **GCQBA-AR(1)**  
Adopted: 7/1/81; 8/7/85  
Revised/Readopted: 10/28/05; 11/28/11  
Orig. Code(s): 5211-1; 5211-1A; 5332-1;  
5333-1A

## Copyrights and Patents

### Ownership/Property Rights to Products

1. Prior Approval and Contract Requirements
  - a. Approval of the appropriate cabinet member(s) or his/her designee is required prior to the utilization of MESD resources.
  - b. Ownership and property rights shall be specified in a written contract between the staff member and MESD.
2. Reimbursement for MESD Resources
  - a. Approval of the appropriate cabinet member(s) or his/her designee is required prior to the utilization of MESD resources.
  - b. In the event of any utilization of MESD resources, staff shall reimburse MESD for the full costs of all resources used.
  - c. The cabinet member(s) or his/her designee approves or disapproves utilization of MESD resources.
  - d. The cabinet member(s) or his/her designee bills the staff member for the full cost of all MESD resources utilized.

### Adherence to Copyright Laws

All staff who have need to utilize materials of all kinds which are subject to copyright laws shall do so only within the parameters established by law.

1. Video-taping without permission:

Any job-related recording, retention, distribution or use of copyright material off the air is permissible only after receiving prior approval from the immediate supervisor and only under the attached guidelines published and endorsed by the United States House of Representatives' Subcommittee on Courts, Civil Liberties, and Administration of Justice (Kastenmeier Guidelines.)

2. Video-taping with permission:

Any job-related recording, retention, distribution or use for whatever purpose beyond that provided in paragraph 1 above requires prior written permission from the copyright holder, which explicitly authorizes such action.

Recording, retention, distribution or use is limited to that provided for in the written permission.

The teacher doing or arranging for recording or use of tape in the performance of duties specified in his/her job description submits a completed off-air video recording form (AR-3) to the immediate supervisor at least two working days prior to any job-related use or activity including the taping.

The supervisor shall approve or disapprove the use or activity prior to the date of intended use or activity.

- a. If requested, the appropriate supervisor, checks the information contained on the form for compliance with the Kastenmeier guidelines.
- b. If upon review of the form, the appropriate supervisor, determines that the planned use or activity is not in compliance with the Kastenmeier guidelines, he/she notifies the immediate supervisor as soon as practicable.
- c. The supervisor maintains a record.

The teacher, upon completion of use of recording, shall take appropriate steps to notify the immediate supervisor of completion.

If at the end of the 10th day or the 45th day after recording, whichever applies, the immediate supervisor has not received notification of completion of use, the supervisor shall take appropriate action to assure immediate compliance and maintain a record of same.

## GUIDELINES FOR OFF-AIR RECORDING OF BROADCAST PROGRAMMING FOR EDUCATIONAL PURPOSES

In March of 1979, Congressman Robert Kastenmeier, Chairman of the House Subcommittee on Courts, Civil Liberties and the Administration of Justice, appointed a Negotiating Committee consisting of representatives of education organizations, copyright proprietors, and creative guilds and unions.

The following guidelines reflect the Negotiating Committee's consensus as to the application of "fair-use" to the recording, retention and use of television broadcast programs for educational purposes. They specify periods of retention and use of such off-air recordings in classrooms and similar places devoted to instruction and for homebound instruction. The purpose of establishing these guidelines is to provide standards for both owners and users of copyrighted television programs.

1. The guidelines were developed to apply only to off-air recording by non-profit educational institutions.
2. A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable retransmission) and retained by a nonprofit educational institution for a period not to exceed the first forty-five (45) consecutive calendar days after date of recording. Upon conclusion of such retention period, all off-air recordings must be erased or destroyed immediately. "Broadcast programs" are television programs transmitted by television stations for reception by the general public without charge.
3. Off-air recordings may be used once by individual teachers in the course of relevant teaching activities and repeated once only when instructional reinforcement is necessary. In classrooms and similar places devoted to instruction within a single building, cluster or campus, as well as in the homes of students receiving formalized home instruction, during the first ten (10) "School days" are school session days-not counting weekends, holidays, vacations, examination periods or other scheduled interruptions-within the forty-five (45) calendar day retention period.
4. Off-air recordings may be made only at the request of and used by individual teachers and may not be regularly recorded in anticipation of requests. No broadcast program may be recorded off-air more than once at the request of the same teacher regardless of the number of times the program may be broadcast.
5. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy shall be subject to all provisions governing the original recording.
6. After the first ten (10) consecutive school days, off-air recordings may be used up to the end of the forty-five (45) calendar day retention period only for teacher evaluation purposes (i.e., to determine whether or not to include the broadcast program in the teaching curriculum and may not be used in the recording institution for student exhibition or any other non-evaluation purpose without authorization.

7. Off-air recordings need not be used in their entirety but the recorded programs may not be altered from their original content. Off-air recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.
8. All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.
9. Educational institutions are expected to establish appropriate control procedures to maintain the integrity of these guidelines.

MULTNOMAH EDUCATION SERVICE DISTRICT  
VIDEO RECORDING REQUEST FORM

REQUEST BY:

Name of teacher: \_\_\_\_\_

Name of person doing the actual recording  
if other than teacher: \_\_\_\_\_

MATERIAL TO BE TAPED

Title: \_\_\_\_\_

Length: \_\_\_\_\_

Producer: \_\_\_\_\_

Broadcast Company: \_\_\_\_\_

INTENDED USE:

Date of Taping: \_\_\_\_\_

Instruction:  
Ten-Day End Date: \_\_\_\_\_  
Date(s) of Intended Use: \_\_\_\_\_  
School or Class: \_\_\_\_\_

Evaluation of Material:  
Forty-Five Day End Date: \_\_\_\_\_  
Date(s) of Intended Use: \_\_\_\_\_  
Area of Instruction or Curriculum: \_\_\_\_\_

I HAVE READ GCQBA-AR AND UNDERSTAND MY OBLIGATIONS IN THE USE OF THE ABOVE TAPE AS STIPULATED IN THE "KASTENMEIER GUIDELINES". I ALSO UNDERSTAND THAT NO USE, OTHER THAN THE ABOVE-SPECIFIED "INTENDED USE" ON THE ABOVE-SPECIFIED DATES, CAN BE MADE WITHOUT WRITTEN PERMISSION OF MY IMMEDIATE SUPERVISOR.

\_\_\_\_\_  
Teacher Signature

\_\_\_\_\_  
Date

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APPROVAL

APPROVED

NOT APPROVED

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Date