

**TITLE:** Guidelines for the Use of Instructional Materials, including Digital Instructional Materials, in the Classroom and Compliance with Copyright Laws

**NUMBER:** REF-156311

**ISSUER:** Frances Baez, PhD  
Chief Academic Officer  
Division of Instruction

Kimberly Balala  
Administrative Coordinator  
Library & Textbook Support

**DATE:** August 26, 2024

**DUE DATE:** Not Applicable

**PURPOSE:** The purpose of this reference guide is to provide schools with guidelines for using instructional materials, including digital instructional materials, and ensuring copyright compliance.

**MAJOR CHANGES:** This is a new reference guide.

**INSTRUCTIONS:** Digital instructional materials have become more available and accessible given online and digital availability. In addition to ensuring alignment with content standards, before being used, all instructional materials, whether accessed physically or online/digitally, must comply with intellectual property laws, including copyright. Copyright is a form of protection for all original works of authorship, including literary, dramatic, musical, architectural, cartographic, choreographic, pantomimic, pictorial, graphic, sculptural, and audiovisual creations, and provides protection the moment a work is created. This guide provides schools with a basic understanding of how to ensure the use of instructional materials complies with copyright laws.

Digital instructional materials include basic or supplemental instructional materials that are designed for use by pupils and teachers as learning resources (and that require the availability of electronic equipment in order to be used as a learning resource). Technology-based materials include, but are not limited to, software programs, video disks, compact disks, optical

**ROUTING**  
Deputy Superintendent of Instruction  
Region Superintendents  
Region Administrators of Instruction  
Regional Directors  
Principals  
Teacher Librarians  
Teachers

disks, video and audiotapes, lesson plans, and databases (*Education Code* Section 60010).

**Understanding Copyright**

Copyright protects original works, including:

- literary works, such as books, articles, poems, and scripts
- creative works, such as music, songs, lyrics, films, videos, and software
- artistic works, such as images, photographs, and artwork

Copyright gives the owner exclusive rights to control how their work is used, such as:

- reproduction, or making copies of the work
- distribution, or sharing the work with others
- public performance of the work
- derivative works, or creating something new based on the original work (e.g., adapting a book into a movie)

**Using Instructional Materials Under a License Agreement or With Other Permission**

In general, the best way for educators to ensure that they are complying with copyright laws is to use instructional materials when there is a license agreement or written permission from the copyright owner. Instructional materials purchased by the District for classroom use meet copyright requirements. However, making copies of these materials may violate copyright laws.

If instructional materials were not purchased through the District, schools should ensure compliance with copyright laws prior to use. Any purchase agreement initiated by the school must go through the appropriate procurement process. Schools should contact their Region Buyer for assistance. Schools may seek permission from the copyright owner. See Attachment A for a sample copyright permission request template letter.

**Fair Use**

If only a small portion of the material will be used, the Fair Use Doctrine may apply. The Fair Use Doctrine provides for limited use of copyrighted works without permission. The four factors considered under the Fair Use Doctrine include:

- (1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- (2) the nature of the copyrighted work;

- (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- (4) the effect of the use upon the potential market for or value of the copyrighted work.

The chart below provides guidance regarding different types of materials and what courts have found occurring within the Fair Use Doctrine.

Type of Material (whether in print or online)	Permissible Amount Under Fair Use Doctrine
Text (book, article, essay, poem, play, etc.)	Up to 10% of the total or 1,000 words, whichever is less
Illustrations/photographs	<ul style="list-style-type: none"> <li>• No more than 10% or 15 images from a collection, whichever is less</li> <li>• No more than 5 images from the same artist or photographer</li> </ul>
Music, lyrics, and music videos	Up to 10% of the work but no more than 30 seconds of the music or lyrics from an individual musical work
Movies, film clips, excerpts from TV shows, and videos	Up to 10% of the total or 3 minutes, whichever is less
Data sets	Up to 10% or 2,500 fields or cells from a database or data table, whichever is less

Examples that would violate copyright laws and the Fair Use Doctrine:

- showing a full movie in class without permission
- copying an entire article and distributing it to students
- using a copyrighted image without permission on a school website
- students creating a video that heavily relies on copyrighted music
- copying of copyrighted works without permission to create, replace, or substitute for anthologies
- copying of “consumables” such as workbooks, standardized tests, etc.
- copying that substitutes for the purchase of copyrighted material

**Additional Options for Use of Materials Under Creative Commons Licensing or the Public Domain**

- Look for Creative Commons licensed materials that permit use without permission. Be sure to use the materials only for the permitted use, as specified. For more information, see <https://creativecommons.org/>.
- Search for resources within the public domain. Many libraries and library websites offer educational resources in the public domain. In general, works published in the United States before 1928 fall within the public domain. For more information:
  - Los Angeles Public Library, <https://tessa.lapl.org/photocol>
  - New York Public Library, <https://digitalcollections.nypl.org/search/index?filters%5Brights%5D%3Dpd&keywords=>
  - NOAA Digital Library, <https://www.noaa.gov/digital-library>
  - Library of Congress, <https://www.loc.gov/free-to-use/>
  - Citizen DJ (Library of Congress), <https://citizen-dj.labs.loc.gov/public-domain-2022/>

### **Attribution and Citation to Copyrighted Materials**

It is also important to properly cite copyrighted materials, whether the materials are used with permission, with a license agreement, or under the Fair Use Doctrine. Citation style/format may be determined by the teacher or department, but all sources should be properly cited by students. For MLA and APA style, formatting for citations to various sources and media, including artificial intelligence sources, have been developed (see, e.g., <https://style.mla.org/citing-generative-ai/>; <https://apastyle.apa.org/blog/how-to-cite-chatgpt>).

### **Additional Considerations for Using Digital Instructional Materials**

Prior to using digital instructional materials in the classroom, schools should confirm that the vendor/provider of the digital instructional materials, if they involve any student data collection (including student name, password, or other information in order for students to access the materials), has been approved through the Unified Digital Instructional Procurement Plan (UDIPP). The link to the UDIPP catalog may be found here: <https://udipp.lausd.net/Account/Login?ReturnUrl=%2FCatalog>.

### **RELATED RESOURCES:**

[BUL-714, Compliance with the 1976 United States Copyright Law](#), dated January 8, 2004.  
[BUL 716, Compliance with the 1976 United States Copyright Law–Computer Software](#), dated October 1, 2005.  
[BUL-999, Responsible Use Policy \(RUP\) for District Computer and Network Systems](#), dated October 9, 2023.

[BUL-151113, Guidelines for the Authorized Use of Artificial Intelligence \(AI\) for District Employees, Students, and Associated Persons](#), dated April 8, 2024.

**ASSISTANCE:** For assistance or questions regarding instructional materials, please contact Library & Textbook Support at [library@lausd.net](mailto:library@lausd.net).

For assistance or questions regarding the procurement process, please contact your Region Buyer or the Procurement Services General Customer Service Support line at (562) 654-9009.

For assistance or questions regarding copyright requirements, please contact the Office of the General Counsel at (213) 241-7600.



**Sample Request for Permission to Use Copyrighted Material  
On Official Letterhead**

[Date]

[Copyright holder/permissions department name and address]

Re: Request for Permission to Use [Name of Copyrighted Material(s)]

Dear \_\_\_\_\_:

I am [insert title/position] with the Los Angeles Unified School District (District). I am currently working on [insert description]. In my work, I reviewed [insert name of copyrighted materials] and I believe these materials would add depth to the understanding of (*name of topic/idea*) for students/parents/teachers in our District. It is my understanding that you own the copyright in this work; therefore, I am seeking your permission to use the following material from (*name of the copyrighted work*) in (*name of your project*).

For this noncommercial, educational purpose, we request permission to use your copyrighted work as follows: [insert as much detail as possible, including but not limited to the below list:

- type of material (book, poem, video, etc.)
- title, author(s), editor(s) or publisher, producer(s) or distributor
- edition, copyright and/or production year
- exact amount of material to be used (i.e., lines, pages, running time, etc.).
- nature of the use (i.e., how many times, when and with whom the material will be used)
- number of copies to be made
- how the material will be reproduced
- form of distribution (e.g.: classroom, learning management system, website, newsletter)
- number of users involved

The District would like permission to use the copyrighted material beginning \_\_\_\_\_ and ending \_\_\_\_\_ ----- \_\_\_\_\_.

Your consent to this request would be greatly appreciated. If you need additional information, please do not hesitate to contact me. Proper acknowledgement of title, author, copyright owner, and copyright date will be given; if you have attribution language, please share it and we will include it. If you are not the copyright owner of this material, please provide me with contact information you might have regarding the copyright owner. Thank you in advance for your attention to this request.



Sincerely,

Name/Title

\*\*\*\*\*

Permission to Use Copyrighted Material

Name of Copyrighted Work: \_\_\_\_\_

Requestor's Name: \_\_\_\_\_

Requestor's Title: \_\_\_\_\_

Los Angeles Unified School District

By signing below, I represent that I am the copyright owner of the requested material(s), as noted above, with the legal authority to grant permission for this requested use. I agree to permit the requester to use the copyrighted material(s) as described in this correspondence.

\_\_\_\_\_  
Copyright owner or authorized agent

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date