

- 4000 PERSONNEL
- 4100 ALL PERSONNEL
- 4110 EMPLOYMENT
- 4111 PROCEDURES

The Superintendent shall approve all employment procedures.

References:

Approved as to form:


Deputy County Counsel

Approved by
Marin County Board of Education -8/8/89

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4110 EMPLOYMENT

4111 PROCEDURES

4111.1 TUBERCULOSIS EXAMINATION

Each employee of the Marin County Office of Education shall submit evidence of freedom from active tuberculosis based upon an examination taken within the past 60 days before the first date of service, and renewed at least once every four years thereafter. This examination shall be performed by a licensed physician and consist of an approved intradermal tuberculin test or X-ray of the lungs. If an intradermal tuberculin test is positive, it shall be followed by an X-ray of the lungs.

If an X-ray of the lungs is positive the foregoing examination is no longer required and referral shall be made within thirty (30) days to the local health officer to determine the need for follow-up care.

The employee shall be reimbursed for the cost of the examinations.

References: Education Code 49406

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education -8/8/89

- 4000 PERSONNEL
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- 4111.2 SUMMER SESSION**

The Superintendent/Governing Board will determine which programs will offer summer sessions. The Superintendent shall prepare Administrative Regulations and Procedures relating to the employment of summer session personnel. The Superintendent or his/her designee shall have the right to offer employment, in writing, to all summer session personnel.

References:

Approved as to form:


Deputy County Counsel

Approved by
Marin County Board of Education -8/8/89

MARIN COUNTY OFFICE OF EDUCATION
ADMINISTRATIVE REGULATIONS AND PROCEDURES

SUMMER SESSION EMPLOYMENT
(Board Policy 4111.2)

Under normal circumstances, and when applicable, the following procedures will be adhered to:

1. Tentative summer session programs will be publicized by March 1.
2. Personnel may apply for summer session positions at any time between March 1 and April 15.
3. Known open positions will be sent to sites after April 15.
4. Presently employed personnel will receive first consideration for summer session positions. When possible, personnel assigned to a program during the regular school year will be assigned to the same program in the summer.
5. Personnel will be notified of the action taken regarding their applications as soon as possible.
6. Contracts issued to selected teachers must be signed and returned to the Personnel Office within five working days following the receipt thereof, after which date, the offer inherent in the contract shall no longer be open.
7. Offers of employment for summer session are made with the understanding that continuance is dependent on performance and sufficient enrollment to maintain services and that there may be adjustments in assignment and/or salary.

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- 4111.3 CONSULTANTS**

The Superintendent is authorized to hire consultants, in writing, on a short term basis.

References: Education Code 1943, 1946, 10300, 10301

Approved as to form.



Deputy County Counsel

Approved by
Marin County Board of Education - 8/8/89

4111.4

4000 PERSONNEL

4100 ALL PERSONNEL

4110 EMPLOYMENT

4111 PROCEDURES

4111.4 USE OF OFFICE EQUIPMENT AND SUPPLIES

The purpose of all office equipment and supplies in the Marin County Office of Education is to facilitate the work being done on behalf of the children, parents, districts, and community. This requires the efficient, ethical, and legal utilization of all equipment such as, but not limited to, computers, software, telephones, voice mail, copiers, FAX machines, typewriters, and supporting supplies belonging to the Marin County Office of Education. Employees who violate the principles set forth in this policy may be subject to disciplinary action up to and including dismissal.

The Superintendent shall develop a list of terms and conditions for the acceptable use of office equipment and supplies.

References:

Approved as to form:



Deputy County Counsel

Approved by

Marin County Board of Education - 10/8/96

MARIN COUNTY OFFICE OF EDUCATION
ADMINISTRATIVE REGULATIONS AND PROCEDURES

**TERMS AND CONDITIONS FOR ACCEPTABLE USE
OF OFFICE EQUIPMENT AND SUPPLIES**

(Board Policy 4111.4)

Definition: “Acceptable Use” means that equipment and supplies must be in support of an employee’s particular work. Efficient, ethical, and legal utilization of all equipment and supplies is expected. Use of equipment or supplies will be monitored for appropriateness.

“Authorized Use” means the employee has informed the immediate supervisor, who is management, of an intended personal use of equipment and the immediate supervisor, who is management, has authorized such use.

“Unacceptable Use” includes, but is not limited to the following:

- Transmission by computer or FAX of any materials in violation of any United States or state regulation is prohibited. This includes, but is not limited to, copyrighted material, threatening or obscene material, or material protected by trade secret.
- Use of computer, telephone, voice mail, copiers or FAX for commercial activities
- Use of computer, telephone, voice mail, copiers or FAX for product advertisement or political lobbying.
- Any transmission or reception of pornographic material using any equipment.
- **Unauthorized** personal use of any equipment or supplies, even if such use results in no cost to the Marin County Office of Education. Any questions about this provision should be addressed to the employee’s immediate supervisor.

Ownership: Any use of equipment or supplies is a matter of public record. The Marin County Superintendent of Schools or Designee will conduct periodic audits of the use of equipment and supplies.

Violation: Employees who violate this policy may be subject to a disciplinary process that could include dismissal.

- 4000 PERSONNEL
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- 4111 PROCEDURES
- 4111.5 USE OF COPYRIGHTED MATERIALS

Since a copyright notice has not been required on copyrighted material since 1978, it shall be the policy of the Marin County Board of Education that all material, unless obviously in the public domain due to age, specific notice, or government publication, shall be treated as copyrighted. Employees will do nothing to violate the specific rights granted to the creator of the work under the copyright law. Specifically, no copyrighted work will be duplicated, modified, published, or displayed unless the copyright holder's permission has been obtained or the duplication is within the Fair Use exemption provisions of the law.

The Superintendent will develop regulations and procedures to implement this policy.

References:

Approved as to form:


Deputy County Counsel

Approved by
Marin County Board of Education - 4/14/98

MARIN COUNTY OFFICE OF EDUCATION
ADMINISTRATIVE REGULATIONS AND PROCEDURES

USE OF COPYRIGHTED MATERIALS

(Board Policy 4111.5)

- I. Guidelines for Making Reproductions
 - A. Each County Office of Education employee making a reproduction shall first determine whether the copying is permitted by law based on the guidelines below. If the copying is not permitted according to these guidelines, the County Superintendent or designee may request permission to reproduce the material from its copyright holders.
 - B. Requests for permission to use copyrighted materials shall include the following information.
 1. Title, author(s), editor(s) or publisher, producer(s) or distributor.
 2. Edition, copyright and/or production year.
 3. Exact amount of material to be used (i.e., lines, pages, running time, etc.).
 4. Nature of the use (i.e., how many times, when and with whom the material will be used).
 5. Number of copies to be made.
 6. How the material will be reproduced.
 7. If an initial contact was made by phone, the request shall also include the name of the initial contact person.
- II. Permitted and Prohibited Uses
 - A. Printed Material
 1. Permitted Use
 - a. Single copies at the request of an individual teacher:
 - 1) A chapter of a book.
 - 2) An article from a magazine or newspaper.
 - 3) A short story, short essay or short poem, whether or not from a collective work.

USE OF COPYRIGHTED MATERIALS

- 4) A chart, graph, diagram, drawing, cartoon or a picture from a book, magazine or newspaper.
- b. Multiple copies at the request of an individual teacher for classroom use, not to exceed one copy per student in a course:
- 1) A complete poem if less than 250 words and if printed on not more than two pages.
 - 2) An excerpt from a longer poem, not to exceed 250 words.
 - 3) A complete article, story, or essay of less than 2,500 words.
 - 4) An excerpt from a larger prose work not to exceed ten percent of the whole or 1,000 words, whichever is less, but in any event a minimum of 500 words.
 - 5) One chart, graph, diagram, cartoon or picture per book or magazine issue.

All preceding copies must bear the copyright notice. They may be made only at the discretion of the individual teacher on occasions when a delay to request permission would preclude their most effective instructional use.

2. Prohibited Uses

- a. Copying more than one work or two excerpts from a single author during one class term.
- b. Copying more than three works from a collective work or periodical volume during one class term.
- c. Copying materials for more than one course in the school where the copies are made.
- d. More than nine sets of multiple copies for distribution to students in one class term.
- e. Copying used to create, replace or substitute for anthologies or collective works.

USE OF COPYRIGHTED MATERIALS

- f. Copying of "consumable" works such as workbooks, standardized tests, answer sheets, etc.
- g. Copying that substitutes for the purchase of books, publishers' reprints or periodicals.
- h. Repeated copying of the same item by the same teacher from term to term.

The above prohibitions do not apply to current newsmagazines and newspapers.

B. Sheet and Recorded Music**1. Permitted Uses**

- a. Emergency copies for an imminent performance are permitted, provided they are replacing purchased copies and replacement is planned.
- b. Multiple copies (one per student) of excerpts not constituting an entire performable unit or more than ten percent of the total work may be made for academic purposes other than performances.
- c. Purchased sheet music may be edited or simplified provided the character of the work is not distorted or lyrics added or altered.
- d. A single copy of a recorded performance by students may be retained by the County Office or individual teacher for evaluation or rehearsal purposes.
- e. A single copy of recordings of copyrighted music owned by the County Office or individual teacher may be made and retained for the purpose of constructing exercises or examinations.
- f. A single copy of an excerpt that constitutes an entire performable unit (i.e., a movement or aria) may be made, provided it is either:
 - 1) Confirmed by the copyright proprietor to be out of print; or

2) Unavailable except in a larger work. This may be done by or for a teacher only for scholarly research or in preparation for teaching a class.

g. A single copy of a portion of a sound recording may be made by or for a student; i.e., a song from a record, but not the entire recording. The copy may be used in the educational context in which it was made and may not be sold or performed for profit.

2. Prohibited Uses

a. Copying to replace or substitute for anthologies or collections.

b. Copying from works intended to be "consumable."

c. Copying for purposes of performance except as noted in an emergency.

d. Copying to substitute for purchase of music.

e. Copying without inclusion of copyright notice on the copy.

f. Duplication of tapes, unless reproduction rights were given at time of purchase.

g. Reproduction of musical works or conversion to another format; e.g., record to tape.

C. Videotape, Filmstrips or Slide Programs

1. Permitted Uses

a. A single copy of a portion of a copyrighted film or filmstrip may be made by a student for educational purposes if the material is owned by the school which the student attends.

b. A single copy of a small portion of a film or filmstrip may be made by or for a teacher for scholarly or teaching purposes.

- c. Selected slides may be reproduced from a series if reproduction does not exceed ten percent of the total or excerpt the essence of the work.
- d. A slide or overhead transparency series may be created from multiple sources as long as creation does not exceed ten percent of the photographs in one source (book, magazine, filmstrip, etc.). This may not be done when the source forbids photographic reproduction.
- e. A single overhead transparency may be created from a single page of a "consumable" workbook.
- f. Sections of a film may be excerpted for a local videotape (not to be shown over cable) if they do not exceed ten percent of the total or excerpt the essence of the work. Extreme care must be exercised in copying a small portion of a film or filmstrip; small portions may contain the very essence of the material in question.

2. Prohibited Uses

- a. Reproduction of an audio-visual work in its entirety.
- b. Conversion from one media format to another; e.g., film to videotape, unless permission is secured.
- c. No one is permitted to copy any portion of a film or filmstrip sent to the school for preview or rented or owned by another school or institution without the express written permission of the copyright holder. The copyright of a film governs its performance (showing) as well as the copying of it. It is permissible to show a film to students using closed-circuit television if the system is confined to one building. Showing a film via closed-circuit television outside the building is not permitted.

D. Radio: Off-Air Taping

1. Permitted Uses

- a. A single copy of a small portion of a copyrighted radio program may be made by a student for educational purposes. Such a copy may not be sold or performed for profit.
- b. Copies of broadcasts by national public radio may be made by employees and retained for an indefinite period for educational purposes.

2. Prohibited Uses

- a. Copying broadcasts on commercial radio, except for copyrighted musical selections (see Sheet and Recorded Music) is governed by the same copyright laws that apply to off-air taping of commercial television; however, there is no special provision allowing libraries to tape radio news programs.

E. Television: Off-Air Taping

1. Permitted Uses

- a. A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable retransmission) and retained for a period not to exceed 45 days. All off-air recordings shall be erased or destroyed at the end of the retention period. Broadcast programs are television programs transmitted for reception by the general public without charge.
- b. 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. These recordings may be shown 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 consecutive school days in the 45 calendar-day retention period.

- c. Off-air recordings may be made only at the request of individual teachers, for use by those teachers. 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.
- d. 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.
- e. After the first ten consecutive school days, off-air recordings may be used up to the end of the 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. They may not be used for student exhibition or any other non-evaluation purpose without authorization.
- f. All copies of off-air recordings shall include the copyright notice on the broadcast programs as recorded.

2. Prohibited Uses

- a. Off-air recording in anticipation of teacher requests.
- b. Using the recording for instruction after the ten-day use period.
- c. Holding the recording for weeks or indefinitely because:
 - 1) Units needing the program concepts are not taught within the ten-day use period.
 - 2) An interruption or technical problems delayed its use.
 - 3) Another teacher wishes to use it, or for any other supposedly "legitimate" educational reason.

- d. On occasion, a special notice is provided with some materials specifically prohibiting reproduction of any kind. Permission to use any part of such works must be secured in writing from the author or producer in accordance with this regulation.
- e. Off-air recordings need not be used in their entirety, but the content of recorded programs may not be altered. Off-air recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.

F. Software Copyright

1. Permitted Uses

- a. Copies of County Office of Education-owned software may be made only when:
 - 1) The copy is needed as an essential step in using the computer program with a particular machine. This copy is to be used in no other way.
 - 2) The copy is used for archival or "backup" purposes. This copy may be held only as a file copy and must be destroyed when the program is no longer rightfully owned by the County Office, unless the copyright owner authorizes its sale, lease or transfer as part of the sale, lease or transfer of the original program.

2. Prohibited Uses

- a. Copies of copyrighted programs may not be made for any purpose other than the two permitted above.
- b. When permission is obtained from the copyright holder to use software on a disk-sharing system, efforts will be made to secure software from copying.
- c. Illegal copies of copyrighted programs shall not be made or used on school equipment.