

Copyright Compliance

The Board supports adherence to Copyright Law by all District employees and students. While some aspects of Copyright law are subject to interpretation and can be considered controversial, all District employees are expected to adhere to current law. Copyright law protects the exclusive rights of copyright holders.

Section 107 of Public Law 94-553, the Copyright Law of 1976, amended in 2006, provides a doctrine of Fair Use, which permits educators limited permissions when using copyrighted materials.

The Fair Use guidelines specify that four factors must be considered to be certain that copyright infringement does not occur. They are as follows:

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.”

Guidelines for Fair Use have been written for books, periodicals, music, off-air video recording and computer software by experts in the educational copyright field. Continually emerging technologies and the uses of those technologies in education create new areas for copyright and fair use questions. Issues about the fair use of resources should be referred to Media Services, a division of Information Technology Services.

Fair-Use Guidelines for Printed Materials

Guidelines

1. Single Copying for Teachers

A single copy may be made of any of the following by or for a teacher at his or her individual request for his or her scholarly research or use in teaching or preparation to teach a class:

- A. a chapter from a book
- B. an article from a periodical or newspaper
- C. a short story, short essay or short poem, whether or not from a collective work
- D. a chart, graph, diagram, drawing, cartoon or picture from a book, periodical, or newspaper

2. Multiple Copies for Classroom Use

Multiple copies (not to exceed in any event more than one copy per pupil in a course) may be made by or for the teacher giving the course for classroom use or discussion; provided that:

- A. the copying meets the tests of brevity and spontaneity as defined below; and,
- B. meets the cumulative effect test as defined below; and,
- C. each copy includes a notice of copyright

Definitions

Brevity

- i) Poetry:
 - a) a complete poem if less than 250 words and if printed on not more than two pages, or,
 - b) from a longer poem, an excerpt of not more than 250 words
- ii) Prose:
 - a) either a complete article, story, or essay of less than 2,500 words, or,
 - b) an excerpt of not more than 1,000 words from any prose work or ten percent of the work, whichever is less, but in any event a minimum of 500 words.

(Each of the numerical limits stated in “i” and “ii” above may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.)

- iii) Illustration:
One chart, graph, diagram, drawing, cartoon, or picture per book or per periodical issue.
- iv) “Special “ works:
Certain works in poetry, prose or in “poetic prose” which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience, that fall short of 2,500 words in their entirety. Paragraph “ii” above notwithstanding, such “special works” may not be reproduced in their entirety: however an excerpt comprising not more than two of the published pages of such special work and containing not more than ten percent of the words found in the text thereof, may be reproduced.

Spontaneity

- i) The copying is at the instance and inspiration of the individual teacher, and
- ii) The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

Cumulative Effect

- i) The copying of the material is for only one course in the school in which the copies are made.
- ii) Not more that one short poem, article, story, essay or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume during one class term.
- iii) There shall not be more than nine instances of such multiple copying for one course during one class term.

(The limitations stated in “ii” and “iii” above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.)

Prohibitions Regarding Single and Multiple Copying

1. Notwithstanding any of the above the following shall be prohibited:
2. Copying shall not be used to create or to replace or substitute for anthologies, compilations, or collective works. Such replacement or substitution may occur whether copies of various works or excerpts therefrom are accumulated or reproduced and used

- separately.
3. There shall be no copying of or from works intended to be “consumable” in the course of study or of teaching. These include workbooks, exercises, standardized tests, and test booklets and answer sheets, and like consumable materials.
 4. Copying shall not:
 - A. substitute for the purchase of books, publishers’ reprints, or periodicals;
 - B. be directed by higher authority;
 - C. be repeated with respect to the same item by the same teacher from term to term.
 5. No charge shall be made to the student beyond the actual cost of photocopying.

Fair-Use Guidelines for Music Classes

Permissible Uses

1. Emergency copying to replace purchased copies which for any reason are not available for an imminent performance provided purchased replacement copies shall be substituted in due course.
2. For academic purposes other than performance, single or multiple copies of excerpts of works may be made, provided that the excerpts do not comprise a part of the whole which would constitute a performable unit such as a selection, movement or aria, but in no case more than ten percent of the whole work. The number of copies shall not exceed one copy per pupil.
3. For academic purposes other than performance, a single copy of an entire performable unit (section, movement, aria, etc.) that is,
 - A. confirmed by the copyright proprietor to be out of print or
 - B. unavailable except in a larger work, may be made by or for a teacher solely for the purpose of his or her scholarly research or in preparation to teach a class
4. Printed copies, which have been purchased, may be edited or simplified provided that the fundamental character of the work is not distorted or the lyrics, if any, altered, or lyrics added, if none exist.
5. A single copy of recordings of performances by students may be made for evaluation or rehearsal purposes and may be retained by the educational institution or individual teacher.
6. A single copy of a sound recording (such as a tape, disc, or cassette) of copyrighted music may be made from sound recordings owned by an educational institution or an individual teacher for the purpose of constructing aural exercises or examinations and may be retained by the educational institution or individual teacher. (This pertains to the copyright of the music itself and not to any copyright which may exist in the sound recording.)

Prohibitions

1. Copying to create or replace or substitute for anthologies, compilations or collective works.
2. Copying of or from works intended to be “consumable” in the course of study or of teaching such as workbooks, exercises, standardized tests and answer sheets, and like material.
3. Copying for the purpose of performance, except as in 1 above.

4. Copying for the purpose of substituting for the purchase of music, except as in 1 and 2 above.
5. Copying without inclusion of the copyright notice which appears on the printed copy.

Fair-Use Guidelines for Off-Air Videotaping

Guidelines for Off-Air Recording of Broadcast Programming for Educational Purposes

1. The guidelines were developed to apply to off-air recording by nonprofit 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 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. (Premium channels such as HBO, Disney, etc. that have subscription prices rarely provide rights to their programming.)
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) consecutive school days in the forty-five (45) day calendar retention period. "School days" are school session days not counting weekends, holidays, vacations, examination periods, and 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.
10. The Cable in the Classroom project, a public service initiative of the cable television industry, provides schools with commercial-free educational television programming. The

project provides copyright clearances for many programs as well as support materials.

Fair-Use Guidelines for Computer Software

1. Educators should read the copyright statements printed and included in the software packaging. This will enable educators to determine the rights being claimed by the publisher and the obligations and restrictions imposed on the buyer. However, special licensing contracts may over-ride the normal copyright statements included with the software packaging. District software users should check with the office of District Technology Services if there is some question about the applicability of certain copyright restrictions due to licensing for which the District has paid.
2. The loading of a computer program into multiple computers for use at the same time is usually a copyright violation unless the school or District owns a license or a lab pack of disks allowing them to do so. This is true whether the software is loaded onto independent computers or onto a local area network where the software can be shared among multiple computers.
3. Back up copies may be made for archival uses only, not for use as an additional copy.
4. New software which is not selected and purchased by the District may not be installed on a school computer.

Fair-Use Guidelines for Multimedia:

Students may use copyrighted multimedia in school assignments with the following limitations:

1. Television, film, video-up to 10% or three minutes whichever is less, of an individual program.
2. Music or music video-up to 10% but not more than 30 seconds from a single work.
3. Artwork including cartoons, illustrations and photographs-no more than 5 images from a single artist.
4. Computer databases-up to 10% or 2500 fields or cells whichever is less.

Approved January 24, 1996

Revised June 25, 2008