

Copyright Compliance

The Board recognizes that copyright law makes it illegal to duplicate copyrighted materials without permission, except for certain exempt purposes. The Board further realizes that severe penalties are provided for unauthorized copying of audio, visual, and printed materials unless the copying falls within the bounds of the “fair use” doctrine. The Board therefore informs all personnel that unauthorized reproduction and/or use of copyrighted materials is illegal and unethical, and that violations of the copyright laws may result in criminal or civil suits and/or suspension or dismissal from employment.

To protect staff members and the district against legal redress for alleged violations of copyright laws, the person making the reproduction must be certain that the action is within the law. When an individual is not certain, he or she should contact the building principal to ascertain whether copying falls within “permitted use.” If it does not, the principal may request permission to reproduce materials from copyright holders.

Requests to reproduce copyrighted materials on district equipment shall not be honored unless the reproduction is legally permissible.

There shall be made available at the district level as well as at the respective building levels information on copyright infringement and “fair use” guidelines for copyrighted materials in all areas, including print, computer software, audiovisual materials and music.

Adopted: January 21, 1992

Revised: May 22, 2001

LEGAL REF.: U.S. Code, Title XVII

Copyright Compliance

The principal of each school shall be responsible for establishing practices to enforce this regulation.

General Information

Fair Use

In determining whether use of copyrighted materials without permission in any particular case is a “fair use”, the following factors are to be considered:

1. The purpose and character of the use, including whether it is for nonprofit/public educational purpose(s).
2. The nature of the copyrighted materials.
3. The amount and substantiality of the portion used as compared to the copyrighted material as a whole.
4. The effect of the use on the potential market for, or value of, the copyrighted materials.

Permission for Reproduction

If permission for reproduction is needed, written permission from the copyright owner must be obtained prior to use of the material. If written permission is not received, the copyrighted material may not be used. If in doubt as to whether or not permission for reproduction is needed, permission should always be obtained from the copyright owner. Credit the source of all copyrighted materials by indicating the copyright symbol and year ©, 20__, and the copyright owner’s name on the materials; state “with permission” if permission for reproduction has been granted.

Specific Applications

A. Computer Software

1. District employees shall adhere to applicable law concerning the making of a back-up copy of computer programs. Applicable law states that “it is not an

infringement for the owner of a copy of a computer program to make or authorize the making of another copy or adaptation of that computer program, provided that:

- a. such a new copy or adaptation is created as an essential step in the utilization of the computer program in conjunction with a machine and that it is used in no other manner; or
 - b. such a new copy or adaptation is for archival purposes only and that all archival copies are destroyed in the event that continued possession of the computer program should cease to be rightful.”
2. When software is to be used on a disk sharing system, efforts shall be made to secure the software from copying.
 3. Illegal copies of copyrighted programs shall not be made or used on school equipment.
 4. One district employee shall be designated as the only individual who may sign license agreements for software in schools in the district. Each school using software shall have a signed copy of the applicable software agreement.

B. Books and Periodicals

Personnel desiring to use copyrighted printed materials for instructional purposes shall adhere to the following procedure:

1. Single Copies for Teachers

A single copy may be made of the following materials by or for a teacher, to be used in scholarly research, teaching or preparation for a class:

- a. Chapter from a book
- b. Article from a periodical or newspaper
- c. Short story, essay or poem, whether or not from a collective work
- d. Chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper

2. Multiple Copies for Classroom Use

Multiple copies not to exceed more than one copy per student in a course may be made by or for a teacher for classroom use provided that:

- a. The copying meets the tests of brevity and spontaneity as defined below.
- b. The copying meets the cumulative effect test as defined below.
- c. Each copy includes a notice of copyright.

3. Definitions

a. Brevity

1) Poetry

(a) A complete poem if less than 250 words and printed on not more than two pages

(b) An excerpt from a longer poem of not more than 250 words

2) Prose

(a) A complete article, story or essay of less than 2,500 words

(b) An excerpt from any prose work of not more than 1,000 words or 10 percent of the work, whichever is less, but with a minimum of 500 words.

Each of the numerical limits stated in paragraphs 1) and 2) above may be expanded to permit the completion of an unfinished line of a poem or prose paragraph.

3) Illustration

One chart, graph, diagram, drawing, cartoon or picture per book or periodical issue

4) Special Works

Certain works of poetry, prose or poetic prose which combine language with illustrations, are intended for children as well as a more general audience and fall short of 2,500 words in their entirety. Paragraph B.3.a.(2) 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 works and containing not more than 10 percent of the words found in the text may be reproduced.

b. Spontaneity

- 1) Copying is at the inspiration of the teacher.
- 2) Inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so closely related that it would be unreasonable to expect a timely reply to a request for permission.

c. Cumulative Effect

- 1) Copying of the material is for only one course in a school.
- 2) Not more than one short poem, article, story, essay or two excerpts may be copied from the same author and not more than three from the same collective work or periodical volume during one class term.
- 3) There shall not be more than nine instances of such multiple copying for any class during a class term.

The limitations stated above shall not apply to current news periodicals.

4. Prohibitions Relating to Paragraphs B.1 and B.2

Notwithstanding the above, the following shall be prohibited:

- a. Copying shall not be used to create, replace or substitute for anthologies, compilations or collective works. Such replacement or substitution may occur whether copies of various works or excerpts there-from are accumulated or reproduced and used sparingly.

- b. There shall be no copying of works intended to be consumable in the course of study or teaching such as workbooks, exercises, standardized tests, test booklets, answer sheets and like material.
- c. Copying shall not:
 - 1) Substitute for the purchase of books, reprints or periodicals
 - 2) Be directed by higher authority
 - 3) Be repeated with respect to the same item by a teacher from term to term.
- d. No charge shall be made to the student beyond the actual cost of the photocopy.

C. Music Materials

1. Permissible Uses

- a. Emergency copying to replace purchased material which is not available for an imminent performance, provided purchased replacement copies are substituted in due time.
- b. For academic purposes other than performance, single or multiple copies or excerpts may be made provided the excerpts do not comprise a part of the whole which could constitute a performable unit such as a section, movement or aria, not to exceed 10 percent of the entire work. The number of copies must not exceed one copy per student.
- c. Printed copies which have been purchased may be edited or simplified provided the fundamental character of the work is not distorted and the lyrics altered or added to.
- d. A single copy of performance recordings by students may be made for evaluation or rehearsal purposes and retained by the educational institution or teacher.
- e. 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 the

educational institution or teacher for the purpose of preparing aural exercises or examinations. This pertains to the music copyright only and not to the copyright on the sound recording.

2. Prohibitions

- a. Copying to create, replace or substitute for anthologies, compilations or collective works.
- b. Copying from works intended to be consumable in the course of study or teaching such as workbooks, exercises, standardized tests, answer sheets and like material.
- c. Copying for the purpose of performance except as in paragraph C.1.a. above.
- d. Copying for the purpose of substituting for the purchase of music except as in paragraphs C.1.a and C.1.b above.
- e. Copying without inclusion of the copyright notice which appears on the printed copy.

D. Television Programs

1. Noncommercial and Instructional Television

- a. School re-recordings may be made only by students, teachers or faculty of an accredited nonprofit educational institution.
- b. School re-recordings shall be used solely for classroom, auditorium or laboratory exhibition in the course of instruction or related educational activities.
- c. School re-recordings shall be used only in the educational institution for which made and will not be given, loaned or otherwise made available outside that educational institution.
- d. School re-recordings shall be maintained for not more than seven days and will be erased or destroyed at that time or sooner, except as authorized by advance written notice.

Excluded from re-recording shall be those programs for which prohibition exists by reason of production or distribution rights restrictions.

2. Commercial Television

Re-recording or copying from commercial television must follow the “Guidelines for Off-Air Recording of Broadcast Programming for Educational Purposes.”

Adopted: May 22, 2001

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