

## COPYRIGHT

Educational Use of Copyrighted Print Materials

## 1. Fair use

A. The fair use of copyrighted work for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship or research is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use, the factors to be considered 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.

## 2. Single copying for teachers

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

- 1) a chapter from a book;
- 2) an article from a periodical or newspaper,
- 3) a short story, short essay or short poem, whether or not from a collective work or
- 4) a chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper.

## 3. Multiple copies for classroom use

A. Multiple copies (not to exceed more than one copy per student in a course) may be made by or for the teacher giving the course for classroom use or discussion, provided that:

- 1) the copying meets the tests of brevity, spontaneity and cumulative effect as defined below and
- 2) each copy includes a notice of copyright

## a. Brevity

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.

Prose: (a) a complete article, story or essay of less than 2,500 words or (b) an excerpt of not more than 1,000 words or 10% of the work, whichever is less, but in any event a minimum of 500 words.

Illustration: one chart, graph, diagram, drawing, cartoon or picture per book or periodical issue.

Special work: certain work in poetry, prose or “poetic prose”, which often combines language with illustrations, of less than 2,500 words.

A “special work” may not be reproduced in its entirety. However, an excerpt comprising not more than two of the published pages of a special work, and containing not more than 10% of the words found in the text thereof, may be reproduced.

b. Spontaneity

The copying is at the instance and inspiration of the individual teacher. 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.

c. Cumulative effect

The copying of the material is for only one course in the school in which copies are made.

Not more than one short poem, article, story or 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.

The limitations stated in the preceding two paragraphs shall not apply to current news periodicals and newspapers and current news sections of other periodicals.

The limitations as to single copying for teachers and multiple copies for classroom use are applicable.

4. Prohibitions

- A. Copying shall not be used to create, replace or substitute for anthologies, compilations or collective works, such replacements or substitutions may occur whether copies of various works or excerpts therefrom are accumulated or reproduced and used separately.
- B. There shall be no copying of or from works intended to be “consumable” in the course of study or teaching. These include workbooks, exercises, standardized tests, test booklets, answer sheets and similar consumable material.
- C. Copying shall not:
  - 1) substitute for the purchase of books, publishers’ reprints or periodicals;
  - 2) be directed by higher authority or
  - 3) be repeated with respect to the same item by the same teacher from term to term.
- D. No charge shall be made to the student beyond the actual cost of the photocopying.

## Educational Use of Copyrighted Music

### 1. Permissible uses

- A. Emergency copying may be done 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.
- B. 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 section, movement or area, but in no case more than 10% of the whole work. The number of copies shall not exceed one copy per student.
- C. Printed copies which have been purchased may be edited or simplified, provided that the fundamental character of the work is not distorted or that lyrics, if any, are not altered or added.
- D. A single copy of recordings of performances by students may be retained by the educational institution or individual 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 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 only to the copyright of the music itself and not to any copyright which may exist in the sound recording.)

### 2. Prohibitions

- A. Copying shall not be used to create, replace or substitute for anthologies, compilations or collective works.
- B. Copying of or from works intended to be “consumable” in the course of study or of teaching such as workbooks, exercises, standardized tests, answer sheets and similar material is prohibited.
- C. Copying shall not be used for the purpose of performance except as previously stated.
- D. Copying shall not be used for the purpose of substituting for the purchase of music except as previously stated.
- E. Copying without inclusion of the copyright notice which appears on the printed copy is prohibited.

### Educational Use of Copyrighted Audio-Visual Material

1. Before reproducing small portions of sound recordings, filmstrips, slide sets, transparencies or motion pictures, or videotaping commercial television broadcasts, employees shall consult with the principal to determine whether the proposed action complies with the “fair use” principles of the Copyright Act.
2. School recordings may be made of certain instructional television programs telecast by the local Public Broadcasting Systems educational television station. Before recording the telecast, the following conditions shall be satisfied.
  - A. The monthly list of programs not licensed for recording shall be consulted. Any program listed shall not be recorded.
  - B. Recordings may be used in classroom or instructional setting as an educational activity or at a PTA meeting, board meeting or similar activity.
  - C. Recordings shall be used only in the facilities of the District and shall not be loaned or made available outside of those facilities.
  - D. Recordings made from evening programs, which may be copied, shall be retained for no more than seven days following the telecast unless an extension is received in writing in advance. Daytime telecasts may be recorded and retained permanently unless otherwise notified.

### Educational Use of Copyrighted Library Material

1. A library may make a single copy of unpublished work in order to replace it because it is damaged, deteriorated, lost or stolen, provided that an unused replacement cannot be obtained at a fair price.
2. A library may provide a single copy of copyrighted material at cost to a student or staff member.
  - A. The copy must be limited to one article of a periodical issue or a small part of other material, unless the library finds that the copyrighted work cannot be obtained elsewhere at a fair price. Under the latter circumstances, the entire work may be copied.
  - B. The copy shall contain the notice of copyright, and the student or staff member shall be notified that the copy is to be used only for private study, scholarship or research. Any other use subjects the person to liability for copyright infringement.
3. At the request of the teacher, copies may be made for reserve use. The same limits apply as for single or multiple copies as previously stated.

### Copying Limitations

1. Circumstances arise when personnel are uncertain whether or not copying is prohibited. In those circumstances, the Superintendent shall be contacted. If the Superintendent is uncertain, he/she shall consult with the District’s legal counsel.

2. The following prohibitions have been expressly stated in federal guidelines.
  - A. Reproduction of copyrighted material shall not be used to create or substitute for anthologies, compilations or collective works.
  - B. Unless expressly permitted by agreement with the publisher and authorized by District action, there shall be no copying from copyrighted consumable materials such as workbooks, exercises, test booklets, answer sheets or similar materials.
  - C. Employees shall not:
    - 1) use copies to substitute for the purchase of books, periodicals, music recordings or other copyrighted material, except as permitted by District procedure;
    - 2) copy or use the same items from term to term without the copyright owner's permission;
    - 3) copy or use more than nine instances of multiple copying of protected material in any one term;
    - 4) copy or use more than one short work or two excerpts from works of the same author in any one term or
    - 5) copy or use protected materials without including a notice of copyright. The following shall constitute a satisfactory notice:

NOTICE: THIS MATERIAL MAY BE PROTECTED BY COPYRIGHT LAW.

3. Employees shall not reproduce or use copyrighted material at the direction of a District administrator without permission of the copyright owner.

### Computer Software Copyright

The Board recognizes that computer software piracy is a major problem for the industry, and that violations of copyright laws contribute to higher costs and lessen incentives for publishers to develop effective educational software. Therefore, in an effort to discourage software piracy and to prevent such illegal activity, the District will take the following steps.

1. The ethical and practical implications of software copyright violations will be provided to all employees and students using District computer facilities and software.
2. Employees and students will be informed that they are expected to adhere to the Copyright Act and all subsequent amendments thereto governing the use of software.
3. Wherever possible, efforts will be made to secure software from being duplicated from floppy disks, hard drives or networked systems.
4. Illegal copies of copyrighted software shall not be made or used on District equipment.
5. District administrators shall be designated as the only individuals who may sign license agreements for educational software use on District computers.
6. Documentation of licenses for software used on District computers will be located at the site where the software is being used.

Unsupervised Copy Equipment

The following notice, in large type, shall be affixed to all District copying equipment (Xerox, Thermofax, audiotape recorder, videotape recorder and copy camera):

NOTICE: THE COPYRIGHT LAW OF THE UNITED STATES GOVERNS THE MAKING OF COPIES OF COPYRIGHTED MATERIAL. THE PERSON USING THIS EQUIPMENT IS LIABLE FOR ANY INFRINGEMENT.

Library Copying for Students or Staff

1. The following notice, in large type, shall be posted prominently where copies are made available to students or staff:

NOTICE: THE COPYRIGHT LAW OF THE UNITED STATES GOVERNS THE MAKING OF COPIES OF COPYRIGHTED MATERIAL.

2. The following notice, in large type, shall be posted prominently where print copies are made available to students and/or staff:

WARNING CONCERNING COPYRIGHT RESTRICTIONS

THE COPYRIGHT LAW OF THE UNITED STATES GOVERNS THE MAKING OF COPIES OR OTHER REPRODUCTION OF COPYRIGHTED MATERIAL.

UNDER CERTAIN CONDITIONS SPECIFIED IN THE LAW, LIBRARIES AND ARCHIVES ARE AUTHORIZED TO FURNISH A PHOTOCOPY OR OTHER REPRODUCTION. ONE OF THESE SPECIFIED CONDITIONS IS THAT THE PHOTOCOPY OR REPRODUCTION IS NOT TO BE "USED FOR ANY PURPOSE OTHER THAN PRIVATE STUDY, SCHOLARSHIP OR RESEARCH." IF A USER MAKES A REQUEST FOR, OR LATER USES, A PHOTOCOPY OR REPRODUCTION FOR PURPOSES IN EXCESS OF "FAIR USE," THAT USER MAY BE LIABLE FOR COPYRIGHT INFRINGEMENT.

THIS INSTITUTION RESERVES THE RIGHT TO REFUSE TO ACCEPT A COPYING ORDER IF, IN ITS JUDGEMENT, FULFILLMENT OF THE ORDER WOULD INVOLVE VIOLATION OF COPYRIGHT LAW.

Adopted: October 18, 2000