

Copyright Compliance

The reproduction or use of copyrighted material by educators and librarians is permitted by law under certain circumstances. District staff shall abide by such principles of "fair use" as permitted by law, federal guidelines and district procedures.

Authorized Reproduction and Use of Copyrighted Material in Print

In preparing for instruction, a teacher may make or have made a single copy of:

1. A chapter from a book;
2. An article from a newspaper or periodical;
3. A short story, short essay or short poem; or
4. A chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper.

A teacher may make multiple copies of the following for classroom use (no more than one copy per student):

1. A complete poem of less than 250 words;
2. An excerpt of not more than 250 words from a longer poem;
3. A complete prose work if it is less than 2,500 words;
4. An excerpt of not more than 500 words from a prose work of between 2,500 and
5. 5,000 words;
6. An excerpt of not more than 10% of a prose work of between 5,000 and 10,000 words;
7. An excerpt of not more than 1,000 words from a prose work which is greater than 10,000 words; and
8. One illustration per book or periodical issue.
 - a. Not more than two pages and 10% of the words of "special works" which are poetic or prose works which combine illustrations and less than 2,500 words (such as many children's books).

(Numerical limits may be exceeded in order to complete a line of poetry or a paragraph of prose.)

Performances by teachers or students of copyrighted dramatic works without authorization from the copyright owner are permitted as part of a teaching activity in a classroom or instructional setting. All other performances require permission from the copyright owner.

Teachers may use copyrighted material in opaque projectors for instructional purposes.

Authorized Reproduction and Use Of Copyrighted Music

A teacher may make a single copy of a song, movement, or short section from a printed musical work that is unavailable except in a larger work for purposes of preparing for instruction.

A teacher may make multiple copies for classroom use of an excerpt of not more than 10% of a printed musical work if it is to be used for academic purposes other than performance, provided that the excerpt does not comprise a part of the whole musical work which would constitute a performable unit such as a complete section, movement, or song.

In an emergency, a teacher may make and use replacement copies of printed music for imminent musical performances when the purchased copies have been lost, destroyed, or are otherwise not available.

A teacher may make and retain a single recording of student performances of copyrighted material when it is made for purposes of evaluation or rehearsal.

A teacher may make and retain a single copy of excerpts from recordings of copyrighted musical works for use as aural exercises or examination questions.

A teacher may edit or simplify purchased copies of music provided that the fundamental character of the music is not distorted. Lyrics shall not be altered or added if none exist.

Performance by teachers or students of copyrighted musical works is permitted without the authorization of the copyright owner as part of a teaching activity in a classroom or instructional setting. The purpose shall be instructional rather than for entertainment.

Performances of non-dramatic musical works which are copyrighted are permitted without the authorization of the copyright owner, provided that:

1. The performance is not for a commercial purpose;
2. None of the performers, promoters, or organizers are compensated; and
3. Admission fees are used for educational or charitable purposes only.

All other musical performances require permission from the copyright owner.

Authorized Reproduction and Use of Copyrighted Audio-Visual Material

Before reproducing small portions of sound recordings, filmstrips, slide sets, transparencies or motion pictures or video taping commercial television broadcasts, staff shall consult with the superintendent or the person designated as the copyright compliance officer to determine if the proposed action complies with the "fair use" principles of the copyright law.

School recordings may be made of certain instructional television programs broadcast by educational television stations. Before recording the broadcast, the following conditions must be satisfied:

1. The monthly list of programs not licensed for recording shall be consulted. Any program listed shall not be recorded.
2. Recordings may be used only in classroom or instructional settings as an educational activity.
3. Recordings shall be used only in the facilities of the district and shall not be loaned or made available outside of those facilities.
4. Recordings shall be retained for no more than seven days following the broadcast, unless an extension is authorized in writing in advance.

Simultaneous rebroadcast of both commercial and educational television broadcasts is permissible if it is primarily for instructional use in classrooms.

Authorized Reproduction and Use of Copyrighted Materials in the Library

A library may make a single copy of:

1. An unpublished work which is in its collection; and
2. A published 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.

A library may provide a single copy of copyrighted material at a cost to a student or staff member. 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. In the latter circumstance, the entire work may be copied. In any case, 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 may subject the person to liability for copyright infringement.

At the request of a teacher, copies may be made for reserve use. The same limits apply as for single or multiple copies designated in "Authorized Reproduction and Use of Copyrighted Material in Print."

Off-Air Recording of Copyrighted Programs

Television programs, excluding news programs, transmitted by commercial and non-commercial television stations for reception by the general public without charge may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable retransmission) and retained by a school for a period not to exceed the first forty-five (45) consecutive calendar days after date of recording. Upon conclusion of this retention period, all off-air recordings must be erased or destroyed immediately.

Off-air recording may be used once by individual teachers in the course of instructional activities, and repeated once only when reinforcement is necessary within a building, during the first ten (10) consecutive school days, excluding scheduled interruptions, in the forty-five (45) day calendar day retention period.

Copying Limitations

Circumstances will arise when staff are uncertain whether or not copying is prohibited. In those circumstances, the superintendent or designated copyright compliance officer should be contacted. The following prohibitions have been expressly stated in federal guidelines:

1. Reproduction of copyrighted material shall not be used to create or substitute for anthologies, compilations or collective works.
2. 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, and the like
3. Staff shall not:
 - a. Use copies to substitute for the purchase of books, periodicals, music recordings, or other copyrighted material except as permitted by district procedure;
 - b. Copy or use the same items from term to term without the copyright owner's permission;
 - c. Copy or use more than nine instances of multiple copying of protected material in any one term;
 - d. Copy or use more than one short work or two excerpts from works of the same author in any one term; or
 - e. Copy or use protected material without including a notice of copyright. The following is a satisfactory notice: **NOTICE: THIS MATERIAL MAY BE PROTECTED BY COPYRIGHT LAW.**

Staff shall not reproduce or use copyrighted material at the direction of someone in higher authority or copy or use such material in emulation of some other teacher's use of copyrighted material without permission of the copyright owner.

