

COPYRIGHT

It is the policy of the District to conform to existing United States copyright laws and to maintain the highest ethical standards in the use of copyrighted materials for instructional purposes.

The District encourages its staff to enrich the learning programs by making proper use of supplementary materials; it is the responsibility of the staff to abide by the District's copying procedures and to obey the requirements of the law. Under no circumstances shall it be necessary for employees of the District to violate copyright requirements in order to perform their duties properly; therefore, the District cannot be responsible for any violations of the Copyright Law by its employees.

Public Law 94-553, Title 17, United States Code -- The Copyright Law -- affects all District employees because it sets guidelines regarding the duplication and use of all copyrighted materials - print, non-print, music, computer software, and others. The Superintendent or designee is responsible for disseminating the guidelines for duplication and use of copyrighted materials.

Any employee of the District who is uncertain as to whether the reproducing or use of copyrighted materials complies with the District's procedures or is permissible under law should contact the Building Principal, Superintendent, or designee.

[Adoption date: November 21, 1996]

LEGAL REF: PL94-553, Copyright Act of 1976

GUIDELINES FOR USE OF COPYRIGHTED MATERIALS

1. Fair Use
 - A. The fair use of copyrighted work, including such use by reproduction in copies of phono records or by any other means, 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 shall 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 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 in any event 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 test of brevity and spontaneity as defined below:
 - 2) it meets the cumulative effect test as defined below, and

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

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

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

“Special” works: Certain works in poetry, prose, or in a “poetic prose” which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience and fall short of 2,500 words in their entirety

Paragraph two above (Prose) 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 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, and

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, 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 last two paragraphs above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.

Prohibitions

as to

- 2.A., Items 1-4 (single copying for teachers) and
- 3.A., Items 1-3 (multiple copies for classroom use)

4. Notwithstanding any of the above, the following shall be prohibited:
 - A. Copying shall not be used to create or to replace or substitute for anthologies, compilations, or collective works. Such replacement or substitutions may occur whether copies of various works or excerpts therefrom are accumulated or reproduced and use separately.
 - B. 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, test booklets and answer sheets, and like 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.
5. Permissible educational uses of music
 - A. 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
 - 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 the lyrics--if any--altered, or lyrics added if none exist.
 - 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.)
6. Prohibitions on educational uses of music
- A. Copying to create or 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 and answer sheets, and like material
 - C. Copying for the purpose of performance, except as in 5.D. above
 - D. Copying for the purpose of substituting for the purchase of music, except as in 5.A. and B. above
 - E. Copying without inclusion of the copyright notice which appears on the printed copy
7. Authorized reproduction and use of copyrighted audio-visual material
- A. Before reproducing small portions of sound recordings, filmstrips, slide sets, transparencies, or motion pictures, or video-taping commercial television broadcasts, personnel shall consult with their principal to determine if the proposed action complies with the “Fair Use” principles of the Copyright Law.
 - B. 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:
 - 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 in classroom or instructional settings as an educational activity or at a P.T.A. Meeting, Board of Education Meeting, or similar 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 made from those 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 you are otherwise notified.

8. Authorized reproduction and use of copyrighted materials in the library

- A. A library may make a single copy of:
 - 1) 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.
- B. A library may provide a single copy of copyrighted material at cost to a student or staff member.
 - 1) 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 circumstances, the entire work may be copied.
 - 2) 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.
- C. At the request of the teacher, copies may be made for reserve use. The same limits apply as for single or multiple copies designated in 2.A.1-4 and 3.A.1-3 above.

9. Copying limitations

- A. Circumstances will 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 shall consult with the District's legal counsel.
- B. 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, or similar materials.

- 3) Personnel 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 materials without including a notice of copyright. The following shall be a satisfactory notice:

NOTICE: THIS MATERIAL MAY BE PROTECTED BY COPYRIGHT LAW.

- C. Personnel shall not reproduce or use copyrighted material at the direction of a district administrator without permission of the copyright owner.

10. Unsupervised copy equipment

- A. The following notice, in large type, shall be affixed to all District copying equipment (Xerox, Thermofax, audio-tape recorder, video-tape 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.

11. Library copying for students or staff

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

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

- B. 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 (Title 17, United States Code) governs the making of photocopies or other reproductions 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 judgment, fulfillment of the order would involve violation of copyright law.

12. Authorized reproduction and use of copyrighted computer software
 - A. A copy or an adaptation of computer software owned by the user may be made if all of the following criteria are met:
 - 1) that the new copy or adaptation is created in order to configure the software for a particular system and the source code is not altered;
 - 2) that the 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 software should cease to be rightful; and
 - 3) any copies prepared or adapted may not be leased, sold, or otherwise transferred without the authorization of the copyright owner
 - B. It is not permissible to load copyrighted computer software into more than one computer unless specific written permission is given by the copyright holder.