

INSTRUCTION

2150P

Prohibition Against Reproduction of Copyrighted Materials

Responsibilities of District Personnel

Establishing Procedures

Principals/administrators are responsible for enforcing the established procedures on copyright law in the school or office.

Photocopy Machines

Unlawful copies of copyrighted materials may not be produced on District-owned equipment. Personnel in charge of photocopy machines are to ensure that those who use the equipment are aware that it is illegal to infringe upon copyright. A notice entitled "Warning Concerning Copyright Restrictions" is required by law to be displayed prominently on any equipment that is used for copying such as a photocopy machine, scanner, or printer.

Notice

Warning Concerning Copyright Restrictions

The copyright law of the United States (Title 17, U. S. Code) governs the making of photocopies or other reproduction of copyrighted materials. The person using this equipment is liable for any infringement.

Fair Use Guidelines for Classroom Copying: Books and Periodicals

Single Copies

A single copy may be made of the following by or for a teacher at his or her individual request for his or her scholarly research, teaching, or preparation to teach a class. A teacher may make a copy (or request a copy be made) of the following:

- a) A chapter from a book;
- b) An article from a periodical or newspaper;
- c) A short story, short essay or short poem; or
- d) A chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper.

Multiple Copies for Classroom Use

Multiple copies (not to exceed one per pupil) may be made by or for the teacher for classroom use, provided that the copying meets the tests of brevity, spontaneity, and cumulative effect as defined below and must include a notice of copyright.

Brevity

1. Poetry: A complete poem is less than 250 words and if printed on not more than two pages, or, from a longer poem, an excerpt of not more than 250 words.
2. Prose: Either a complete article, story or essay of less than 2,500 words, or 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. Works combining language and illustrations, such as picture books, which fall short of 2,500 words in their entirety, may not be reproduced in their entirety. Personnel may copy not more than two published pages containing less than 10% of the words found in the text.
3. Illustration: One chart, graph, diagram, drawing, cartoon, or picture per book or per periodical issue.

Spontaneity

1. The copying is at the instance and inspiration of the individual teacher, and not the department, school, or district.
2. The inspiration and decision to use the work at 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

1. The copying of the material is for only one course in the school in which the copies are made.
2. During a class term, only one short poem, article, story, essay or excerpts from the same author may be copied; no more than three (3) from the same collective work.
3. During a class term, not more than nine (9) instances of multiple copying for one course.

Note: The limitations above do not apply to current news periodicals and newspapers and current news sections of other periodicals.

Prohibitions

1. Copying shall not be used to create or to replace or substitute for anthologies, compilations or collective works.

2. 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.
3. Copying shall not substitute for the purchase of books, publishers' reprints, or periodicals.
4. Copying shall not be done on direction from a higher authority.
5. Copying the same item from semester to semester without securing permission shall not be done.
6. Employing a successful use of multiple copying developed by another teacher without securing permission from the copyright owner is not allowed.
7. Copying protected materials without inclusion of a notice of copyright is not allowed.
8. Making copies of music (or lyrics) for performance of any kind in the classroom or outside of it is not allowed, with the exception of the emergency exception noted under Music (#1) below.

Fair Use Guidelines for Classroom Copying: Music

1. Emergency copying for an imminent performance is allowed, provided purchased replacement copies shall be substituted in due course
2. Multiple copies of excerpts of works may be made provided that the excerpts do not constitute a performable unit or no more than 10% of the whole work. The number of copies shall not exceed one copy per pupil.
3. 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 altered or added.
4. A single copy of a recorded performance by students can be retained by the school or individual teacher for evaluation or rehearsal purposes.
5. A single copy of a recording of copyrighted music owned by the school or an individual teacher for constructing exercises or examinations can be retained by the school or the teacher.

Authorized Reproduction and Use of Copyrighted Materials in the Library

A library may make a single copy of an unpublished work which is in its collection; and a published work in order to replace it because it is damaged, deteriorated, lost, or stolen provided an unused replacement cannot be obtained at a fair price.

A library may provide a single copy of copyrighted material to a student or staff member at no more than the actual cost of photocopying. The copy must be limited to one (1) 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”.

Fair Use Guidelines: Off-Air Recording

Broadcast Television

Videotaped recordings may be kept for no more than forty-five (45) calendar days after the recording date, at which time the tapes must be erased. Videotaped recordings may be shown to students only within the first ten (10) consecutive days on the forty-five (45)-day retention period. They may be viewed for evaluation purposes only after the first ten (10) consecutive days.

Off-air recordings need not be used in their entirety, nor shall the recorded programs be altered from their original content or combined for teaching anthologies or compilations.

An individual teacher must make requests for off-air videotaping. No program may be recorded off-air more than once at the request of the same teacher. (Refer to 2170P)

Videotapes and Films

It is generally stipulated that materials acquired for use in educational institutions must be shown as part of a systematic course of instruction, in a classroom where face-to-face teaching takes place.

Videotapes may be not shown purely for recreational, entertainment, or fund-raising purposes, no matter whether they are acquired through off-air taping, free-loan, rental or purchase.

They may only be used for entertainment purposes if the material or accompanying information specifically states permission to do so, or if an arrangement has been made with the item's producer or distributor. Any showing of videos in class must comply with Policy 2170 Use of Commercially Produced Video Recordings.

All educational off-air taping guidelines apply to at-home taping when tapes are brought to school for classroom instruction.

An individual teacher must make requests for off-air videotaping. No program may be recorded off-air more than once at the request of the same teacher.

In the event any outside organization uses a school facility and wishes to show a movie, video, or public performance, licensing is required.

Movies, videos, and all analog and digital media will be previewed and selected based upon merit and relevance to the curriculum.

Recording Cable Programs

Programs recorded from channels which are cablecast as part of the community cable's basic package may be used in the classroom, as long as they meet the "Broadcast Television" recording guidelines.

Programs on channels, which are cablecast as an option available to subscribers at an extra fee, may not be recorded for use in the classroom.

Fair Use Guidelines: Computer Software

The District will comply with all software licensing requirements.

Staff members and students are to be made aware of the legal, ethical and practical problems caused by software piracy.

Licensing

The District schools and offices must maintain a file of their computer software/app documentation which includes the licensing agreement for the software/apps and the software/apps licensing numbers.

Software Take Home Rights

Certain software programs purchased by the District may include "take-home rights" for staff members. The legality of an at-home installation will be determined on a case-by-case basis according to the licensing agreement for each program.

Fair Use Guidelines: Educational Multimedia

These guidelines apply to the use, without permission, of portions of lawfully acquired copyrighted works in educational multimedia projects created by students and teachers for their own use to meet specific instructional objectives.

In general, the portions used must be from lawfully acquired copyrighted works. The multimedia projects created incorporate the copyrighted material with the student's or teacher's original materials.

Students may:

1. Incorporate portions of lawfully acquired copyrighted works when producing their own educational multimedia projects for a specific course.
2. Perform and display their own educational multimedia projects for the course or class in which they were created.
3. Use them in their own portfolios as examples of their academic work for later personal uses.

Teachers may:

1. Incorporate portions of lawfully acquired copyrighted works when producing their own educational multimedia programs for their own teaching tools in support of curriculum-based instructional activities.
2. Perform and display their own education multimedia projects for curriculum-based face-to-face instruction or assigned self-study.
3. Perform or display these programs at workshops and conferences for their peers.
4. Retain a copy of these programs for their personal portfolios.

Uses of education multimedia projects created under these guidelines are subject to time, portion, copying, and distribution limitations:

Time Limitations

Teacher Use: Teachers may use their educational multimedia projects for teaching courses for a period of up to two (2) years after the first instructional use with a class. Use beyond that time period requires permission for each copyrighted portion incorporated in the production.

Student Use: Students may use their educational multimedia projects for the course or class in which they were created. Students may also use them in their own portfolios as examples of their academic work for later personal uses.

Portion Limitations

Definition: Portion limitations mean the amount of the copyrighted work that can be used in educational multimedia project(s) regardless of the original medium from which the copyrighted works are taken. These limits apply cumulatively to each educator's or student's multimedia project(s) for the same academic semester, cycle, or term.

Motion Media: Up to ten percent (10%) or three (3) minutes, whichever is less, in the aggregate of a copyrighted motion media work may be reproduced or otherwise incorporated as part of a multimedia project.

Text: Up to ten percent (10%) or 1,000 words, whichever is less, in the aggregate of a copyrighted work consisting of text materials may be reproduced or otherwise incorporated as part of a multimedia project.

Music, Lyrics, and Music Video: Up to ten percent (10%), but in no event more than thirty (30) seconds, of the music and lyrics from an individual musical work (or in the aggregate of extracts from an individual work), may be reproduced or otherwise incorporated as part of a multimedia project. Any alterations to a musical work shall not change the basic melody or the fundamental character of the work.

Illustrations and Photographs: A photograph or illustration may be used in its entirety, but no more than five (5) images by an artist or photographer may be reproduced or otherwise incorporated as part of a multimedia project. When using photographs and illustrations from a published collective work, not more than ten percent (10%) or fifteen (15) images, whichever is less, may be reproduced or otherwise incorporated as part of a multimedia project.

Numerical Data Sets: Up to ten percent (10%) or 2,500 fields or cell entries, whichever is less, from a copyrighted database or data table may be reproduced or otherwise incorporated as part of an educational multimedia project.

Copying and Distribution

Only a limited number of copies, including the original, may be made of an educational multimedia project. There may be no more than two (2) copies, only one of which may be placed on reserve.

An additional copy may be made for preservation purposes, but may only be used or copied to replace a copy that has been lost, stolen, or damaged.

In the case of a jointly created educational multimedia project, each principal creator may retain one copy for use at conferences or in personal portfolios.

Use of the Internet

1. Copyright and fair use apply to web pages.
2. Caution is advised in using digital material downloaded from the Internet for educational multimedia projects.
3. Internet access does not automatically mean that works can be reproduced and reused without permission or license.

4. Some copyrighted works may have been posted to the Internet without authorization of the copyright holder.

Acknowledgements and Notice of Restriction

All educational multimedia projects created by faculty members and students under fair use shall include the sources and copyright ownership information, if it is shown in the original source.

Copyright ownership information includes the copyright notice ©, year of first publication, and name of copyright holder. The credit information may be combined and shown in a separate section of the educational multimedia project except for images incorporated into the project for remote instruction. In such cases, the copyright notice and name of the creator of the image must be incorporated into the image (attached to the image file and appears on the screen when the image is viewed) when such information is reasonably available.

Students and faculty members should include a copyright statement on the opening screen of their educational multimedia project and on any printed materials that their presentation has been prepared under fair use exemption of the U.S. Copyright Law and are restricted from further use. *(Some of the material in this presentation is covered by the Fair Use Section of the Copyright Law, Title 17, U.S. Code)*

Future Use Beyond Fair Use

Staff and students are advised to note that if there is a possibility that their own educational multimedia project incorporating copyrighted works under fair use could later result in broader dissemination, whether or not as a commercial product, it is strongly recommended that they take steps to obtain permissions during the development process for all copyrighted portions rather than waiting until completion of the project.

Alterations

Staff and students may make alterations in the portions of the copyrighted works they incorporate as part of an educational multimedia project only if the alterations support specific instructional objectives. Teachers and students are advised to note that alterations have been made.

Licenses and Contracts

Staff and students should determine whether specific copyrighted works, or other data or information are subject to a license or contract. Fair use and these guidelines shall not preempt or supersede licenses and contractual obligations.

Requesting Permission to Use Copyrighted Materials

Beyond the limits of fair use, teachers and students must request permission to use copyrighted materials.

Staff and students who make copies and/or use copyrighted materials in their jobs are expected to be familiar with published provisions regarding fair use and public display, and are further expected to be able to provide their supervisor, upon request, the justification under Sections 107 or 110 of USC 17 for materials that have been used or copied. Staff and students who use copyrighted materials that do not fall within fair use or public display guidelines will be able to substantiate that the materials meet one of the following tests:

- The individual or the District has purchased the materials from an authorized vendor and a record of the purchase exists.
- The materials are copies covered by a licensing agreement between the copyright owner and the district or the individual employee.
- The materials are being previewed or demonstrated by the user to reach a decision about future purchase or licensing and a valid agreement exists that allows for such use.

Procedure History:

Promulgated on: 2/3/14

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