

COPYRIGHT GUIDELINES

A. Basic Guidelines

1. Copyright protects the expression of original works of authorship that are fixed in a tangible medium of expression.
2. Information and materials relating to the copyright law are available upon request from the school principal.
3. Appropriate notices and warning signs shall be placed on or near all copying equipment including printers, copiers and scanners.
4. The duplication of copyrighted materials without permission from the copyright holder, except under the provisions of “fair use” (*see below) shall be prohibited.
5. The use of district equipment for the purpose of violating copyright law shall be prohibited.
6. Copying copyrighted material to substitute for the purchase of that material shall be prohibited.
7. The distribution and or transmission of a reading or performance of copyrighted works without the permission from the copyright holder, except under the provisions of “fair use” or works within the public domain shall be prohibited.
8. The building principal shall be responsible for establishing practices which will enforce this policy.
9. Staff members shall apply the “fair use” criteria in identifying material which may be used or reproduced consistent with the copyright law. Staff members are cautioned to test such decisions against all criteria, being mindful that their status as district employees does not provide immunity for violation of the law.

A. Fair Use

1. Section 107 of the Federal Copyright Act 93-553 allows for limited educational use of copyrighted material. The “fair use” exception applies four basic standards which must be considered together when judging whether or not there has been a copyright infringement. They are;
 - i. The purpose and character of the use. Is the material being used for strictly educational purposes, or is there a commercial component?
 - ii. The nature of the copyrighted work. Was the original work intended to be consumable?
 - iii. The amount and substantially of the portion of the work in relation to the copyrighted work as a whole. How much is being copied? How important is the copied part to the entire work? How many copies are being made?

- iv. The effect of the use upon the potential market for or value of the work. Will the copyright holder suffer financial loss as a result of the copying?
 - There is a teaching exception that allows teachers to perform or display a work as part of a teaching activity within the classroom. The exception includes showing films to students as long as they relate to the course material and are legal copies.

B. Public Domain

Works within the public domain are free of copyright restrictions. Note that content found on the Internet (or other publically available content) is NOT automatically considered to be within the public domain. Examples of works within the public domain include:

1. Works that are ineligible for copyright protection (ideas, facts, works created by the U.S. Government)
2. Works placed in the public domain by the copyright owner such as open-access materials (i.e. Creativecommons.org)
3. Works published in the United States prior to 1923 whose copyright expired or was not renewed
4. Laws, regulations, and judicial opinions
5. Words, names, numbers, punctuation, and grammar

C. Application of the copyright policy

1. The copyright policy relates to, but is not limited to the following media types;
 - i. Print
 - Textbooks and related textbook material
 - Poetry
 - Prose
 - Illustrations
 - ii. Media
 - Audiovisual material
 - Video recordings
 - Computer software
 - Music
 - Digital Materials

D. Instructional Material

1. Staff may make copies of copyrighted school district materials that fall within the following guidelines. Staff who fail to follow this procedure may be held personally liable for copyright infringement.
 - i. Authorized reproduction and use of a **single copy** of copyrighted material in books and periodicals. In preparing for instruction, a teacher may make or have made a single copy of:

- A chapter of a book
 - An article from a newspaper or periodical
 - A short story, short essay or short poem; or
 - A chart, drawing, cartoon or picture from a book or magazine.
- ii. Authorized reproduction and use of **not more than one copy per student** of copyrighted material in books and periodicals. A teacher may make multiple copies for classroom use or discussion if the copying meets the tests described below.
- Brevity—It is legal to copy items that are:
 - a. A complete short poem or excerpt from a long poem that is less than 250 words.
 - b. A complete article or short story of less than 2500 words.
 - c. One graph, cartoon, drawing, etc.
 - Spontaneity—copying should be at the “instance and inspiration” of the individual teacher such the decision to use the material and the instance when it will be used are so close in time that it would be unreasonable to expect a reply to a request for permission.
 - Cumulative effect—No more than one poem, short story, and two excerpts from the same author may be used in one course.
- iii. 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. All other performances require permission.
- iv. Teachers may use copyrighted material on overhead and opaque projectors for instructional purposes.
- v. Authorized reproduction and use of copyrighted materials in the library. A library may make a single copy of
- Unpublished work
 - Published work for the purpose of preservation.
 - A single copy of copyrighted material for a student or teacher
 - Copies for reserve use

E. Copyrighted music

1. For academic purposes, staff may make a single copy of an entire work that is:
 - i. Confirmed by the copyright owner to be out of print,
 - ii. Unavailable except in a larger work.
2. A teacher may make multiple copies not to exceed one per student for classroom use not to exceed 10% of the total work if it is to be used for instruction.

3. A teacher may make and retain a single copy of excerpts from recordings of copyrighted musical works.
4. A teacher may edit purchased copies of music provided that the fundamental character of the work is not distorted.
5. Copying of consumable work is prohibited

F. Performance

1. Performance by teachers or students of copyrighted musical works is permitted without the authorization of the copyrighted owner as part of a teaching activity in a classroom where the purpose of the use is instructional rather than entertainment.
2. Performance of non-dramatic musical works which are copyrighted are permitted provided they:
 - i. Are not for commercial purposes
 - ii. None of the performers, promoters or organizers are compensated
 - iii. There is no direct or indirect charge.

G. Off-Air recording of television and radio programs is permitted and may be stored for not more than 45 consecutive calendar days after the broadcast.

H. Teachers and instructional staff may show videos to students within the classroom as long as the video is a legal copy and the content is related to the course material.

I. Use of video rentals or videos purchased for home use shall not be used for public display. Videos with public display rights may only be rented from agencies or companies which allow for such use. Most common video stores have strict licensing agreements that prohibit such use in the schools.

J. All Computer Software licenses shall be observed while installing software.

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