

SECTION: OPERATIONS

TITLE: COPYRIGHT MATERIAL

# ***SHALER AREA SCHOOL DISTRICT***

ADOPTED: August 19, 1998

REVISED: July 16, 2008

814. COPYRIGHT MATERIAL	
<p>1. Purpose P.L. 94-553 Sec. 107</p>	<p>The Board recognizes that the federal law makes it illegal for anyone to duplicate copyrighted materials without permission. The Board acknowledges that severe penalties are provided for unauthorized copying of audio, visual, software, on-line, or printed materials unless the copying falls within the bounds of the “fair use” doctrine.</p>
<p>2. Definition</p>	<p>Under the “fair use” doctrine, unauthorized reproduction of copyrighted materials is permissible for such purposes as criticism, comment, news reporting, teaching, scholarship or research. If duplicating or changing a product is to fall within the bounds of fair use, these four standards must be met for any of the foregoing purposes:</p> <ol style="list-style-type: none"> <li>1. THE PURPOSE AND CHARACTER OF THE USE. The use must be for such purposes as teaching or scholarship and must be non-profit.</li> <li>2. THE NATURE OF THE COPYRIGHTED WORK. Staff may make single copies of: book chapters for use in research, instruction, or preparation for teaching; articles from periodicals or newspapers; short stories; essays or poems; and charts, graphs, diagrams, drawings, cartoons, or pictures from books, periodicals or newspapers in accordance with these guidelines.</li> <li>3. THE AMOUNT AND SUBSTANTIALITY OF THE PORTION USED. Copying the whole of a work cannot be considered fair use; copying a small portion may be if these guidelines are followed.</li> <li>4. THE EFFECT OF THE USE UPON THE POTENTIAL MARKET FOR OR VALUE OF THE COPYRIGHTED WORK. If resulting economic loss to the copyright holder can be shown, even making a single copy of certain materials may be an infringement, and making multiple copies presents the danger of grater penalties.</li> </ol>
<p>3. Delegation of Responsibility</p>	<p>Staff may make copies of copyrighted School District materials that fall within established administrative regulations. Where there is reason to believe the material to be copied does not fall within the administrative regulations, prior permission shall be obtained from the principal.</p>

Permitted Copies

Multiple copies, not exceeding more than one per student, may be made for classroom use or discussion if the copying meets the tests of brevity, spontaneity and cumulative effect. Each copy must include a notice of copyright.

Brevity –

1. Poetry: a complete poem if less than 250 words and if two (2) pages long, or from a longer poem an excerpt of not more than 250 words, may be reproduced. The numerical limits may be expanded to permit the completion of an unfinished line of a poem.
2. Prose: either complete articles, stories, or essays of less than 2,500 words, or excerpts from prose works not more than 1,000 words or ten percent (10%) of the work, whichever is less; but in any event a minimum of 500 words may be reproduced. The numerical limits may be expanded to permit the completion of an unfinished prose paragraph.
3. Illustration: one (1) chart, graph, design, drawing, cartoon, or picture per book or periodical issue may be reproduced.
4. Special Works: certain works in poetry, prose, or in poetic prose, which often combine language with illustrations and are intended for children and at other times for a more general audience, which fall short of 2,500 words. Notwithstanding the above requirements relevant to prose, these special works may not be reproduced in their entirety. An excerpt of not more than two (2) of the published pages of the special work and containing not more than ten percent (10%) of the words found in the full text may be reproduced.

Spontaneity –

1. The copying must be at the instance and inspiration of the individual teacher.
2. 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.

Cumulative Effect –

1. The copying of the material is for only one (1) course in the school in which the copies are made.
2. No more than one (1) short poem, article, story, essay, or two (2) excerpts may be copied from the same author; nor may more than three (3) from the same collective work or periodically volume during one (2) class term be reproduced.
3. There may be no more than nine (9) instances of multiple copying for one (1) course during one (1) class term.
4. The limitations listed above do not apply to current news periodicals, newspapers, and current news sections of other periodicals.

A library or archive may reproduce one (1) copy or recording of a copyrighted work and distribute it if:

1. Reproduction or distribution is made without any purpose of direct or indirect commercial advantages.
2. Collection of the library or archives is open to the public or is available not only to researchers affiliated with the library or archives or with the institution of which it is a part, but also to other persons doing research in a specialized field.
3. Reproduction or distribution of a work includes a notice of copyright.

Copies of materials for face-to-face teaching activities involving performance or displays made by students or instructors, religious services, live performances without commercial advantage, and the use of instructional broadcasts are permitted.

Photocopy Machine Notice

The following notice is required to be displayed on or near all library or archival equipment capable of duplicating copyrighted materials. This notice must be visible to anyone using the device:

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NOTICE: The copyright law of the United States (Title 17, U.S. Code) governs duplicating copyrighted materials. The person using the equipment is liable for all infringement.

Prohibited Copies

The law prohibits using copies to replace or substitute for anthologies, consumable works, compilations or collective works. Consumable works include: workbooks, exercises, standardized tests, test booklets, and answer sheets.

Teachers cannot substitute copies for the purchase of books, publishers' reprints or periodicals; nor can they repeatedly copy the same item from term to term. Copying cannot be directed by a "higher authority," and students cannot be charged more than the actual cost of photocopying.

Musical Works

The following minimum guidelines apply to reproductions of musical works. Reproductions may be made for:

1. Emergency copying to replace purchased copies which for any reason are not available for an imminent performance, provided purchased replacement copies are substituted in due course.
2. For academic purposes other than performance –
  - a. 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 aria; but in no case more than ten percent (10%) of the whole work. The number of copies may not exceed more than one (1) copy per student.
  - b. A single copy of an entire performance Unit (section, movement, aria, etc.) that is confirmed by the copyright proprietor to be out of print, unavailable except in a larger work, may be made by or for a teacher solely for the purpose of his/her scholarly research or in preparation to teach a class.
3. Printed copies that have been purchased may be edited or simplified, provided the fundamental character of the work is not distorted or the lyrics added if none existed.

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4. A single copy of recordings of performances by students may be made for evaluation or rehearsal purposes and may be retained by the District or individual teacher.
5. A single copy of a sound recording, such as a tape, disc, cassette, or sound file, of copyrighted music may be made from sound recordings owned by the District or an individual teacher for the purpose of constructing aural exercises or examinations; and they may be retained by the District 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.

Schools must be licensed to play copyrighted music where the performer is paid or admission is charged, even if the admission is used to cover refreshment costs.

Juke boxes must be licensed, and a certificate of license must be displayed on each machine.

Off-Air Recordings

Broadcast programs may be recorded off-air simultaneously with broadcast transmission, and retained by the District for a period not to exceed forty-five (45) consecutive calendar days after the date of recording. After this period of time, all recordings must be erased or destroyed immediately.

Off-air taping of broadcast programs is permitted by educational institutions for programs broadcast to the general public. Pay cable TV services and satellite broadcasts available at an extra charge are not allowed without permission from the copyright owner.

Program recordings may be used once by individual teachers in the course of relevant teaching activities, and repeated once only when instructional reinforcement is necessary, during the first ten (10) consecutive school days in the forty-five (45) calendar day retention period.

After the first ten (10) consecutive school days, off-air recordings may be used up to the end of the forty-five (45) calendar day retention period only for evaluation purposes by the teacher.

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Off-air recordings may be made only at the request of and use by individual teachers and may not be regularly recorded in anticipation of requests. No broadcast program may be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program may be broadcast.

Off-air recordings need not be used in their entirety; but they may not be altered from their original content and may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.

All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.

Videotapes/Video Discs/Audio-Visual Delivery Devices

A library, archive, or media center may reproduce one (1) copy of a recording of a copyrighted work and distribute it in accordance with provisions of law.

Recorded copies of copyrighted programs owned by a staff member or another person, or a copy of a rental program, are considered illegally made and may not be used for instructional purposes unless its use meets the fair use test.

Rental videocassettes, DVDs, video files and other optical media with the “home use only” warning label may not be used in a classroom, school assembly, or club unless specifically covered in the rental agreement.

Multimedia use of copyrighted material falls under the guidelines of the medium being used, such as computer, video, or audio.

Closed-circuit distribution of a copyrighted work to classrooms in a school or campus is legal, as long as the transmission is used for instructional activity and not entertainment.

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Distance Learning

Distance learning is subject to copyright guidelines if copyrighted material is copied or recorded during a transmitted lesson.

The District will limit the transmission of copyrighted materials to students enrolled in a particular course, to the extent technologically feasible.

Students will be notified that materials used in connection with a course may be subject to copyright protection.

Technological measures will be applied to ensure that copyrighted material is accessible to recipients only as long as class is in session.

The District will not interfere with technological measures used by copyright owners to prevent unauthorized retention or dissemination.

Computer Software

Copies of software, including those downloaded via modem, other than public domain software, cannot be made without the permission of the vendor or copyright owner.

Illegal copies of copyrighted programs may not be made or used on school equipment.

A computer program may be legally copied only for the following reasons:

1. It is created as an essential step in the use of the computer program, such as automatic copying into memory when a program is loaded.
2. It is created as backup or archival copy only. All backup and archival copies must be destroyed in the event the original program is erased or removed from inventory.

Backup or archival copies may not be used simultaneously with the original program.

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Copying a copyrighted program from a computer hard drive to a disc or server file for use as an additional copy is illegal.

Networking computer software is illegal if the legal multiple user or site licenses have not been acquired from the vendor or copyright owner. Networking is the use of a single program in a single computer that is connected to other computers, permitting the program to be used simultaneously in more than one (1) computer.

Reproduction of original computer software manuals is illegal, and copying must abide by the fair use guidelines.

The District will provide expenditures for software as a budgetary item. Priority will be given to software that supports and/or is critical to curriculum or operating needs. All other software will be purchased if reasonable need is established and/or financial resources allow such purchase.

Renting or leasing original copies of software by individuals without the express permission of the copyright owner is illegal.

District staff must register all software, including software downloaded from the Internet, with the designated technology staff. Staff must provide the title, manufacturer and license number of the software.

Internet/Online Materials

The District does not condone the illegal or inappropriate use of materials subject to copyright protections that are available through online systems and services that the District makes available to users. Employees and students must be aware of the copyright protections afforded to online materials and that violation of those protections result in significant penalties. The fair use doctrine applies to online and Internet use.

Users may not circumvent technology intended to block access to copyrighted work.



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Board policies and administrative regulations, as well as Internet Service Provider agreements, and local, state, and federal statutes and regulations concerning the use of computing facilities, including copyright protections, must be followed by students and employees.

Students and employees must adhere to Board policies, administrative regulations and federal and state laws and regulations when digitally creating, manipulating and distributing content.

Web Publishing

Copyright law applies to images, graphics, and words placed on the web in any form, multimedia and otherwise, or in distributing projects to others over electronic networks.

When publishing to the web, students and employees will:

1. Document sources.
2. Obtain permission from the copyright holder.
3. Check to see if the source is in the public domain or available for free use: for example, government agencies at .gov web sites.
4. Use their own graphics with original art or digital pictures.

Students and employees must not link to another web site and represent the other web site as their content, whether by deep-linking, framing, or any other means.

Students and employees must notify the technology department about any infringing material contained on the school's web site. Additionally, the designated person must respond to complaints and remove/disable materials that infringe the copyrights of others.

Users' Internet services may be terminated for copyright infringement, and other disciplinary action may be taken. The District reserves the right to report any copyright infringement by a student or employee to the Internet Service Provider, and local, state or federal authorities.

References:

U.S. Copyright Law – 17 U.S.C. Sec. 101 et seq.  
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