



Code: **EGAAA-AR**  
Revised/Reviewed: 9/25/91; 5/24/95; 5/22/07;  
1/31/14  
Orig. Code(s): EGAA-AR

## **Guidelines for the Use of Copyrighted Materials**

The superintendent is responsible for the establishment of practices which will ensure compliance with the provisions of the U.S. Copyright law as they affect the district and its employees.

### **1. General Responsibilities**

- a. The principal will oversee the annual staff review and implementation of policies related to copyright regulations. The district media specialist will assist the principal in providing training or interpretation of copyright issues as needed.
- b. The employee reproducing or requesting reproduction of a copyrighted work will determine whether copying is permitted by law in accordance with district policy and administrative regulations.
- c. The employee will obtain written permission to reproduce material from the copyright holder(s) whenever required.
- d. The employee using new emerging technologies will be responsible for ensuring their use complies with copyright laws. In the absence of clearly granted rights, the employee must contact the copyright holder in writing for permission to manipulate or use these technologies in alternative ways.
- e. The employee using emerging technology will be responsible to ensure that the intended use of the media does not conflict with copyright law. Such technology includes, but is not limited to, digital video, videodisk, satellite transmission, distance learning, CD-ROM, online data bases (and their down-loading), informational networks and other emerging electronic information which can be manipulated into new copyrightable forms of expression.
  - (1) In the absence of clearly granted rights, the employee must contact the copyright holder in writing for permission to manipulate or use these technologies in alternative ways.
  - (2) Any contract provided by the distributor of such technology must be submitted to the business manager for approval.

### **Fair Use**

### **2. Printed Materials**

- a. Permissible uses – district employees may:
  - (1) Make a single copy of the following for use in teaching or in preparation to teach a class:
    - (a) A chapter from a book;
    - (b) An article from a periodical or newspaper;
    - (c) A short story, short essay or short poem, whether or not from a collective work;

- (d) A chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper.
  - (2) Make multiple copies for classroom use (not to exceed one copy per student in a course) from the following:
    - (a) A complete poem, if it has fewer than 250 words and does not exceed two printed pages in length;
    - (b) A complete article, story or essay of less than 2,500 words;
    - (c) Prose excerpts not to exceed 10 percent of whole or 1,000 words, whichever is less;
    - (d) One chart, graph, diagram, cartoon or picture per book or per issue of a periodical;
    - (e) An excerpt from a children's book containing up to 10 percent of the words found in the text.
  - b. All permitted copying must bear an appropriate reference. References should include the author, title, date and any other pertinent information.
  - c. Prohibited uses – district employees may not:
    - (1) Copy more than one work or two excerpts from a single author during one class term;
    - (2) Copy more than three works from a collective work or periodical volume during one class term;
    - (3) There shall not be more than nine instances of such multiple copying for one course during one class term;
    - (4) Copy to create or replace or substitute for anthologies or collective works;
    - (5) Copy “consumable” works, such as workbooks, exercises, standardized tests and answer sheets;
    - (6) Copy the same work from term to term;
    - (7) Copy the same material for more than one particular course being offered (may not copy every time a particular course is offered) unless permission is obtained from the copyright owner.
  - d. All sound recordings, including phonograph records, audiotapes, compact disks and laser disks, will be treated under the same provisions that guide the use of print materials unless as may otherwise be excepted by regulations governing the reproduction of works for libraries/media centers.
3. Sheet and Recorded Music
- a. Permissible uses – district employees may:
    - (1) Make emergency copies to replace purchased copies which for any reason are not available for an imminent performance provided purchased replacement copies will be substituted in due course;
    - (2) Make, for academic purposes other than performance, multiple copies (one per student) of excerpts not constituting an entire performance unit such as a section, movement or aria, but in any case no more than 10 percent of the whole work;

- (3) Make, for academic purposes other than performance, a single copy of an entire performable unit such as a section, moment or aria if confirmed by the copyright holder to be out of print or the “unit” is unavailable except in a larger work. The copy may be made solely for the purpose of scholarly research or in preparation to teach a class;
- (4) Edit or simplify printed copies which have been purchased provided that the fundamental character of the work is not distorted or the lyrics, if any, are not altered or lyrics are not added if none exist;
- (5) Copy complete works which are out of print or unavailable except in large works and used for teaching purposes;
- (6) Make a single copy of a recorded performance by students to be retained by the school or individual teacher for evaluation or rehearsal purposes;
- (7) Make a single copy of a sound recording, such as a tape, disk or cassette, of copyrighted music owned by the school or an individual teacher for constructing aural exercises or examinations and retained for the same purposes.

b. Prohibited uses – district employees may not:

- (1) Copy to create or replace or substitute for anthologies, compilations or collective works;
- (2) Copy works intended to be “consumable,” such as workbooks, exercised, standardized tests and answer sheets;
- (3) Copy for the purpose of performance, except as noted above (a. (1)) in emergencies;
- (4) Copy to substitute for purchase of music except as noted above (a. (1), (2) and (3));
- (5) Copy without inclusion of the copyright notice on the copy.

4. Television Off-The-Air Taping

a. Permissible uses – district employees may:

- (1) Record a broadcast program off-air simultaneously with the broadcast transmission, including simultaneous cable or satellite retransmission, and retain the recording for a period not to exceed the first 45 consecutive calendar days after the date of the recording. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers. Each additional copy will be subject to all provisions governing the original recording. At the conclusion of the retention period, all off-air recordings shall be erased or destroyed immediately.
- (2) Retain videotapes of commercial programs only with written approval of appropriate copyright holders;
- (3) Use off-air recordings once for each class in the course of relevant teaching activities and repeat once only when instructional reinforcement is necessary and only within the first 10 consecutive school days of the 45-consecutive calendar day retention period;
- (4) Use off-air recordings for evaluation purposes only, after the first 10 consecutive school days up to the end of the 45-consecutive calendar day retention period. Evaluation purposes may include use to determine whether or not to include the broadcast program in the teaching curriculum;
- (5) Use off-air recordings made from a satellite dish if they conform to the 45-consecutive calendar day retention period established for broadcast or cable programming and are not subscription channels;

- (6) Use copies of off-air recordings, as stipulated in these guidelines, only if they copies include the copyright notice on the broadcast program;
- (7) Request that a library/media center record and retain for research purposes commercial television news programs from local, regional or national networks; interviews concerning current events; and on-the-spot coverage of news events. Documentary, magazine-format and public affairs broadcasts, however, are not included in the definition of daily newscasts of major events of the day;
- (8) Requests for retention of programs recorded off-air will be directed to the producers of those programs directly through the network (not affiliate).

b. Prohibited uses – district employees may not:

- (1) Tape off-air programs in anticipation of an educator’s request;
- (2) Request that a broadcast program be recorded off-air more than once for the same educator, regardless of the number of times the program may be broadcast;
- (3) Use the recording for instruction after 45-consecutive calendar days;
- (4) Hold the recording for weeks or indefinitely because:
  - (a) Units needing the program concepts are not taught within the 45-day use period;
  - (b) An interruption or technical problems delayed its use; or
  - (c) Another teacher wishes to use it, or any other supposedly “legitimate” educational reason.
- (5) Record programs off-air without written permission from the author/producer/distributor when a special notice is provided specifically prohibiting reproduction of any kind;
- (6) Alter off-air programs from their original content. Broadcast recordings may not be physically or electronically combined or merged to constitute teaching anthologies or derivative works. Off-air recordings, however, need not be used in their entirety;
- (7) Exchange program(s) with schools in the district or other school districts without the approval of the library/media supervisor. Programs will not be used for the specific curriculum application for which the request was intended. No other curriculum application is authorized;
- (8) Use the recording for the public or commercial viewing;
- (9) Copy or use subscription programs transmitted via subscription television cable services, such as HBO or Showtime. Such programs are licensed for private home use only and cannot be used in public schools. “Pay” programs received via satellite dish are also subject to these prohibitions.

5. Rental, Purchase and Use of Videotapes

a. Permissible uses – district employees may:

- (1) Use purchased or rented videotapes such as feature films as part of a systematic course of instruction, in accordance with district policy IIABB;
- (2) Arrange for the local school to transmit videotapes over their closed circuit television systems for direct instruction;

- (3) Use off-air videotapes made at home for classroom instruction and only in accordance with television off-air guidelines and district policy.

b. Prohibited uses – district employees may not:

- (1) Use rented or purchased videotapes where a written contract specifically prohibits such use in the classroom or direct teaching situation;
- (2) Use rented or purchased videotapes such as feature films for assemblies, fund raising, entertainment or other applications outside the scope of direct instruction without public performance rights.

6. Computer Software

Copyright information and procedures are found in the administrative regulations (AR) for Policy IIBGA.

7. Performances

a. Permissible uses – district employees must:

- (1) Contact the copyright holder in writing for permission whenever copyrighted works such as plays and musical numbers are to be performed. This is particularly important if admission is to be charged or recordings of the performance are to be sold.