

## Copyright

### I. General: Indemnity Liability

- A. The use, display, performance, copying, reproduction and duplication of any copyrighted materials in violation of this Rule or any applicable Federal or State statute or regulation is forbidden.
- B. Any person found to have intentionally and willfully violated this Administrative Rule or any applicable Federal or State statute or regulation shall indemnify and be liable to the School District for the amount of any penalty or judgment for damages which may be assessed against the District by reason of such violation.

### II. Books and Periodicals

- A. Single Copying for Teachers - A single copy may be made of any of the following by or for a teacher at his or her individual request for his or her scholarly research or use in teaching or in 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;
  - 4. A chart, graph, diagram, drawing, cartoon, or picture from a book, periodical or newspaper.
- B. Multiple Copying for Classroom Use - Multiple copies, not to exceed more than one (1) copy per pupil 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 tests of brevity and spontaneity as defined below;
  - 2. The copying meets the cumulative effect test as defined below; and
  - 3. Each copy includes a notice of copyright.
- C. The Brevity Test
  - 1. Poetry
    - a. A complete poem if less than 250 words and if printed on not more than two (2) pages; or
    - b. From a longer poem, an excerpt of not more than 250 words.
  - 2. Prose
    - a. Either a complete article, story or essay of less than 2500 words; or
    - b. An excerpt from any prose work of not more than 1000 words, or 10% of the work, whichever is less, but in any event, not more than 500 words.

Each of the numerical limits stated in subparagraphs a. and b., above, may be expended to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.

3. Special Work

Certain works in poetry, prose or in "poetic prose" which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience fall short of 2500 words in their entirety. Paragraph (2.b.), above, notwithstanding, such special works may not be reproduced in their entirety; however, an excerpt comprising not more than two (2) 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.

D. Spontaneity

1. The copying is at the instance and inspiration of the individual teacher; and
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.

E. Cumulative Effect

1. The copying of the material is for only one (1) course in the school in which the copies are made.
2. Not more than one (1) short poem, article, story, essay or two (2) excerpts may be copied from the same author, nor more than three (3) from the same collective work or periodical volume during one (1) class term.
3. There shall not be more than nine (9) instances of such multiple copying for one course during one (1) class semester.

The limitations stated in subparagraphs E-2 and 3, above, shall not apply to current news, periodicals and newspapers and current news actions of other periodicals.

F. Prohibitions Notwithstanding any of the above, the following shall be prohibited:

1. Copying shall not be used to create or to replace or substitute for anthologies, compilations or collective works. Such replacement or substitution may occur whether copies of various works or excerpts therefrom are accumulated or reproduced and used separately.
2. There shall be no copying of or from works intended to be consumable in the course of study or of teaching. Such materials include, but are not limited to, work books, exercises, standardized tests and test booklets and answer sheets.
3. Copying shall not:
  - a. substitute for the purchase of books, publishers' reprints or periodicals;
  - b. be directed by higher authority; or
  - c. be repeated with respect to the same material or item by the same teacher from term to term.
4. No charge shall be made to students beyond the actual cost of photocopying.

[Source: House Judiciary Committee "Guidelines For Classroom Copying in Non-profit Educational Institutions."]

### III. Music

#### A. Permissible Uses and Copying

1. Emergency copying to replace purchased copies which for any reason are not available for an imminent performance is permitted, provided that purchased replacement copies shall be substituted in due course.
2. 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 selection, movement or aria, but in no case may more than 10% of the whole work be copied. 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, if any, altered, or lyrics added if none exist.
4. A single copy of recordings of performances by students may be made for evaluation or rehearsal purposes and may be retained by the school or teacher.
5. 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 a school or teacher for the purpose of constructing aural exercises or examinations and may be retained by the school or teacher for such purposes.

#### B. Prohibited Uses and Copying

The following are prohibited:

1. Copying to create or replace or substitute for anthologies, compilations or collective works.
2. Copying of or from works intended to be consumable in the course of study or of teachings including, but not limited to, workbooks, exercises, standardized tests and answer sheets.
3. Copying for the purpose of performance, except as provided in paragraph A-1, above.
4. Copying for the purpose of substituting for the purchase of music, except as permitted in paragraph A-1 and A2, above.
5. Copying without inclusion of the copyright notice which appears on the printed copy.  
[Source: "Guidelines For Educational Uses of Music," April 30, 1976.]

### IV. Television and Audio Visual Material

#### A. Television Programs The following applies to off-air taping of television broadcasts:

1. A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable re-transmission) and retained for a period not to exceed the first 45 consecutive calendar days after the date of recording. Upon conclusion of such retention period, all off-air recordings must be erased or destroyed immediately. "Broadcast programs" are television programs transmitted by television stations for reception by the general public without charge.
2. Off-air recordings may be made only at the request of and for use by teachers for in-course teaching activities, and may be repeated only once when instructional reinforcement is necessary, in classrooms and similar places devoted to instruction

within a single building, cluster or campus, as well as in the homes of students receiving formal home instruction, during the first ten (10) consecutive school days within the 45-day retention period. "School days" are school session days, not counting weekends, holidays, vacations, examination periods, or other scheduled interruptions, within the 45 calendar day retention period.

3. Off-air recordings may be made only at the request of and for 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.
4. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under this Administrative Rule. Each such additional copy shall be subject to all provisions governing the original recording.
5. After the first ten (10) consecutive school days, off-air recordings may be used up to the end of the 45 calendar day retention period only for teacher evaluation purposes, i.e., to determine whether or not to include the broadcast program in the teaching curriculum, and may not be used for student exhibition or any other non-evaluation purpose without prior authorization.
6. Off-air recordings need not be used in their entirety, but the recording programs may not be altered from their original content. Off-air recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.
7. All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.
8. Any temporary video taping and playback in classrooms of copyrighted materials readily available by rental, lease or an in-force license duplicating agreement is prohibited.  
[Source: "Guidelines for Off-Air Recording of Broadcast Programming for Educational Use," House Subcommittee on Courts, Civil Liberties and Administration of Justice.]

B. The following applies to copying and use of audio visual materials and sound recordings:

1. Audio visual materials, including copyrighted video tapes and video tape cassettes, may be shown only as part of an instructional program.
2. Audio visual materials may be shown only by students, teachers or guest lecturers either in a classroom or another school location devoted to instruction.
3. Audio visual materials may be shown only to students and teachers and must be shown in a face-to-face setting or where students and teachers are in the same building or general area.
4. All copyrighted audio visual materials must be shown using a legitimate and legally acquired copy with the copyright notice included.
5. Audio visual materials may not be shown for entertainment, recreational or any other purposes unrelated to a teaching activity.
6. Audio visual materials may not be used for any purpose when they are recorded by unauthorized transmission by radio or television from an outside location, or duplicated in any unauthorized manner.
7. Audio visual materials may not be displayed before an audience not confined to students and instructional staff.
8. Neither audio or video tapes or phonograph records or discs may be copied or duplicated without authority of the owner of the copyright.
9. Neither audio or video materials may be converted from one media format into another.

[Source: Sections 110(1) and 110(4), Copyright Act of 1976.]

V. Microcomputer Software

- A. Computer Program - For the purpose of this rule, a "computer program" is defined as a set of statements or instructions to be used directly or indirectly in a computer in order to bring about a certain result.  
[Source: Section 101, Copyright Act of 1976, as Amended October 28,1998.]
- B. The District recognizes that Section 117 of the Copyright Act of 1976, as amended, further provides: "Making of Additional Copy or Adaptation by Owner of Copy - Notwithstanding the provision of Section 106 it is not an infringement for the owner of a copy of a computer program to make or authorize the making of another copy or adaptation of that computer program provided:
1. "That such a new copy or adaptation is created as an essential step in the utilization of the computer program in conjunction with a machine and that it is used in no other manner," or
  2. "That such a new copy or adaptation is for archival purposes only and that all archival copies are destroyed in the event that the continued possession of the computer program should cease to be rightful."
- C. Lease, Sale or Other Transfer of Additional Copy or Adaptation - "Any exact copies prepared in accordance with this section may be leased, sold, or otherwise transferred, along with a copy from which such copies were prepared, only as part of the lease, sale, or other transfer of all rights in the program. Adaptations prepared may be transferred only with the authorization of the copyright owner."
- D. Machine Maintenance or Repair - Notwithstanding the provisions of section 106, it is not an infringement for the owner or lessee of a machine to make or authorize the making of a copy of a computer program if such copy is made solely by virtue of the activation of a machine that lawfully contains an authorized copy of the computer program, for purposes only of maintenance or repair of that machine, if:
1. Such new copy is used in no other manner and is destroyed immediately after the maintenance or repair is completed; and
  2. With respect to any computer program or part thereof that is not necessary for that machine to be activated, such program or part thereof is not accessed or used other than to make such new copy by virtue of the activation of the machine.
- E. Definitions - For purposes of this section:
1. The "maintenance" of a machine is the servicing of the machine in order to make it work in accordance with its original specifications and any changes to those specifications authorized for that machine; and
  2. The "repair" of a machine is the restoring of the machine to the state of working in accordance with its original specifications and any changes to those specifications authorized for that machine.
- F. All District employees shall adhere to the foregoing statute. Any additional copying of copyrighted software or computer program materials is strictly forbidden.

- G. The printed documentation accompanying a computer diskette or tape is protected to the extent of all other copyrighted material. Such documentation may be photocopied for a teacher's personal use, but no copies thereof may be made for classroom distribution without permission; provided that copying of the printed documentation for archival purposes is permitted.
- H. All persons having access to and control over computer software shall make all reasonable efforts to secure the software from illegal copying and copyright infringement
- I. Illegal copies of copyrights computer programs may not be made, reproduced or used on school equipment.