Guidelines for the Use of Copyrighted Materials

The superintendent/designee 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 building principal will be designated with the responsibility for disseminating and interpreting copyright regulations at the building level. He/She will provide employee training as needed, distribute and review district policy and administrative regulations with employees, control the approval process and maintain written records regarding permissions, response to requests and license agreements as may be necessary.
   b. The building principal will ensure that budget recommendations include appropriate funds for the purchase of multiple copies of needed software.
   c. The building principal will ensure that appropriate warning notices are posted to educate and warn individuals using district equipment of the applicable provisions of the copyright law. Warning notices will be posted as follows:

      (1) On or near all copiers;
      (2) On all forms used to request copying services;
      (3) On all video recorders;
      (4) On all computers;
      (5) At the library or other places where interlibrary loan orders for copies of materials are accepted.

   d. The building principal/designee will ensure that building computers and computer labs are used only with proper supervision to help protect against unauthorized copying.
   e. The building principal/designee will annually inspect the library/media center and any video collections to ensure all copies are acquired and maintained in accordance with applicable provisions of the copyright law.
   f. All computer software license agreements must be signed by the chief financial officer.
   g. The employee reproducing a copyrighted work will determine whether copying is permitted by law in accordance with district policy and administrative regulations.
   h. The employee will obtain written permission to reproduce material from the copyright holder(s) whenever copying does not fall within the “fair use” guidelines of copyright law. Permission forms, as provided by the district, will be used.
   i. 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, videodisc, satellite transmission, distance learning, CD-ROM, on-line data bases

(continued)

(and their down-loading), informational networks and other emerging electronic information which can be manipulated into new copyrightable forms of expression.

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.

Any contract provided by the distributor of such technology must be submitted to the chief financial officer 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) Copy more than nine sets of multiple copies for distribution to students in one class term;
(4) Copy to create or replace or substitute for anthologies or collective works;

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(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 discs and laser discs, 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, movement 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, altered or lyrics 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, disc 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.

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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, exercises, 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.

Unless authorized by the library/media supervisor, at the conclusion of the retention period, all off-air recordings shall be erased or destroyed immediately.

Individuals who wish to retain programs beyond the 45-day period need to complete and return the preview portion of the "Request for Off-Air Video Taping" form to the library/media supervisor for each program videotaped. The library/media supervisor will coordinate requests for permission to use or retain copyrighted television programs beyond the 45-day retention period.

(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;

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(6) Use copies of off-air recordings, as stipulated in these guidelines, only if the 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.

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 requests;
(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 be used for the specific curriculum application for which the request was intended. No other curriculum application is authorized.

(8) Use the recording for 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.

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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. Such use shall be for direct instruction and must take place in a classroom or similar area devoted to instruction;
(2) Use only rented lawfully-made videotapes;
(3) Arrange for the local school to transmit videotapes over their closed circuit television systems for direct instruction;
(4) 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

a. Permissible uses — district employees may:

(1) Make a copy of an original computer program for the purpose of maintaining the availability of the program should it be damaged during use. Either the copy or the original may be retained in archives. Only one, either the original or the copy, may be used at any one time;
(2) Make a copy of a program as an essential step in using the computer program as long as it is used in conjunction with the machine and in no other manner;
(3) Make a new copy from the archival program in the event that the program in use is damaged or destroyed;
(4) Use a purchased program sent from a manufacturer labeled “archival” simultaneously with the original copy of the program provided its use is permitted (not excluded) by the terms of the sales agreement;
(5) Make an archival copy of a rightfully-owned disk that is labeled “archival” by the software manufacturer;
(6) Load a software program from a single disk into a distribution network or to individual stand-alone computers for simultaneous use when the distribution network is only accessible to the owner-user if not otherwise prohibited by terms of a sales agreement;
(7) Adapt a copyrighted program from one language to another for which it is not commercially available or add features to a program to better meet local needs.

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b. Prohibited uses — district employees may not:

(1) Load the contents of one disk into multiple computers at the same time in the absence of a license permitting the user to do so;
(2) Load the contents of one disk into local network or disk-sharing systems in the absence of a license permitting the user to do so;
(3) Make or use illegal copies of copyrighted programs on district equipment;
(4) Allow any student to surreptitiously or illegally duplicate computer software or access any data base or electronic bulletin board;
(5) Make copies of software provided by a software publisher for preview or approval;
(6) Make multiple copies of copyrighted software (or a locally produced adaptation or modification) even for use within the school or district;
(7) Make replacement copies from an archival or back-up copy;
(8) Make copies of copyrighted software (or a locally-produced adaptation or modification) to be sold, leased, loaned, transmitted or even given away to other users;
(9) Make multiple copies of the printed documentation that accompanies copyrighted software.

c. With permission from the copyright holder, prohibitions may be significantly modified or removed altogether.

7. Reproduction of Works for Libraries/Media Centers

a. Permissible uses — district employees may:

(1) Arrange for interlibrary loans of photocopies of works requested by users, provided that copying is not done to substitute for a subscription to or purchase of a work;
(2) Make for a requesting entity, within any calendar year, five copies of any article or articles published in a given periodical within the last five years prior to the date of the request for the material;
(3) Make single copies of articles or sound recordings or excerpts of longer works for a student making a request, provided the material becomes the property of the student for private study, scholarship or research;
(4) Make a copy of an unpublished work for purposes of preservation, of a published work to replace a damaged copy of an out-of-print work that cannot be obtained at a fair price;
(5) Make off-the-air recordings of daily television news broadcasts for limited distribution to researchers and scholars for research purposes;
(6) Make one copy of a musical work, pictorial, graphic, sculptural work, motion picture or other audiovisual work if the current copy owned by the library/media center is damaged, deteriorated, lost or stolen; and it has been determined that an unused copy cannot be obtained at a fair price.

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b. Prohibited uses — district employees may not:

(1) Make copies for students if there is reason to suspect that the students have been instructed to obtain copies individually;
(2) Copy without including a notice of copyright on the reproduced material.

8. 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.

NOTICES

Text of warning notice to be posted on or near copiers. It is recommended that type be at least 18 points in size:

> NOTICE:
>
> THE COPYRIGHT LAW OF THE UNITED STATES (TITLE 17 U.S. CODE) GOVERNS THE MAKING OF PHOTOCOPIES OR OTHER REPRODUCTIONS OF COPYRIGHTED MATERIAL. THE PERSON USING THIS EQUIPMENT IS LIABLE FOR ANY INFRINGEMENT.

Text of warning notice to be displayed at places where orders for copies of materials are accepted by libraries/media centers or archives. Type must be at least 18 points in size; the notice printed on heavy paper or other durable material and displayed prominently within the immediate vicinity of the place where orders are accepted.

The warning is also required on any form that is used to request copying service. There are no specific requirements for type size on request forms.

> NOTICE WARNING CONCERNING COPYRIGHT RESTRICTIONS
>
> THE COPYRIGHT LAW OF THE UNITED STATES (TITLE 17, UNITED STATES CODE) GOVERNS THE MAKING OF PHOTOCOPIES OR OTHER REPRODUCTIONS OF COPYRIGHTED MATERIAL.
>
> UNDER CERTAIN CONDITIONS SPECIFIED IN THE LAW, LIBRARIES AND ARCHIVES ARE AUTHORIZED TO FURNISH A PHOTOCOPY OR OTHER REPRODUCTION. ONE OF THESE SPECIFIC CONDITIONS IS THAT THE PHOTOCOPY OR REPRODUCTION IS NOT TO BE "USED FOR ANY PURPOSE OTHER THAN PRIVATE STUDY, SCHOLARSHIP OR RESEARCH." IF A USER MAKES A REQUEST FOR, OR LATER USES, A PHOTOCOPY OR REPRODUCTION FOR PURPOSES IN EXCESS OF "FAIR USE," THAT USER MAY BE LIABLE FOR COPYRIGHT INFRINGEMENT.
>
> THIS INSTITUTION RESERVES THE RIGHT TO REFUSE TO ACCEPT A COPYING ORDER IF, IN ITS JUDGMENT, FULFILLMENT OF THE ORDER WOULD INVOLVE VIOLATION OF COPYRIGHT LAW.

Text of warning notice to be affixed to video recorders and computers. (There is no specific requirement for type size.):

> NOTICE:
>
> MANY VIDEOTAPED MATERIALS AND COMPUTER PROGRAMS ARE PROTECTED BY COPYRIGHT (TITLE 17 U.S.CODE). UNAUTHORIZED COPYING MAY BE PROHIBITED BY LAW.

Text of warning notice to be affixed to package containing the copy of a computer program subject to loan. The notice must be printed in such a manner as to be clearly legible, prominently displayed and durably attached to the copies or to a box, reel, cartridge, cassette or other container used as a permanent receptacle for the copy of the computer program:

> WARNING: THIS COMPUTER PROGRAM IS PROTECTED UNDER THE COPYRIGHT LAW. MAKING A COPY OF THIS PROGRAM WITHOUT PERMISSION OF THE COPYRIGHT OWNER IS PROHIBITED. ANYONE COPYING THIS PROGRAM WITHOUT PERMISSION OF THE COPYRIGHT OWNER MAY BE SUBJECT TO PAYMENT OF UP TO $100,000 DAMAGES AND, IN SOME CASES, IMPRISONMENT FOR UP TO ONE YEAR.

(continued)

Request Number _____
(Office use only)

REQUEST FOR OFF-AIR VIDEO TAPING

I, the undersigned, having requested the __(District)__ to videotape the following program(s) within the parameters of the policy set forth by the Board, (Date), am aware of said policy, have reviewed district policy and administrative regulations and agree to accept responsibility for the use and erasure of this material to prevent any infringement of copyright law in lieu of expressed written approval of the copyright proprietor.

Title of Program to be Copied: _____

Date of Program: _____ Date Program is Needed: _____

Time of Program: _____ Station or Channel: _____

Length of Program: _____

Special Instructions: _____

_____

Requestor's Name: _____ Location: _____
(please print)

Signature: _____ Department: _____

PREVIEW AND EVALUATION

_____ Yes _____ No Do you want the videotape of this program retained until information regarding the sale, lease, free loan or rental of this material is obtained?

INSTRUCTIONAL QUALITY (circle the appropriate number on the rating scale below)

Criteria	**Suggested Guidelines for Rating Scale**						
Instructional Design	Well-organized, content-load appropriate, maturity level consistent with the content.	5	4	3	2	1	0
Content	Accurate, authentic, current, thorough, relevant.	5	4	3	2	1	0
Curriculum Match	Supports what is commonly taught in this subject at this grade level.	5	4	3	2	1	0
Interest	Supports or enhances communication of content.	5	4	3	2	1	0
5=Exemplary	4=Desirable (very good) 3=Desirable (good) 2=Fair 1=Poor 0=Unacceptable						
OVERALL (AVERAGE) RATING OF QUALITY:							

____ Yes (High Priority) ____ Yes (Low Priority) ____ No Do you recommend acquisition of this program?

SENSITIVE CONTENT

____ Yes ____ No Is nudity, excessive violence, glamorization of drugs/dangerous substances, profanity and/or a sexual nature present in this program? **IF YES**, please verify by circling the topics present.

ADDITIONAL INFORMATION

Subject Area(s) _____ Grade Level _____ Ability Level _____

_____ Yes _____No Previewed?

_____ Yes _____No _____ Uncertain Do presently owned materials adequately cover the subject area?

OVERALL EVALUATION (SUMMARY, USE, ETC.) AND/OR REASONS FOR REQUESTING RETENTION OF THIS TAPE:

_____

_____

_____

VIDEOTAPE STATUS - OFFICE USE ONLY Date: _____

_____ AVAILABLE: Format: _____ 16mm _____ 3/4" _____ 1/2" VHS _____ Other (Specify)_____
Price: _____

_____ May be retained indefinitely

_____ May be kept on an indefinite basis pending updated information on the program's future availability

_____ May be kept permanently on a licensed basis _____ Must be erased immediately

SAMPLE LETTER:
REQUEST FOR PERMISSION TO COPY

Author, Publisher or Distributor **Date**: _____
Permission Department

I am requesting permission to copy and use:

Title: _____ Author/Editor: _____

Year Published: _____ Number of Copies: _____

Will copies be sold? (Circle) **YES NO**

Description of materials to be copied (Photocopy enclosed): _____

Intended use of materials: _____

Type of Reproduction: _____

A self-addressed, stamped envelope is enclosed for your convenience in replying to this request. Should you be unable to authorize this request, please forward this letter to the proper person/agency.

Sincerely,

Permission Granted: _____ Date: _____

Conditions (if any): _____

SAMPLE PRODUCER INQUIRY LETTER: **REQUEST FOR INFORMATION OF AGENCY HOLDING RIGHTS TO A TV BROADCAST AND PERMISSION TO RETAIN PROGRAM IF IT IS NOT FOR SALE, RENT OR LEASE.**

Network Address (ABC, NBC, CBS - not affiliate) **Date:**_____
Permission Department

I am requesting information on the availability and retention of the following program:

Title: _____ Air Date: _____

Can a copy of this program be retained for classroom use? (Circle) YES NO

Is this program available for sale? (Circle) YES NO

If Yes, specify agency distributing this program: _____
Specify Format: _____ Cost (if known): _____

Enclosed is a self-addressed, stamped envelope for your convenience in replying to this request. Should you be unable to authorize this request, or provide the above information, please forward this letter to the proper person/agency.

Sincerely,

Permission to retain off-air copy on a free basis: _____ Date :_____

Conditions (if any):_____