

COPYRIGHT GUIDELINES

School District No. 25 is committed to the observance of Federal Copyright Laws. The School District recognizes the right of authors and producers of materials concerning the works they create. The following guidelines have been developed to guide school personnel and protect the Board of education and school personnel from lawsuits.

School personnel are forbidden to use materials which are protected by copyright except in accordance with the law. Building Administrators are responsible for the implementation of the Administrative Guidelines and to inform staff members of its provisions. Any School District No. 25 employee who violates the copyright law or uses copyright materials in ways not approved in the following guidelines may be subject to penalties of the law.

BASIC GUIDELINES

The following information is not intended to be a legal guide to the resolution of all copyright questions. The copyright law is lengthy and complex. It is impractical to attempt to answer all copyright questions with this document. The information is provided as a guide to help school district personnel understand the basics of the copyright law and some of the applications of the law as it relates to learning and instruction.

A sign, similar to the following, should be placed over each machine capable of reproducing copies which states,

MAKING A COPY WITHOUT PROPER CLEARANCE MAY INVOKE COPYRIGHT LAW -SECTION 108 (f) (1) (2) WITH SUBSEQUENT PENALTIES.
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Authors and producers have specific right guaranteed and retained by them concerning works they create. The rights of copyright are, generally, the rights to do, and to authorize others to do, and of the following:

- A. Reproduce the work;
- B. Prepare derivative works based upon it;
- C. Distribute the work to the public;
- D. Perform the work publicly; and
- E. Display the work publicly.

FAIR USE EXCEPTION

Recognizing the special needs of students and educators, provisions have been outlined in which materials can be copied for education purposes. Section 107 of the copyright law lists four criteria to be considered in determining if the "fair use" exemption to copyright qualifies:

- A. The purpose and character must be for the nonprofit educational use such as criticism, comment, new reporting, teaching, scholarship, or research.
- B. The nature of the copyrighted work.
- C. The amount and substantiality of the portion used in relation to the copyrighted work as a whole.
- D. The effect of the use upon potential market or value of the work.

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Without specific written permission of the copyright owner or broadcast station, secured by the person (or school) desiring to use the material, the following guidelines should be followed:

PRINT MEDIA

PERMISSABLE	PROHIBITED
<p>A. Single copies of the following may be duplicated for a teacher:</p> <ol style="list-style-type: none"> 1. Chapter from a book. 2. Newspaper or periodic articles. 3. Short story, short essay, or short poem. 4. Chart, graph, diagram, drawing, cartoon or picture from a book, 5. Use an opaque projector to enlarge a map from a text of library book. 6. Make an overhead transparency of one page of a workbook or a text in order to demonstrate to the students how to proceed with an assignment. <p>B. Multiple copies for classroom use are not to exceed on copy per student in the course, must INCLUDE the copyright notice and must meet the guidelines of brevity, and spontaneity.</p> <ol style="list-style-type: none"> 1. <u>Brevity</u> <ol style="list-style-type: none"> a. A complete poem or excerpt-maximum length 250 words. b. Prose - a complete article, story or essay of less than 2,500 words and not a "special work;" an excerpt from any prose work of not more than 1,000 words of 10% of the work, whichever is less, in any event a minimum of 500 words. c. Illustration - one chart, graph, diagram, drawing, cartoon or picture per book or periodical issue. 	<ol style="list-style-type: none"> A. Copying of or from works intended to be consumed during the course of study, such as workbooks, exercises, standardized tests, test booklets, answer sheets, and the like. B. Copying shall not be used to create or to replace or substitute for anthologies, compilations, or collective works. C. Copying shall not substitute for the purchase of books, anthologies, publisher's reprints or periodicals. D. Copying shall not be directed by a higher authority or repeated with respect to the same teacher term to term. E. Making a charge beyond the actual cost of the photocopying. F. Copying more than one short poem, article or story from one author each term. G. Copying more than 3 selections from the same collective work or issue during one class term. H. Any more than 9 instances of such multiple copying for 1 course in one term. I. Making multiple copies for another teacher in the same school.

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<p>d. "Special Works" or poetry or prose combined with illustrations, 10% of the text or two pages, but not the entire work. (A "SPECIAL WORK") is defined as a work or less than 2,500 words in the form of poetry, prose or poetic prose with accompanying illustrations intended primarily for children.)</p> <p>e. <u>Spontaneity</u>: Copying at the instance and inspiration of the individual teacher when maximum teaching effectiveness would be lost if use of the work were delayed to request permission to copy and receive a timely relay.</p>	

Note: The limitations do NOT apply to current news periodicals, newspapers and current news sections of other periodicals.

NON-PRINT MEDIA

PERMISSABLE	PROHIBITED
<ol style="list-style-type: none"> 1. A single copy of a portion of a sound recording maybe made by or for a student 2. The copy can only be used in the educational context. 3. Prepare an audio report on a new travel book in the school media center and use a copyrighted musical compositions background music. 4. Use a currently popular song as background music for a slide program produced as a class project. 5. Record a single copy of musical performances by students for evaluation or rehearsal purposes. (May be retained.) 	<ol style="list-style-type: none"> 1. Making multiple cassette copies of classical music albums in their entirety even if the albums are not available in cassette form. 2. Copying various musical selections from radio or recorded programs onto audio tape in order to illustrate the forms of certain kinds of musical composition. 3. Taping the studio portion of a televised documentary for later playback. 4. Making a copy of audio discs records on tapes to use as masters if the circulation copies are damaged. <p>A song from a record may be copied but not an entire recording.</p>

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<p>6. Make a single copy of a sound recording (tape, disk, cassette) of copyrighted music from those owned by the individual teacher or the district for the purpose of construction aural exercises or examinations. (May be retained.)</p>	<p>5. A copy may not be sold or performed for profit. 6. Making multiple copies of a sound recording is questionable. It must not replace or create or be a substitute for anthologies compilations or collective works. (Apply fair use guidelines.)</p>
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FILMS, COMMERCIAL VIDEO TAPES AND DVDs, AND SLIDE PROGRAMS

PERMISSABLE	PROHIBITED
<p>1. A single copy of a portion of a copyright film may be made by a student for educational purposes if the material is owned by the school the student attends. 2. A single copy of a small portion of a film may be made for a teacher for scholarly or teaching purposes. 3. Use of an opaque projector or overhead projector to enlarge a map from a text or library book. 4. Make an overhead transparency of one page of a workbook or a text in order to demonstrate to the students how to proceed with an assignment.</p>	<p>1. Neither preview nor rental material may be duplicated without permission. 2. Extreme care must be taken to ensure that when a small portion is copied that it does not contain the essence of the copyrighted material. 3. Copyright of a film governs the performance (showing) as well as the copying of it. 4. Making a videocassette copy of a 16mm educational film even though the school district has purchased the film. 5. Salvaging useful frames from discarded filmstrip to use for personal purposes.</p>

RADIO

PERMISSABLE	PROHIBITED
<p>1. A single copy of a small portion of a copyright radio program may be made by a student for educational purposes. 2. National Public Radio broadcasts may be recorded and retained by schools for educational purposes. 3. Commercial radio broadcast copying is governed by commercial T.V. guidelines. (See section of Records or Music for musical copyright section.)</p>	<p>1. See limitations under "AUDIO RECORDS,..." and "TELEVISION" for restrictions.</p>

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TELEVISION

The following guidelines for off-air recording of broadcast programming were developed by Congressman Kastnemeir's Negotiating Committee (1978) and apply only to off-air recording by non-profit educational institutions.

PERMISSABLE	PROHIBITED
<ol style="list-style-type: none"> 1. Recordings may be made only at the request of individual teachers and used by the individual teacher making the request. 2. Recordings may be used once in the course of relevant "fact-to-face" teaching activities during the first ten consecutive school days. It may be used as instructional reinforcement once thereafter. 3. Evaluation by the teacher is allowed after the 10 days and before the retention period expires 45 days from recording. 4. Use and retention rights expire 45 days from recording. Copy MUST be erased or destroyed. 5. A limited number of copies may be made to meet legitimate needs of teachers. 6. All copies must include the copyright notice. 7. Programs in the "Instructional Television Broadcast Schedule" from the Idaho State Department of Education notify educators that "taping is legally permissible for all programs broadcast as part of the ITV schedule..." For retention and use, as long as titles are retained in the schedule. 	<ol style="list-style-type: none"> 1. Programs may not be regularly recorded in anticipation of requests. 2. Programs may not be regularly recorded in anticipation of requests. Use beyond the given limitations is prohibited. 3. Retaining recordings without obtaining written permission. 4. Programs may NOT be altered from their original content (i.e., electronically or physically combined or merged) although programs need not be used in their entirety. 5. Regardless of the number of times a program is broadcast, only one request by the same teacher can be filled. 6. Retaining programs after they have been dropped from the ITV schedule is prohibited.

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VIDEO RECORDINGS -- (Home use Video Tapes and DVDs)

By court decision, the school setting has been defined as a "semi-public performance." Public performance rights are reserved for the copyright owner or to those given permission. Videotapes marketed for "home use" do not have the rights granted for public performances. Non-profit education institutions generally may perform or display works in the course of "face-to-face" teaching activities, without the need to obtain consent from the copyright owner if the permissible guidelines are met.

PERMISSABLE	PROHIBITED
<ol style="list-style-type: none"> 1. The video must be legally obtained, lawful copy. 2. The video must be used in the course of "face-to-face" teaching activities. 3. The video activity must be carried out by an instructor or pupil. 4. The video activity must be carried out in a classroom or similar place devoted to instruction. 5. The video must be related to the approved curriculum for the class and specifically related to the learning objective. All video programming obtained from commercial sources (outside the schools purchasing procedure) through rental, lease or purchase must be cleared for classroom use by the principal through registration on the individual teacher's lesson plans. 6. The showing of any video must be listed by the teacher in their lesson plan, with the relating learning goal/s identified, and the video's "Motion Picture Association of America" Rating. (See item #9). 7. In selecting videos for instruction the teacher has the responsibility to select and objectively use material that is consistent with the course of instruction which takes into account the age and maturity of students. 	<p>Videotapes may not be used for recreation or entertainment, or for other than planned instructional purposes.</p> <ol style="list-style-type: none"> 2. Duplication or copying of a videocassette is prohibited. This would apply to the making of an archival copy or transferring from one format to another (i.e., filmstrip, 16mm film or slide show to video cassette). 3. Making archival copies of commercially made video recordings except where specific written permission is given by the copyright owner. 4. Using copyrighted materials in video productions made by school personnel or by students without specific written permission from the copyright owner.

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<p>8. The ratings developed by the "Motion Picture Association of America " will be applied for age appropriateness.</p> <ul style="list-style-type: none"> a. PG Parental Guidance Suggested; some material may not be suitable for children b. PG13 Parents strongly cautioned. Some material may be inappropriate for children under 13 c. Restricted under 17 requires accompanying parent or adult guardian d. NC-17 - No children under 17 admitted <p>10. A parent/patron or student who objects to the showing of a video/movie may register their concern by completing the "Request for Instructional Materials Review" found in Board Procedure 6212.</p>	
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COMPUTER PROGRAMS

Copying microcomputer software without permission is a violation of the Copyright Act of 1976, making violators subject to fine of up to \$10,000 and up to 5 years in prison.

PERMISSABLE	PROHIBITED
<p>1. The owner of a computer program in NOT infringing on the copyright by making another copy or adaptation IF THE FOLLOWING CRITERIA ARE MET:</p> <ul style="list-style-type: none"> a. The new copy or adaptation is created as an essential step in the utilization of the computer program in conjunction with a machine or that it is used in no other manner, OR 	<ul style="list-style-type: none"> 1. Multiple copies of the original may not be used without license to do so. 2. An educational institution cannot adapt a program, make multiple copies and distribute it throughout their schools. 3. Copies may not be loaned, leased or sold without the authorization of the copyright owner. 4. Making or using illegal copies of copyrighted programs on school equipment; the same applies to the documentation which accompanies each computer program.

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<p>b. The new copy or adaptation is for archival purposes only and that archival copies are destroyed in the event that continued possession of the computer program should cease to be rightful.</p> <p>2. Back-up copies may be made of programs as permitted by the producer.</p>	<p>5. License agreements supersede the copyright law: if such agreements do not permit the use of the software on multiple machines, signers are bound by conditions of the license.</p> <p>6. Computer programs purchased for use as "single-machine versions" may not be used to download a single program to a number of microcomputer terminals simultaneously (as in a networking agreement) unless written permission is obtained from the program producer.</p>
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MUSIC

PERMISSABLE	PROHIBITED
<p>Emergency copying to replace purchased copies which for any reason are not available for an imminent performance provided purchased replacement copies shall be substituted in due course.</p> <p>2. For academic purposes other than performance, single or multiple copies of excerpts or 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 10 percent of the whole work. The number of copies shall not exceed one copy per pupil.</p> <p>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. A single copy of recordings of performances by students may be made for evaluation or rehearsal purposes and may be retained by the educational institution or individual teacher.</p>	<p>1. Copying to create or replace or substitute for anthologies, compilations or collective works.</p> <p>2. Copying of or from works intended to be "consumable" in the course of study or of teaching such as workbooks, exercises, standardized tests and answer sheets and like material.</p> <p>3. Copying for the purpose of performance, except as in #1 under permissible uses.</p> <p>4. Copying for the purpose of substituting for the purchase of music, except as in #1 and #2 under permissible uses.</p> <p>5. Copying without inclusion of the copyright notice which appears on the printed copy.</p>

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<p>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 an educational institution or an individual teacher for the purpose of constructing aural exercises or examinations and may be retained by the educational institution or individual teacher. (This pertains only to the copying of the music itself and not to any copyright which may exist in the sound recording).</p>	
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LICENSING AGREEMENTS

Individual schools shall not be permitted to negotiate and/or enter into written licensing agreements for computer programs; this is a district-level responsibility.

TRAINING OF STAFF

The principal is responsible to see: (1) that training in Copyright Guidelines takes place in the building each year, (2) that each faculty member has access to a copy of the Copyright Guidelines, and (3) that the Copyright Guidelines are followed within each individual building.

The building media specialist, as a resource person, is available to offer training to each school staff regarding the current guidelines pertaining to the copyright laws and uses which may be made of materials without violating the laws.