

POLICY TITLE: COPYRIGHT COMPLIANCE

Copyright

The **Agency** recognizes that federal law makes it illegal to duplicate copyrighted materials without authorization of the holder of the copyright, except for certain exempt purposes. Severe penalties may be imposed for unauthorized copying or using of audio, visual, or printed materials and computer software, unless the copying or use conforms to the “fair use” doctrine.

Under the “fair use” doctrine, unauthorized reproduction of copyrighted materials is permissible for such purposes as criticism, comment, news reporting, teaching, scholarship, or research.

While the **Agency** encourages its staff to enrich the learning programs by making proper use of supplementary materials, it is the responsibility of **Agency** staff to abide by the **Agency’s** copying procedures and obey the requirements of the law. Under no circumstances shall it be necessary for **Agency** staff to violate copyright requirements in order to perform their duties properly. The **Agency** cannot be responsible for any violations of the copyright law by its staff.

Any staff member who is uncertain as to whether reproducing or using copyrighted material complies with the **Agency’s** procedures or is permissible under the law should contact the Superintendent. The Superintendent will assist staff in obtaining proper authorization to copy or use protected materials when such authorization is required. The Superintendent or designee is responsible for maintaining copies of permission granted for the use of copyrighted material.

Teachers will instruct students to respect copyright laws and to request permission when their use of material has the potential of being considered an infringement.

No information or graphics may be posted on any school system official website in violation of any copyright laws. The Superintendent or web maintenance designee is responsible for maintaining copies of permission granted for the use of copyrighted material on any school system official website.

Authorized Reproduction and Use of Copyrighted Material in Print

In preparing for instruction, a teacher may make or have made a single copy of a chapter from a book; an article from a newspaper or periodical; a short story, short essay or short poem; or a chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper. A teacher may make multiple copies, not exceeding more than one (1) per pupil for classroom use if the copying meets the tests of “brevity,

spontaneity, and cumulative effect” set by the following guidelines. Each copy must include a notice of copyright.

1. Brevity
 - a. A complete poem, if less than 250 words and two pages long, may be copied; excerpts from longer poems cannot exceed 250 words.
 - b. Complete articles, stories, or essays of less than 2500 words or excerpts from prose works less than 1000 words or 10% of the work, whichever is less, may be copied; in any event, the minimum is 500 words. (Each numerical limit may be expanded to permit the completion of an unfinished line of a poem or prose paragraph.)
 - c. One chart, graph, diagram, drawing, cartoon, or picture per book or periodical issue may be copied. “Special” works cannot be reproduced in full; this includes children’s books combining poetry, prose, or poetic prose.
2. Spontaneity. Should be at the “instance and inspiration” of the individual teacher.
3. Cumulative Effect. Teachers are limited to using copied material for only one (1) course in the school in which copies are made. No more than one (1) short poem, article, story or two (2) excerpts from the same author may be copied, and no more than three (3) works can be copied from a collective work or periodical issue during one (1) class term. Teachers are limited to nine (9) instances of multiple copying for one (1) course during one (1) class term. Limitations do not apply to current news periodicals, newspapers and current news sections of other periodicals.

Performances by teachers or students of copyrighted dramatic works without authorization from the copyright owner are permitted as part of a teaching activity in a classroom or instructional setting. All other performances require permission from the copyright owner.

The copyright 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 actual cost of photocopying. Teachers may use copyrighted materials in overhead projectors for instructional purposes.

Authorized Reproduction and Use of Copyrighted Materials in the Library

A library may make a single copy of an unpublished work which is in its collection; and a published work in order to replace it because it is damaged, deteriorated, lost, or stolen provided the unused replacement cannot be obtained at a fair price.

A library may provide a single copy of copyrighted material to a student or staff member at no more than the actual cost of photocopying. The copy must be limited to one (1) article of a periodical issue or a small part of other material, unless the library finds that the copyrighted work cannot be obtained elsewhere at a fair price. In the latter circumstance, the entire work may be copied. In any case, the copy shall contain the notice of copyright, and the student or staff member shall be notified that the copy is to be used only for private study, scholarship, or research. Any other use may subject the person to liability for copyright infringement.

At the request of a teacher, copies may be made for reserve use. The same limits apply as for single or multiple copies designated in "Authorized Reproduction and Use of Copyrighted Material in Print".

Authorized Reproduction and Use of Copyrighted Music

A teacher may make a single copy of a song, movement, or short section from a printed musical work that is unavailable except in a larger work, for purposes of preparing for instruction.

A teacher may make multiple copies for classroom use of an excerpt of not more than 10% of a printed musical work if it is to be used for academic purposes other than performance, provided that the excerpt does not comprise a part of the whole musical work which would constitute a performable unit such as a complete section, movement, or song. Printed musical works which have been purchased may be simplified provided that the fundamental character of the work is not distorted and that lyrics are not added or altered.

A single copy of recordings of performances by students may be made for evaluation or rehearsal purposes.

In an emergency, a teacher may make and use replacement copies of printed music for an imminent musical performance when the purchased copies have been lost, destroyed, or are otherwise not available.

Recording of Broadcast Programs

Television programs may be recorded and used for instruction for up to ten (10) days following recording. The recording may be retained for up to forty-five (45) days for teacher evaluation purposes. The recording may only be replayed for educational purposes in the classroom or a similar learning environment. No program may be

recorded by or for the same teacher more than once and the recording may not be altered. A limited number of copies may be made for legitimate educational purposes. All copies of off-air recordings must include the copyright notice on the broadcast program as recorded. The Superintendent will establish appropriate control procedures to maintain the integrity of these guidelines.

Authorized Reproduction and Use of Copyrighted Materials on Websites

No information or graphics may be posted on any school system official website in violation of any copyright laws. The Superintendent or web maintenance designee is responsible for maintaining copies of permission granted for the use of copyrighted material on any school system official website.

Teacher Instruction to Students for Reproduction and Use of Copyrighted Material

Teachers will instruct students to respect copyright laws and to request permission when their use of material has the potential of being considered an infringement.

LEGAL REFERENCE:

17 U.S.C. 101 to 110 Federal Copyright Act

POLICY HISTORY:

Adopted: 5/19/2016

Revised: September 20, 2021

Originally issued as Policy 114. Revised and reissued as Policy 2150 on January 19, 2022.