

E-3900 © EGAD
COPYRIGHT COMPLIANCE

A variety of machines and equipment for reproducing materials to assist staff in carrying out their educational assignments is available to staff in both the school and home setting.

Infringement on copyrighted material, whether prose, poetry, graphic images, music, audio tape, video or computer-programmed materials, is a serious offense against federal law, a violation of Governing Body policy and contrary to ethical standards required of staff and students.

All reproduction of copyrighted material shall be conducted strictly in accordance with applicable provisions of law. Unless otherwise allowed as "fair use" under federal law, permission must be acquired from the copyright owner prior to reproduction of material in any form. Permission forms are available in the office and media center.

"Fair use" guidelines are as follows:

Fair Use

Printed Materials:

- Permissible uses - school employees may:
 - make a single copy of the following for use in teaching or in preparation to teach a class:
 - ▲ A chapter from a book;
 - ▲ An article from a periodical or newspaper;
 - ▲ A short story, short essay or short poem, whether or not from a collective work;
 - ▲ A chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper.
 - make multiple copies for classroom use (not to exceed one [1] copy per student in a course) from the following:
 - ▲ A complete poem, if it has fewer than two hundred fifty (250) words and does not exceed two (2) printed pages in length;
 - ▲ A complete article, story or essay of less than two thousand five hundred (2,500) words;
 - ▲ Prose excerpts not to exceed ten percent (10%) of whole or one thousand (1,000) words, whichever is less;

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- ⤴ One (1) chart, graph, diagram, cartoon or picture per book or per issue of a periodical;
 - ⤴ An excerpt from a children's book containing up to ten percent (10%) of the words found in the text.
- All permitted copying must bear an appropriate reference. References should include the author, title, date and any other pertinent information.
- Prohibited uses - school employees may not:
 - copy more than one (1) work or two (2) excerpts from a single author during one (1) class term;
 - copy more than three (3) works from a collective work or periodical volume during one (1) class term;
 - copy more than nine (9) sets of multiple copies for distribution to students in one (1) class term;
 - copy to create or replace or substitute for anthologies or collective works;
 - copy "consumable" works, such as workbooks, exercises, standardized tests and answer sheets;
 - copy the same work from term to term;
 - copy the same material for more than one (1) particular course being offered (may not copy every time a particular course is offered) unless permission is obtained from the copyright owner.
- 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.

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Sheet and Recorded Music:

- Permissible Uses - school employees may:
 - 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;

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- make, for academic purposes other than performance, multiple copies (one [1] per student) of excerpts not constituting an entire performance unit such as a section, movement or aria, but in no case no more than ten percent (10%) of the whole work;
 - 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;
 - 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;
 - copy complete works which are out of print or unavailable except in large works and used for teaching purposes;
 - make a single copy of a recorded performance by students to be retained by the school or individual teacher for evaluation or rehearsal purposes;
 - 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.
- Prohibited uses - school employees may not:
 - copy to create or replace or substitute for anthologies, compilations or collective works;
 - copy works intended to be "consumable", such as workbooks, exercises, standardized tests and answer sheets;
 - copy for the purpose of performance, except as noted above in emergencies;
 - copy to substitute for purchase of music except as noted above;
 - copy without inclusion of the copyright notice on the copy.

Television-Off-the-Air Taping:

- Permissible uses - school employees may:
 - record a broadcast program off-air simultaneously with the broadcast transmission, including simultaneous cable or satellite re-transmission, and retain the recording for a period not to exceed the first forty-five (45) consecutive calendar days after the date of the recording.

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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.

- 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;
- copy complete works which are out of print or unavailable except in large works and used for teaching purposes;
- make a single copy of a recorded performance by students to be retained by the school or individual teacher for evaluation or rehearsal purposes;
- 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;
- retain videotapes of commercial programs only with written approval of appropriate copyright holders;
- 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 ten (10) consecutive school days of the 45-consecutive calendar day retention period;
- use off-air recordings for evaluation purposes only, after the first ten (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;
- 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;
- use copies of off-air recordings, as stipulated in these guidelines, only if the copies include the copyright notice on the broadcast program;

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- 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).

- Prohibited uses - school employees may not:

- copy to create or replace or substitute for anthologies, compilations or collective works;
- copy works intended to be "consumable", such as workbooks, exercises, standardized tests and answer sheets;
- copy for the purpose of performance, except as noted above in emergencies;
- copy to substitute for purchase of music except as noted above;
- copy without inclusion of the copyright notice on the copy;
- tape off-air programs in anticipation of an educator's requests;
- 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;
- use the recording for instruction after 45-consecutive calendar days;
- hold the recording for weeks or indefinitely because:
 - ⤴ Units needing the program concepts are not taught within the 45-day use period;
 - ⤴ An interruption or technical problem delayed its use; or
 - ⤴ Another teacher wishes to use it, or any other supposedly "legitimate" educational reason.
- record programs off-air without written permission from the author/producer/distributor when a special notice is provided specifically prohibiting reproduction of any kind;
- 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;

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- exchange program(s) with other schools without the approval of the [media/library supervisor];

Programs will be used for the specific curriculum application for which the request was intended. No other curriculum application is authorized.

- use the recording for public or commercial viewing;
- 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.

Rental, Purchase and Use of Videotapes:

- Permissible uses - school employees may:
 - use purchased or rented videotapes such as feature films as part of a systematic course of instruction, in accordance with school policy. Such use shall be for direct instruction and must take place in a classroom or similar area devoted to instruction;
 - use only rented lawfully-made videotapes;
 - arrange for the local school to transmit videotapes over their closed-circuit television systems for direct instruction;
 - use off-air videotapes made at home for classroom instruction and only in accordance with television-off-air guidelines and school policy.
- Prohibited uses - school employees may not:
 - use rented or purchased videotapes where a written contract specifically prohibits such use in the classroom or direct teaching situation;
 - 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.

Computer Software:

- Permissible uses - school employees may:
 - 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 (1), either the original or the copy, may be used at any one time;

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- 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;
 - make a new copy from the archival program in the event that the program in use is damaged or destroyed;
 - 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;
 - make an archival copy of a rightfully-owned disk that is labeled "archival" by the software manufacturer;
 - 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;
 - 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.
- Prohibited uses - school employees may not:
 - load the contents of one (1) disk into multiple computers at the same time in the absence of a license permitting the user to do so;
 - load the contents of one (1) disk into local network or disk-sharing systems in the absence of a license permitting the user to do so;
 - make or use illegal copies of copyrighted programs on school equipment;
 - allow any student to surreptitiously or illegally duplicate computer software or access any data base or electronic bulletin board;
 - make copies of software provided by a software publisher for preview or approval;
 - make multiple copies of copyrighted software (or a locally produced adaptation or modification) even for use within the school;
 - make replacement copies from an archival or back-up copy;
 - 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;
 - make multiple copies of the printed documentation that accompanies copyrighted software.

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- use rented or purchased videotapes where a written contract specifically prohibits such use in the classroom or direct teaching situation;
- 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;
- record programs off-air without written permission from the author/producer/distributor when a special notice is provided specifically prohibiting reproduction of any kind;
- 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;
- exchange program(s) with other schools without the approval of the [media/library supervisor].

Programs will be used for the specific curriculum application for which the request was intended. No other curriculum application is authorized.

- use the recording for public or commercial viewing;
- 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.

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

Reproduction of Works for Libraries/Media Centers:

- Permissible uses - school employees may:
 - 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;
 - make for a requesting entity, within any calendar year, five (5) copies of any article or articles published in a given periodical within the last five (5) years prior to the date of the request for the material;
 - 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;

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- 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;
 - make off-the-air recordings of daily television news broadcasts for limited distribution to researchers and scholars for research purposes;
 - make one (1) 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.
- Prohibited uses - school employees may not:
 - make copies for students if there is reason to suspect that the students have been instructed to obtain copies individually;
 - copy without including a notice of copyright on the reproduced material.

Performances:

- Permissible uses - school employees must:
 - 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.

AI-Generated Content and Copyright:

The use of artificial intelligence (AI) tools by staff or students to create, modify, or distribute content must comply with copyright law and this policy. Unacceptable uses include, but are not limited to:

- Reproducing or adapting copyrighted works using AI in ways that exceed "fair use" or occur without proper licensing.
- Inputting copyrighted materials (text, images, audio, video, software code) into AI platforms if doing so violates copyright terms or the tool's user agreement.
- Presenting AI-generated outputs containing copyrighted content as original work unless explicitly permitted and properly attributed.
- Using AI tools that rely on copyrighted content without verifying licensing, terms of use, or output ownership.
- All AI-assisted or AI-generated educational materials, assignments, or media must adhere to existing copyright guidelines.

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- When in doubt, staff should consult the Superintendent/designee or district copyright officer before use.

Violations:

- Employees in violation of copyright law may be required to remunerate the school in the event of loss due to litigation and may be subject to discipline up to and including dismissal.

Adopted: date of manual adoption

LEGAL REF.: 17 U.S.C. 101 *et seq.*

CROSS REF.: IJNDC – Use of Artificial Intelligence

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