

USE OF INFORMATION RESOURCES REGULATION

Employees and students may make copies of copyrighted materials that fall within the following guidelines. Where there is reason to believe the material to be copied does not fall within these guidelines, prior permission shall be obtained from the publisher or producer with the assistance of the principal, teacher, or teacher-librarian. Employees and students who fail to follow this procedure may be held personally liable for copyright infringement and may be subject to discipline by the board.

Under the “fair use” doctrine, unauthorized reproduction of copyrighted materials is permissible for such purposes as criticism, comment, news reporting, teaching, scholarship or research. Under the fair use doctrine, each of the following four standards must be met in order to use the copyrighted document:

- Purpose and Character of the Use – The use must be for such purposes as teaching or scholarship.
- Nature of the Copyrighted Work – The type of work to be copied.
- Amount and Substantiality of the Portion Used – Copying the whole of a work cannot be considered fair use; copying a small portion may be if these guidelines are followed.
- Effect of the Use Upon the Potential Market for or value of the Copyrighted Work – If resulting economic loss to the copyright holder can be shown, even making a single copy of certain materials may be an infringement, and making multiple copies presents the danger of greater penalties.

Authorized Reproduction and Use of Copyrighted Material Reminders:

- Materials on the Internet should be used with caution since they may, and likely are, copyrighted
- Proper attribution (author, title, publisher, place and date of publication) should always be given.
- Notice should be taken of any alterations to copyrighted works, and such alternations should only be made for specific instructional objectives.
- Care should be taken in circumventing any technological protection measures. While materials copied pursuant to fair use may be copied after circumventing technological protections against unauthorized copying, technological protection measures to block access to materials may not be circumvented.

In preparing for instruction, a teacher may make or have made a single copy of:

- A chapter from a book;
- An article from a periodical or newspaper;
- 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 to exceed one per pupil) for classroom use or discussion, 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.

- BREVITY
 - A complete poem, if less than 250 words and two pages long, may be copied; excerpts, from longer poems, cannot exceed 250 words;.
 - Complete articles, stories or essays of less than 2,500 words, or excerpts from prose works less than 1,000 words or 10% of the work, whichever is less, may be copied; in any event, the minimum is 500 words.

USE OF INFORMATION RESOURCES REGULATION

- Each numerical limit may be expanded to permit the completion of an unfinished line of a poem or prose paragraph.
- 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. Short special works may be copied up to two published pages containing not more than 10 percent of the work.
- SPONTANEITY - Should be at the "instance and inspiration" of the individual teacher when there is not a reasonable length of time to request and receive permission to copy.
- CUMULATIVE EFFECT - Teachers are limited to using copied material for only one course for which copies are made. No more than one short poem, article, story or two excerpts from the same author may be copied, and no more than three works can be copied from a collective work or periodical column during one class term. Teachers are limited to nine instances of multiple copying for one course during one class term. Limitations do not apply to current news periodicals, newspapers and current news sections of other periodicals.

COPYING LIMITATIONS

Circumstances will arise when employees are uncertain whether or not copying is prohibited. In those circumstances, the principal, teacher or teacher-librarian should be contacted. The following prohibitions have been expressly stated in federal guidelines:

- Reproduction of copyrighted material shall not be used to create or substitute for anthologies, compilations or collective works.
- Unless expressly permitted by agreement with the publisher and authorized by school district action, there shall be no copying from copyrighted consumable materials such as workbooks, exercises, test booklets, answer sheets and the like.
- Employees shall not:
 - Use copies to substitute for the purchase of books, periodicals, music recordings, consumable works such as workbooks, computer software or other copyrighted material. Copy or use the same item from term to term without the copyright owner's permission;
 - Copy or use more than nine instances of multiple copying of protected material in any one term.
 - Copy or use more than one short work or two excerpts from works of the same author in any one term.
 - Copy or use protected material without including a notice of copyright. The following is a satisfactory notice:

NOTICE: THIS MATERIAL MAY BE PROTECTED BY COPYRIGHT LAW.

- Reproduce or use copyrighted material at the direction of someone in higher authority or copy or use such material in emulation of some other teacher's use of copyrighted material without permission of the copyright owner.
- Require other employees or students to violate the copyright law or fair use guidelines.

All other musical and dramatic performances require permission from the copyright owner. Parents or others wishing to record a performance should check with the sponsor to ensure compliance with copyright.

USE OF INFORMATION RESOURCES REGULATION

RECORDING OF COPYRIGHTED PROGRAMS

Television programs, excluding news programs, transmitted by commercial and non-commercial television stations for reception by the general public without charge may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable retransmission) and retained by a school for a period not to exceed the first forty-five (45) consecutive calendar days after date of recording. Upon conclusion of such retention period, all off-air recordings must be erased or destroyed immediately. Certain programming such as that provided on public television may be exempt from this provision; check with the principal, teacher or teacher librarian or the subscription database, e.g. united streaming.

Off-air recording may be used once by individual teachers in the course of instructional activities, and repeated once only when reinforcement is necessary, within a building, during the first 10 consecutive school days, excluding scheduled interruptions, in the 45 calendar day retention period. Off-air recordings may be made only at the request of and used 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. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers. Each additional copy shall be subject to all provisions governing the original recording.

After the first 10 consecutive school days, off-air recordings may be used up to the end of the 45 calendar day retention period only for evaluation purposes, i.e. to determine whether or not to include the broadcast program in the teaching curriculum. Permission must be secured from the publisher before the recording can be used for instructional purposes after the 10 day period.

Off-air recordings need not be used in their entirety, but the recorded 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. All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.

AUTHORIZED REPRODUCTION AND USE OF COPYRIGHTED COMPUTER SOFTWARE

Schools have a valid need for high-quality software at reasonable prices. To assure a fair return to the authors of software programs, the school district shall support the legal and ethical issues involved in copyright laws and any usage agreements that are incorporated into the acquisition of software programs. To this end, the following guidelines shall be in effect:

- All copyright laws and publisher license agreements between the vendor and the school district shall be observed.
- Staff members shall take reasonable precautions to prevent copying or the use of unauthorized copies on school equipment;
- A back-up copy shall be purchased, for use as a replacement when a program is lost or damaged. If the vendor is not able to supply a replacement, the school district shall make a back-up copy that will be used for replacement purposes only;
- A copy of the software license agreement shall be retained by the technology director or teacher-librarian and,
- A computer program may be adapted by adding to the content or changing the language. The adapted program may not be distributed.

USE OF INFORMATION RESOURCES REGULATION

FAIR USE GUIDELINES FOR EDUCATIONAL MULTIMEDIA

Students may incorporate portions of copyrighted materials in producing educational multimedia projects such as videos, Power Points, podcasts and web sites for a specific course, and may perform, display or retain the projects.

Educators may perform or display their own multimedia projects to students in support of curriculum-based instructional activities. The projects may be used:

- In face-to-face instruction;
- In demonstrations and presentations, including conferences;
- In assignments to students;
- For remote instruction if distribution of the signal is limited;
- Over a network that cannot prevent duplication for fifteen days, after fifteen days a copy may be saved on-site only; or,
- In their personal portfolios.

Educators may use copyrighted materials in a multimedia project for two years, after that permission must be requested and received.

The following limitations restrict the portion of any given work that may be used pursuant of fair use in an educational multimedia project:

- Motion Media: 10% or 3 minutes, whichever is less;
- Text materials: 10% or 1,000 words, whichever is less;
- Poetry: An entire poem of fewer than 250 words, but no more than three poems from one author or five poems from an anthology. For poems of greater than 250 words, excerpts of up to 250 words may be used, but no more than three excerpts from one poet or five excerpts from an anthology;
- Music, Lyrics, and Music Video: Up to 10%, but in no event more than 30 seconds. No alterations that change the basic melody or fundamental character of the work.
- Illustrations, Cartoons and Photographs: No more than 5 images by an artist, and no more than 10% or 15 images, whichever is less from a collective work.
- Numerical Data Sets: Up to 10% or 2,500 fields or cell entries, whichever is less;

Fair use does not include posting a student or teacher's work on the Internet if it includes portions of copyrighted materials. Permission to copy shall be obtained from the original copyright holder(s) before such projects are placed online. The opening screen of such presentations shall include notice that permission was granted and materials are restricted from further use.

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Reviewed:

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