

Use of Copyrighted Materials

Each employee or client making a reproduction shall first determine whether the copying is permitted by law based on the guidelines below. If the copying is not permitted according to these guidelines, the employee/client shall request and receive written permission to reproduce the material from its copyright holders prior to reproducing the material.

Requests for permission to use copyrighted materials shall include the following information:

1. Title, author(s), editor(s) or publisher, producer(s) or distributor.
2. Edition, copyright and/or production year.
3. Exact amount of material to be used (i.e., lines, pages, running time, etc.).
4. Nature of the use (i.e., how many times, when and with whom the material will be used).
5. Number of copies to be made.
6. How the material will be reproduced.
7. If an initial contact was made by phone, the request shall also include the name of the initial contact person.

The following guidelines differentiate between permitted and prohibited uses of printed material, audiovisual material, sheet and recorded music, videotapes, DVDs, films, filmstrips or slide programs, off-air taping (radio or television), computer software, multimedia, and graphics.

PRINTED MATERIALS

Permitted Uses:

1. Single copies at the request of an individual teacher:
 - a. A chapter of a book.
 - b. An article from a magazine or newspaper.
 - c. A short story, short essay or short poem, whether or not from a collective work.
 - d. A chart, graph, diagram, drawing, non-syndicated, non-copyrighted cartoon, or a picture from a book, magazine or newspaper.
2. Multiple copies at the request of an individual teacher for classroom use, not to exceed one copy per student in a course:

INSTRUCTION

Administrative Regulation 6126.6(b)

- a. A complete poem if less than 250 words and if printed on not more than two pages.
- b. An excerpt from a longer poem, not to exceed 250 words.
- c. A complete article, story or essay of less than 2,500 words.
- d. An excerpt from a larger prose work not to exceed ten percent of the whole or 1,000 words, whichever is less.
- e. One chart, graph, diagram, cartoon or picture per book or magazine issue.
- f. Works combining prose, poetry, etc., less than 10% of whole if:
 - Copying is for one course only.
 - Insufficient time to request permission.
 - One work from a single author.
 - Less than three authors from collective work.
 - Nine or less instances of multiple copying per term.
 - Copying is not used to create or replace anthologies.
 - Same copying is not repeated next year.
 - Students not charged beyond photocopying fees.
- g. Classroom quantities of current news articles if individual articles are not copyrighted.

All preceding copies must bear the copyright notice. They may be made only at the discretion of the individual teacher on occasions when a delay to request permission would preclude their most effective instructional use.

Prohibited Uses:

1. Copying more than one work or two excerpts from a single author during one class term.
2. Copying more than three works from a collective work or periodical volume during one class term.
3. Copying materials for more than one course in the school where the copies are made.
4. More than nine sets of multiple copies for distribution to students in one class term.
5. Copying used to create, replace or substitute for anthologies or collective works.

INSTRUCTION

Administrative Regulation 6126.6(c)

6. Copying of “consumable” works such as workbooks, standardized tests, answer sheets, etc.
7. Copying that substitutes for the purchase of books, publishers’ reprints or periodicals.
8. Repeated copying of the same item by the same teacher from term to term.

The above prohibitions do not apply to current news magazines and newspapers.

BIG BOOKS

Permitted Uses:

1. One illustration per book.
2. Two pages per book as long as they don’t comprise more than 10% of the book.

Note: Occasionally publishers of big books have given the Office of Education permission to copy that exceeds the normal fair use guidelines. Any letters granting additional permission will be kept on file by the library information specialist.

Prohibited Uses:

1. Copying “just” the text from a big book.
2. Making an audio-tape/CD of someone narrating a big book or picture book.

AUDIO VISUAL MATERIALS

Permitted Uses:

1. Creating slide sets from books, magazines, etc. as long as only one per source is used.
2. Making one overhead transparency of one page of one workbook.
3. Converting a damaged filmstrip to a slide set, keeping the same order, minus the damaged frames.
4. Enlarging a map with an opaque projector for tracing but not duplicating color scheme, symbols, etc.
5. Copying non-dramatic literary, audiovisual works for use by blind or deaf individuals.

INSTRUCTION

Administrative Regulation 6126.6(d)

Prohibited Uses:

1. Copying audio tapes or video tapes/DVDs for archival or backup purposes.
2. Reproducing musical works or converting from one form to another (e.g. CD to MP3).
3. Copying any audiovisual work in its entirety (except off-air taping).
4. Converting from one medium format to another.
5. Recording the text of a book or textbook onto a cassette/DVD.

SHEET AND RECORDED MUSIC

Permitted Uses:

1. Emergency copies for an imminent performance are permitted, provided they are replacing purchased copies and replacement is planned.
2. Multiple copies (one per student) of excerpts not constituting an entire performable unit or more than ten percent of the total work may be made for academic purposes other than performances.
3. Purchased sheet music may be edited or simplified provided the character of the work is not distorted or lyrics added or altered.
4. A single copy of a recorded performance by students may be retained by the district or individual teacher for evaluation or rehearsal purposes.
5. A single copy of recordings of copyrighted music owned by the district or individual teacher may be made and retained for the purpose of constructing exercises or examinations.
6. A single copy of an excerpt that constitutes an entire performable unit (i.e., a movement or aria) may be made provided it is either:
 - a. Confirmed by the copyright proprietor to be out of print, or
 - b. Unavailable except in larger work. This may be done by or for a teacher only for scholarly research or in preparation for teaching a class.
7. A single copy of a portion of a sound recording may be made by or for a student, i.e., a song from a record, but not the entire recording. The copy may be used in the educational context in which it was made and may not be sold or performed for profit.

INSTRUCTION

Administrative Regulation 6126.6(e)

Prohibited Uses:

1. Copying to replace or substitute for anthologies or collections.
2. Copying from works intended to be “consumable.”
3. Copying for purposes of performance except as noted in an emergency.
4. Copying to substitute for purchase of music.
5. Copying without inclusion of copyright notice on the copy.
6. Duplication of tapes/CDs, unless reproduction rights were given at time of purchase.
7. Reproduction of musical works or conversion to another format, e.g. record to tape.

VIDEOTAPES, FILMS, FILMSTRIPS OR SLIDE PROGRAMS

Permitted Uses for VIDEO (Educational/Instructional OFF-AIR Taping):

May record program off-air if:

1. Program is used for instructional purposes, or face-to-face teaching, not for entertainment or filler.
2. Program is required by a teacher.
3. Program is shown once and repeated once per class by individual teacher during the first 10 consecutive school days after broadcast.
4. Program is not retained beyond 45 calendar days.
5. Program is recorded in its entirety (need not be used in its entirety).
6. After first 10 consecutive school days, program is used only for evaluation by teacher.

Prohibited Uses:

1. Videotaping in anticipation of requests.
2. Retaining a program longer than 45 days.
3. Showing a program after 10 days.
4. Showing for motivation, filler or entertainment purposes.
5. Taping a program at home, using in the classroom, and subsequently retaining in personal collection.

INSTRUCTION

Administrative Regulation 6126.6(f)

VIDEO (OFF-AIR Taping at Home)

Permitted Uses:

1. A program may be recorded at home and brought to school to be used, provided all educational guidelines are followed.
2. "Home" tape/DVE may be shown if the above criteria are followed and the tape/DVD is made legally.

Prohibited Uses:

1. The person who recorded the program may not retain it.

VIDEO (Cable)

Permitted Uses:

1. Programs may be recorded while being simultaneously broadcast. (See OFF-AIR educational/instructional guidelines.)
2. Videos/DVDs or motion pictures may be shown via cable within a building as long as programs are used in face-to-face teaching and are of an instructional nature.

Prohibited Uses:

1. Programs may not be recorded simultaneously while being broadcast (CNN, Discovery, Disney, HBO, etc.) unless prior approval or license is obtained.
2. Programs of a musical, dramatic or entertainment nature may not be shown.
3. Cable or satellite programs may not be copied without permission. Note: Educators may use cable magazines like Cable in the Classroom for varying copying/retention rights of individual programs.

VIDEO (Purchased or rented)

Permitted Uses:

1. Purchased or rented videotapes/DVDs/Blu-ray movies may be used for curriculum-supported, face-to-face teaching activities.

Prohibited Uses:

1. Copying motion pictures, other audio-visual works, choreographic works and pantomimes.

INSTRUCTION

Administrative Regulation 6126.6(g)

2. Copying broadcasts that are of a “general cultural nature” or intended for transmission as part of an information storage and retrieval system.

VIDEO (Satellite Transmissions)

Permitted Uses:

1. Showing purchased or rented videotape/DVD for curriculum-supported, face-to-face teaching activities.

Prohibited Uses:

1. Showing purchased or rented videotape/DVD for entertainment, rewards, rainy days, filler or non-instructional purposes.

Note: Performance rights may be acquired at time of purchase; then it's legal to show such videos for non-instructional purposes.

RADIO - OFF-AIR TAPING

Permitted Uses:

1. A single copy of a small portion of a copyrighted radio program may be made by a student for educational purposes. Such a copy may not be sold or performed for profit.
2. Copies of broadcasts by national public radio may be made by district employees and retained for an indefinite period for educational purposes.

Prohibited Uses:

1. Copying broadcasts on commercial radio, except for copyrighted musical selections (see Sheet and Recorded Music), is governed by the same copyright laws that apply to off-air taping of commercial television; however, there is no special provision allowing libraries to tape radio news programs.

TELEVISION - OFF-AIR TAPING

Permitted Uses:

1. A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable retransmission) and retained for a period not to exceed 45 days. All off-air recordings shall be erased or destroyed at the end of the retention period. Broadcast programs are television programs transmitted for reception by the general public without charge.

INSTRUCTION

Administrative Regulation 6126.6(h)

2. Off-air recordings may be used once by individual teachers in the course of relevant teaching activities and repeated once only when instructional reinforcement is necessary. These recordings may be shown in classrooms and similar places devoted to instruction within a single building, cluster, or campus, as well as in the homes of students receiving formalized home instruction, during the first ten consecutive school days in the 45 calendar-day retention period.
3. Off-air recordings may be made only at the request of individual teachers, for use by those teachers. 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.
4. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy shall be subject to all provisions governing the original recording.
5. After the first ten consecutive school days, off-air recordings may be used up to the end of the 45-calendar-day retention period only for teacher evaluation purposes; i.e., to determine whether or not to include the broadcast program in the teaching curriculum; they may not be used for student exhibition or any other non-evaluation purpose without authorization.
6. All copies of off-air recordings shall include the copyright notice on the broadcast programs as recorded.

Prohibited Uses:

1. Off-air recording in anticipation of teacher requests.
2. Using the recording for instruction after the ten-day use period.
3. Holding the recording for weeks or indefinitely because:
 - a. Units needing the program concepts are not taught within the ten-day use period.
 - b. An interruption or technical problems delayed its use.
 - c. Another teacher wishes to use it, or for any other supposedly "legitimate" educational reason.
4. On occasion a special notice is provided with some materials specifically prohibiting reproduction of any kind. Permission to use any part of such works must be secured in writing from the author or producer in accordance with this regulation.

INSTRUCTION

Administrative Regulation 6126.6(i)

5. Off-air recordings need not be used in their entirety, but the content of recorded programs may not be altered. Off-air recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.

SOFTWARE COPYRIGHT

Permitted Uses:

Copies of Office of Education-owned software may be made only when:

1. The copy is needed as an essential step in using the computer program with a particular machine. This copy is to be used in no other way.
2. The copy is used for archival or “backup” purposes. This copy may be held only as a file copy and must be destroyed when the program is no longer rightfully owned by the Office unless the copyright owner authorizes its sale, lease or transfer as part of the sale, lease or transfer of the original program. (United States Code, Title 17, Section 117).
3. A backup copy of a hard drive may be made as long as it is not used to run another drive.
4. The library may lend public domain software.

Prohibited Uses:

1. Downloaded searches should not be retained.
2. When permission is obtained from the copyright holder to use software on a disk sharing system, efforts will be made to secure software from copying.
3. Illegal copies of copyrighted programs shall not be made or used on Office equipment.
4. Downloaded material may not be used to create a derivative work.

DATABASES

Permitted Uses:

1. Searches may be downloaded.

Prohibited Uses:

1. Downloaded searches should not be retained.
2. Downloaded material may not be used to create a derivative work.

INSTRUCTION

Administrative Regulation 6126.6(j)

CD-ROM

Permitted Uses:

1. Printing out pages of reference or other works for study or teaching.

Prohibited Uses:

1. Printing out large sections or work.

MUSICALS, DRAMATIC, AND NON-DRAMATIC PERFORMANCES

Permitted Uses:

1. School chorus performances are open to the public.

Prohibited Uses:

1. School drama club performing copyrighted pay broadcast over cable to classes.
2. Recording of choral or instrumental concerts and then giving or selling recording to parents.

MULTIMEDIA

Permitted Uses:

1. Teacher or student-developed multimedia program of copyrighted programs for use in classroom only.

NOTE: Students may keep their work indefinitely; teachers may keep their work for only two years IF: the following limitations are observed:

MOTION MEDIA

Use up to 10 % or 3 minutes, whichever is less, of an individual program.

TEXT

Up to 10% or 1,000 words, whichever is less; short poems less than 250 words may be used in their entirety.

MUSIC

Up to 10% but no more than 30 seconds from a single work (or combined from separate extracts of a work).

INSTRUCTION

Administrative Regulation 6126.6(k)

ILLUSTRATIONS, CARTOONS, PHOTOGRAPHS

No more than five images from a single artist or photographer, no more than 10% or 15 images from a single collective.

NUMERICAL DATA SETS

Up to 10% or 2, 250 fields or cells, whichever is less.

Not Permitted:

Teacher or student-developed multimedia program of copyrighted works for use in displays, festivals, parent meetings or other public events.

INTERNET

Permitted Uses:

1. Downloading public domain software.

Prohibited Uses:

1. Uploading copyrighted software to Internet for downloading.
2. Collecting materials off the Internet and compiling into a new work.
3. Forwarding material off the Internet to friends, co-workers.

DIGITAL

Prohibited:

1. Digitizing a copyrighted slide collection.
2. Scanning copyrighted materials (magazine photograph, cartoon illustration, etc.) for school newspaper.

INSTRUCTION

Administrative Regulation 6126.6(l)

GRAPHICS

Permitted Uses:

1. One graphic per book or periodical.
2. Multiple copies of a single graphic.

IF:

- Copying is at the instance/inspiration of teacher; copy is for only one course in the school
- There are not more than nine occurrences of multiple copying for that course; and not more than one graphic is copied per book or periodical.

Prohibited:

1. Adaptation of a popular cartoon character for the school mascot.
2. Copying an image from a coloring book for a worksheet.
3. Making stuffed animals of popular picture book characters.
4. Scanning a cartoon into school newsletter.