

**Administrative Procedures for Policy #1630 (Administration) of the Board of Education  
Regarding the Use of Copyrighted Materials**

I. Definitions

- A. Copyright - the exclusive legal right to reproduce, publish, sell, or distribute the matter and form of something such as a literary, musical, or artistic work.
- B. Creative Commons License - A licensing concept created by Creative Commons that builds upon traditional copyright practices to define possibilities that exist between the standard "all rights reserved" full copyright and public domain "no rights reserved." A Creative Commons license allows individuals or organization to determine how others may use their work.
- C. Fair Use – Section 107 of the Copyright Revision Act of 1976 allows for the use of copyrighted materials in limited circumstances for “purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research.” Unlimited use in these circumstances is not allowed.
- D. Fair Use Guidelines – Guidelines for fair use of copyrighted materials in educational institutions published by the United States Copyright Office as “Circular 21: Reproduction of Copyrighted Works by Educators and Librarians” (2014). The Guidelines represent agreement on how reproduction can be conducted within the restrictions provided by the Copyright Revision Act of 1976.
- E. Open Educational Resources (OER) - Openly licensed educational resources are teaching, learning, and research resources that reside in the public domain or have been released under a license that permits their free use, reuse, modification, and sharing with others. Digital openly licensed resources include complete online courses, modular digital textbooks as well as more granular resources such as images, videos, and assessment items. (NETP, 2016)

II. Use of Copyrighted Materials

- A. Materials found on the Internet should be used with caution; many materials are copyrighted.
- B. Proper citation (author, title, publisher, place and date of publication) should always be used when using materials from the Internet.
- C. Care should be taken when making any alterations to copyrighted works; alterations should only be made for specific instructional objectives.
- D. Creative Commons licensed materials and Open Educational Resources should be used whenever possible.
- E. For instructional purposes, a teacher may make copies of the following
  - 1. A chapter from a book
  - 2. An article from a newspaper or periodical
  - 3. A short story, short essay or short poem

4. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper
5. A teacher may make multiple copies of certain texts for classroom use or discussion if the reproduction meets the tests of “brevity, spontaneity and cumulative effect” set forth by the following guidelines. Copies may not exceed more than one per pupil. Each copy must include a notice of copyright.
  - a. Brevity
    - 1) A complete poem, if less than 250 words and two pages long, may be copied; excerpts from longer poems cannot exceed 250 words
    - 2) Complete articles, stories or essays of more than 500 words and less than 2500 words may be copied
    - 3) Excerpts from prose works that are more than 500 words and less than 1,000 words or 10% of the work, whichever is less, may be copied
    - 4) Each numerical limit may be expanded to permit the completion of an unfinished line of a poem or prose paragraph
    - 5) One chart, graph, diagram, drawing, cartoon or picture per book or periodical issue may be copied
    - 6) “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
  - b. Spontaneity – The copying 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.
  - c. Cumulative Effect – Teachers are limited to using copied material for only one course in the school in 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. A limit of 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.
6. 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.

### III. Authorized Use of Materials

#### A. Authorized Reproduction and Use of Copyrighted Materials in the Library

1. A library may make a single copy or three (3) digital copies of:
  - a. An unpublished work which is in its collection.
  - b. A published work in order to replace it because it is damaged, deteriorated, lost, or stolen, if an unused replacement cannot be obtained at a fair price.

- c. A work that is being considered for acquisition, although use is strictly limited to the purpose of making an acquisition decision. Technological protection measures may be circumvented for purposes of copying materials in order to make an acquisition decision.
- B. Authorized Reproduction and Use of Copyrighted Music
  1. 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.
  2. 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. 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.
  3. A teacher may make and retain a single recording of student performances of copyrighted material when it is made for purposes of evaluation or rehearsal.
  4. A teacher may make and retain a single copy of excerpts from recordings of copyrighted musical works for use as aural exercises or examination questions.
  5. A teacher may edit or simplify purchased copies of music provided that the fundamental character of the music is not distorted. Lyrics shall not be altered or added if none exist.
  6. Performance by teachers or students of copyrighted musical works is permitted without the authorization of the copyright owner as part of a teaching activity in a classroom or instructional setting. The purpose shall be instructional rather than for entertainment.
  7. Performances of nondramatic musical works which are copyrighted are permitted without the authorization of the copyright owner, provided that:
    - a. The performance is not for a commercial purpose
    - b. None of the performers, promoters or organizers are compensated
    - c. Admission fees are used for educational or charitable purposes only
  8. All other musical performances require permission from the copyright owner.
- C. Authorized Production and Use of Dramatic Materials
  1. Copyrighted dramatic works and portions of copyrighted dramatic works are permitted in the classroom setting provided the script is original and was purchased through the publisher or original playwright.
  2. Copyrighted dramatic works and parts of copyrighted dramatic works used within the classroom are not subject to performance royalties.
  3. Public performances of copyrighted dramatic works are permitted only with permission of the publisher or original playwright. Original scripts and performance royalties must be secured according to the details of the contract. Performance Royalties shall be obtained for all public performances, both free and ticketed.

4. Video and Audio recordings of a production or portion of a production are not permitted. Teachers may use images and videos up to 60 seconds as promotion for the production if included in the contract with the publisher or original playwright.
5. Performances for competitions of copyrighted nonmusical dramatic works and portions of copyrighted nonmusical dramatic works are permitted only with permission of the publisher or original playwright. Original scripts and performance royalties must be secured according to the details of the contract.

D. Off-Air Recording of Copyrighted Programs

1. 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 this retention period, all off-air recordings must be erased or destroyed immediately.
2. 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 ten (10) consecutive school days, excluding scheduled interruptions, in the forty-five (45) calendar day retention period.
3. 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.
4. 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.
5. After the first ten (10) consecutive school days, off-air recordings may be used up to the end of the forty-five (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 ten (10) day period.
6. 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.
7. All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.
8. Cable channel programs may be used with permission. Many programs may be retained by teachers for years under the Cable in the Classroom program ([www.ncta.com](http://www.ncta.com)).

E. Authorized Reproduction and Use of Copyrighted Computer Software

Administration 1630.1

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1. 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.
2. The following guidelines shall be in effect:
  - a. All copyright laws and publisher license agreements between the vendor and the district shall be observed
  - b. Staff members shall take reasonable precautions to prevent copying or the use of unauthorized copies on school equipment
  - c. A computer program may be adapted by adding to the content or changing the language. The adapted program may not be distributed

F. Fair Use Guidelines for Education Multimedia

1. 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.
2. Projects posted online will include a notice that they were prepared under the fair use exemption of US copyright law and are restricted from further use.
3. Students may incorporate portions of copyrighted materials in producing educational multimedia projects for a specific course, and may perform, display or retain the projects.
4. Teachers and students are encouraged to explore Creative Commons licensed materials during the creation of materials and student work.
5. Educators may perform or display their own multimedia projects to students in support of curriculum-based instructional activities. These projects may be used:
  - a. In face-to-face instruction, including online classrooms and platforms
  - b. In demonstrations and presentations, including conferences
  - c. In assignments to students
  - d. For remote instruction if distribution of the signal is limited
  - e. Over a network that cannot prevent duplication for fifteen days; after fifteen days a copy may be saved on-site only
  - f. In personal portfolios
6. 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 to fair use in an educational multimedia project:
  - a. Motion media (film): ten percent or three minutes, whichever is less
  - b. Text materials: ten percent or 1,000 words, whichever is less
  - c. 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

- d. Music, lyrics and music video: Up to ten percent, but no more than thirty seconds. No alterations are allowed that change the basic melody or fundamental character of the work
- e. Illustrations, cartoons and photographs: No more than five images by an artist, and no more than ten percent or fifteen images whichever is less, from a collective work; and numerical data sets: Up to ten percent or 2,500 field or cell entries, whichever is less

G. Prohibitions

1. 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 person in "higher authority."
2. Staff shall not 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.
3. Copyrighted materials should not be posted to webpages or within the systems Learning Management System without expressed permission of the copyright holder.