

FERNDALE SCHOOL DISTRICT NO. 502  
ADMINISTRATIVE PROCEDURES

No. 2312 P-1

COPYRIGHT COMPLIANCE REGULATIONS

The reproduction and use of copyrighted materials by school employees is permitted by law according to the following guidelines. District personnel shall abide by such principles of "fair use" as permitted by law, federal guidelines, and district procedures. District employees who fail to follow this procedure may be held personally liable for copyright infringement.

I. **AUTHORIZED REPRODUCTION AND USE OF COPYRIGHTED MATERIAL IN PRINT**

- A. In preparing for instruction, a teacher may make or have made a single copy of:
1. A chapter from a book;
  2. An article from a newspaper or periodical;
  3. A short story, short essay or short poem; or
  4. Chart, graph, diagram, drawing, cartoon or picture from a book periodical or newspaper.
- B. An employee may make multiple copies not exceeding more than 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.
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;
    - c. Each numerical limit may be expanded to permit the completion of an unfinished line of a poem or prose paragraph;
    - d. One chart, graph, diagram, drawing, cartoon or picture per book or periodical issue may be copied.
    - e. "Special" works, which are poetic or prose works that combine illustrations, cannot be reproduced in full.

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2. Spontaneity - Should be at the "instance and inspiration" of the individual teacher.
  3. Cumulative Effect
    - a. 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.
    - b. 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.
  - C. 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.
  - D. The copyright law prohibits using copies to replace or substitute for anthologies, consumable works, compilations or collective works.
    1. "Consumable" works include: workbooks, exercises, standardized tests, test booklets and answer sheets.
    2. Teachers cannot substitute copies for the purchase of books, publishers' reprints or periodicals.
    3. Copies cannot be repeatedly used from term-to-term.
    4. Copying cannot be directed by a "higher authority."
  - E. Teachers may use copyrighted material in overhead or opaque projectors for instructional purposes.
- II. AUTHORIZED REPRODUCTION AND USE OF COPYRIGHTED MATERIALS IN THE LIBRARY
- A. A library may make a single copy of:
    1. An unpublished work which is in its collection;

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2. A published work in order to replace it because it is damaged, deteriorated, lost or stolen, provided that unused replacement cannot be obtained at a fair price.
- B. A library may provide a single copy of copyrighted material to a student or staff member. The copy must be limited to one 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 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.
- C. At the request of an employee, copies may be made for reserve use. The same limits apply as for single or multiple copies designated in Section I.

III. AUTHORIZED REPRODUCTION AND USE OF COPYRIGHTED MUSIC

- A. An employee 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.
- B. An employee 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.
- C. 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.
- D. An employee may make and retain a single recording of student performances of copyrighted material when it is made for purposes of evaluation or rehearsal.
- E. An employee may make and retain a single copy of excerpts from recordings of copyrighted musical works for use as aural exercises or examination questions.
- F. An employee 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.
- G. Performance by teachers or students of copyrighted musical works is permitted without the authorization of the copyright owner as part of a

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teaching activity in a classroom or instructional setting. The purpose shall be instructional rather than for entertainment.

- H. Performances of nondramatic musical works which are copyrighted are permitted without the authorization of the copyright owner, provided that:
1. The performance is not for a commercial purpose;
  2. None of the performers, promoters or organizers are compensated; and
  3. Admission fees are used for educational or charitable purposes only.

All other musical performances require permission from the copyright owner.

IV. AUTHORIZED REPRODUCTION AND USE OF AUDIOVISUAL MATERIAL

- A. 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.
- B. Off-air recordings 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.
- C. 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.
- D. 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.

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- E. 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.
- F. 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.
- G. 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.

V. **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:

- 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. When making a back-up copy of computer programs, employees shall adhere to Public Law 96-517, Section 7(b) which provides:
  - 1. That such a copy is created as an essential step in the utilization of the computer program.
  - 2. That the copy shall be made for use as a replacement when a program is lost or damaged.

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3. That such a new copy is for archival purposes only and that all archival copies are destroyed in the event that continued possession of the computer program should cease to be rightful.
- D. Illegal copies of copyrighted programs are not to be made or used on school equipment.
- E. Principals will remind staff members each fall of the copyright law and the district's board policy and procedures regarding the law.
- F. The principal is authorized to sign a software license agreement on behalf of the school. A copy of said agreement shall be retained by the principal.

VI. COPYING LIMITATIONS

Circumstances will arise when staff are uncertain whether or not copying is prohibited. In those circumstances, the superintendent or designated copyright compliance officer should be contacted. The following prohibitions have been expressly stated in federal guidelines:

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

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The following is a satisfactory notice -- NOTICE: THIS MATERIAL  
MAY BE PROTECTED BY COPYRIGHT LAW.

- D. Employees 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.

VII. PERMISSION TO COPY

Use of copyrighted material may be extended if permission is granted by the holder of the copyright. In requesting permission, specific information such as number of pages, number of copies, and purpose for copying must be included. Attachment 1 provides a sample of such a request.

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