

SALEM SCHOOL DISTRICT  
Salem, Connecticut

## INSTRUCTION

### COPYRIGHT/USE OF COPYING DEVICES

The Copyright Law (Public Law 94-553) requires that all employees comply with the following guidelines for classroom copying. Failure to comply could expose the employee and the school system to legal challenge.

Staff may make copies of copyrighted school district materials that fall within the following guidelines. If clarification of the guidelines is needed, staff members should contact the Principal or his/her designee. Staff members who fail to follow this procedure will be held personally liable for copyright infringement.

#### Authorized Reproduction and Use of Copyrighted Material in Print

1. **Single Copy for Classroom Use:** A single copy may be made of any of the following by or for a teacher at his/her individual request for his/her scholarly research or use in teaching or preparation to teach a class:
  - A chapter from a book;
  - An article from a newspaper or periodical;
  - A short story, short essay or short poem; or
  - A chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper.
2. **Multiple Copies for Classroom Use:** A teacher may make multiple copies not exceeding more than one per student, for classroom use or discussion if the copying meets the test of “brevity, spontaneity and cumulative effect” set by the following guidelines. Each copy must include a notice of copyright present in the original work.
  - A. Brevity
    - A complete poem, if less than 250 words and if printed on not more than two pages, may be copied; excerpts from longer poems cannot exceed 250 words;
    - Complete articles, stories or essays of less than 2500 words may be copied. Excerpts from prose works of not more than 1000 words or 10% of the work - whichever is smaller - may be copied, but in any event, a minimum of 500 words may be copied;
    - Each numerical limit set forth above may be expanded to permit the completion of an unfinished 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 under any circumstances; however, an excerpt of not more than two published pages containing not more than 10% of the

words in the text of such special works may be reproduced. Special works include children's books combining poetry, prose or poetic prose with illustrations and which are less than 2500 words in their entirety

#### B. Spontaneity

Copying should be at the "instance and inspiration" of the individual teacher; and the inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

#### C. Cumulative Effort

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, essay or two excerpts from the same author may be copied, and no more than three works or excerpts can be copied from a collective work or periodical volume 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.

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.

Teachers may use copyrighted material in overhead or opaque projectors for instructional purposes.

Prohibitions on "Single Copying for Teachers" and "Multiple Copies for Classroom Use" (I and II above)

Notwithstanding any of the above, the following shall be prohibited:

- Copying may not be used to create or to replace or substitute for anthologies, compilations or collective works. A prohibited replacement or substitution occurs regardless of whether copies of various works or excerpts therefrom are accumulated or are reproduced and used separately.
- There shall be no copying of or from works intended to be "consumable" in the course of study or of teaching. These include workbooks, exercises, standardized tests and test booklets and answer sheets and like consumable material.
- Copying shall not:
  - substitute for the purchase of books, publisher's reprints or periodicals;
  - be directed by higher authority; or
  - be repeated with respect to the same item by the same teacher from term to term.

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

A library may make a single copy of a work provided it is:

- an unpublished work, which is in its collection.
- a published work in order to replace it because it is damaged, deteriorated, lost or stolen, provided that an unused replacement cannot be obtained at a fair price.

A library may provide a single copy of copyrighted material to a student or staff member at no more than the actual cost of photocopying. 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 the latter circumstance, the entire work may be copied. 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.

At the request of a teacher, copies may be made for reserve use. The same limits apply as for single or multiple copies designated in “Authorized Reproduction and Use of Copyrighted Material in Print.”

Libraries are generally exempt from liability for the unsupervised use of reproducing equipment located on its premises, provided that the reproducing equipment displays a notice that the making of a copy may be subject to the copyright law.

#### E. Authorized Reproduction and Use of Copyrighted Music

A teacher may make a single copy of a song, movement, or short selection from a printed musical work that is unavailable except in larger work for purposes of preparing for instruction.

A teacher may make multiple copies not exceeding one copy per student 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 selection, 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, provided that purchased copies shall be substituted in due course.

A teacher may make and retain a single recording of student performances of copyrighted musical works owned by the school or the individual teacher for use as aural exercises or examination questions.

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.

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.

Performances of non-dramatic musical works which are copyrighted are permitted without the authorization of the copyright owner, provided that:

- the performance is not for a commercial purpose;
- none of the performers, promoters or organizers are compensated; and
- admission fees are used for educational or charitable purposes only.

All other musical performances require permission from the copyright owner.

#### F. Off-Air Recording of Copyrighted Programs

It is the Board of Education's policy to permit off-air recording of television programs where permissible and to forbid such recording where prohibited. It is the responsibility of the individual who wishes to record a program to investigate whether or not such recording is permissible.

Instructional Television (ITV) programs provided for use in Connecticut schools have more liberal school off-air recording and use rights than any other source of video programming.

All other video programs, from commercial television (TV), cable TV, public TV, video stores, etc., carry special, individual restrictions. Many absolutely prohibit recording and use, even in schools

Television programs transmitted by television stations for reception by the general public without charge (hereinafter referred to as "broadcast programs") 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.

Off-air recordings may be used once by individual teachers in the course of relevant instructional activities, and repeated once only when instructional reinforcement is necessary within a building during the first ten (10) consecutive school days in the forty-five (45) calendar day retention period. "School days" are school session days - not counting weekends, holidays, vacations, examination periods or other scheduled interruptions.

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 under these guidelines. Each additional copy shall be subject to all provisions governing the original recording.

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 teacher 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 or any other non-evaluation purpose after the ten (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.

#### G. Authorized Reproduction and Use of DVD/Video Rentals or DVD/Videos Purchased for Home

DVDs/Videos may only be rented for classroom use from agencies or companies, which allow for such use. Many retail video rental stores have strict license agreements prohibiting use with large, non-home audiences. These restrictions may also apply to the use of DVDs/videos purchased for home use. Staff is expected to review and honor these agreements.

Teachers and pupils may show copyrighted works in face-to-face instruction, with the following limitations:

- The performance is part of a systematic course of instruction and not for entertainment, recreation or cultural value.
- Attendance at performances is limited to the pupils enrolled in the course and to their teacher(s).
- The performance is given in a classroom or a similar place devoted to instruction, including libraries and gymnasiums, so long as the attendance limitation (item 2 above) is satisfied.
- The performance is given from a legitimately made copy, which was not sold under license or contract restricting school performance.

#### H. Authorized Reproduction and Use of Copyrighted Computer Software

The District licenses the use of computer software from a variety of third parties. Such software is normally copyrighted by the software developer. Unless expressly authorized to do so, the District has no right to make copies of copyrighted software except for backup or archival purposes. The purpose of this policy is to prevent copyright infringement and to protect the integrity of the District's computer environment from tampering or viruses. All employees and students of the District who use technology must adhere to all statutes concerning software copyrights, use of technology and technology services, as well as their ethical use.

Illegal copies of software, according to current copyright laws, may not be used on school system computers. Unauthorized duplication and/or use may subject employees, students

and/or the District to both civil and criminal penalties under the United States Copyright Act.

To this end, the following guidelines shall be in effect:

- All copyright laws and license agreements between the vendor and the district shall be observed. For Example: Software usage for both network and stand-alone versions must adhere to the following:
  - Lab-packs may only be loaded and utilized on the number of computers designated by the lab-pack agreement.
  - Site licenses may only be loaded and utilized on the number of computers designated by the site-license agreement. Extensions of such licenses beyond the originally designated number must be fully documented and attached to the original purchase agreement.
  - District licenses may only be loaded and utilized on the number of computers designated by the district-license agreement.
- A back-up copy shall be purchased, at least, for use as a replacement when a program is lost or damaged. If the vendor is not able to supply such, the District shall make a back-up program in accordance with the terms of the applicable license agreement or 17 U.S.C. and 117 and attest that the program will be used for replacement purposes only.

#### I. Web Publishing

The Internet has grown to a worldwide computer network with many different types of users, with many different purposes for their presence. Copyright laws are often misinterpreted or completely ignored. Members of the Salem School Community must conform to all laws, regardless of how they may be perceived regarding the Internet. The guidelines stated herein are for the protection of the District and for teaching by example those principles, which should be instilled within our students.

- The copyright law and the courts have provided exceptions to the rules that govern the behavior of teachers, students, and schools. In general terms, teachers, students and schools are allowed to make "Fair Use" of materials for instructional purposes. "Fair Use" has been interpreted to include those limited uses, which are not likely to deprive a publisher or an author from income. "Fair Use" of Internet resources by teachers, students, schools or district personnel should parallel the use of printed resources. Teachers and students might make limited use of some text and graphics within their own classrooms. The moment the works move out of the classroom, (Networks or the Internet) they may fall under a "public performance" clause of the copyright law, which imposes much greater restrictions and fees.
- Members of the Salem School community may not make use of others' materials (graphics, text, etc.) when they publish on the Web unless they have requested and received formal permission to do so. This includes downloading or copying another

website's material to their school website. This can only be done after obtaining written permission from the author of the desired site.

- Careful attention must be given to agreements/restrictions/requirements for republishing of clip art or other graphics collections. All agreements must be followed in full.
- Members of the Salem School community engaged in producing webpages must provide the Webmaster with e-mail or hard copy permissions, granting permission to use copy righted material, before the webpages are published. In the case of “public domain” documents, printed evidence must be provided to document the status of the materials.

The following statement should guide decisions about what materials may be used when publishing (posting) online: Unless there is a clear statement that art, photos and text are “public domain” and available for free use one should assume that they are copyrighted. This material should not be used for republication on a local area network, a wide area network or a website unless permission is granted from the owner.

Staff members and students with questions regarding these guidelines are advised to check with the library media specialist in their building before proceeding with the collection of images and text.

Schools and non-profit organizations may copy and make use of these materials within their own school districts or may republish the pages on their websites provided that a clear notice of source is included on the webpage.

(cf. 6161.7 - Use of Proprietary Software Products)

Legal Reference: Public Law 94-553, Federal Copyright Law of 1976, 17 U.S.C. 101 et. seq. Public Law 105-304 Digital Copyright Millennium Act, 112 Stat. 2827

1<sup>st</sup> Reading: March 20, 2006

Policy Adopted: April 3, 2006

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SALEM SCHOOL DISTRICT  
Salem, Connecticut

Copyright Permission Letter

Directions: Whenever a student or staff member wishes to “re-publish” someone else’s writing or graphics on a District School Web site, explicit permission must be obtained from the owner of copyright or evidence must be provided that the materials are “in the public domain.” The form below may be copied and pasted into an e-mail message sent to the owner of the site and/or the owner of copyright. An e-mail reply which answers all questions fully and grants permission should be printed out and presented along with any Web pages being submitted to the library media specialist for publication. Every Web page containing such items must provide full credit to the source, indicate that permission was granted and include a notice clarifying that all rights are still reserved by the copyright owner.

\*\*\*\*\*Copy the letter below and E-Mail to Site Owner\*\*\*\*\*  
Schools Copyright Permission Request

(Type Name of Site here)

(Type Name of Site Manager here)

(Type e-mail address of Site Manager here)

(Type URL (s) (addresses) of Web page containing desired item(s))

Dear (insert name of Site Manager):

I am a (insert either “student” or “teacher”) in the Salem Public Schools creating Web pages for a school project. My school is Salem School. My e-mail address is (insert full e-mail address).

We are currently engaged in a project which (insert description of the project and its goals here).

While doing research for this project, I visited your excellent site and was very much impressed with what you have done.

I am interested in gaining permission to “re-publish” the following material from your Web site on our school’s Web site:

(describe first item)

(describe additional items)

Are you the holder of a copyright for these materials?

Yes  No

If you are not the holder of a copyright, can you identify the owner and supply an e-mail address so that I may contact the owner?

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If you are the holder of copyright, may we “re-publish” these items, including at the bottom of the Web page a clear notice that we are “re-publishing” the item with your permission, with all rights reserved?

I give my permission.

I do not give my permission.

Please write the words you wish for us to place at the bottom of the page describing your copyright restrictions.

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Thanks so much for your time and assistance. We appreciate your contribution to the development of excellent content on the Web.

Please send back this whole message with your name and title at the bottom so that we can identify the source of permission.