COPYRIGHT POLICY - INSTRUCTIONAL MATERIALS

It is the policy of the Edgerton School District (District) to direct its staff to comply with the 1976 federal copyright law (Public Law 94-553, Title 17 and Public Law 96-517 Section 7(b) which amends Section 117 of Title 17) and the guidelines that have been drawn up to help educators and librarians interpret the law.

General Requirements

The District shall provide all staff with inservice training, information, and materials relating to the copyright law.

The District shall provide staff with assistance in acquiring rights to copyrighted materials.

Appropriate notices and warning signs shall be placed on all copying equipment.

The duplication of copyrighted materials without permission from the copyright holder, except under the provisions of “fair use,” shall be prohibited.

The use of District equipment for the purposes of violating copyright law shall be prohibited.

Copying copyrighted material to substitute for the purchase of that material shall be prohibited.

The distribution and/or transmission of a reading or performance of copyrighted works without permission from the copyright holder, except under the provisions of “fair use,” shall be prohibited.

No employee shall direct the violation of the copyright law.

The principal shall be responsible for establishing practices, which will enforce this policy.

Instructional Materials - Copyright

Section 107 - Limitations on Exclusive Rights: Fair Use

Many provisions of the law affect the educational uses of copyrighted materials but the most generally applicable is Section 107 - Fair Use. “Fair Use” applies four basic standards, which must be considered together when judging whether or not there has been a copyright infringement:

1. The purpose and character of the use. (Is the copying being done for commercial or educational purposes?)
2. The nature of the copyrighted work. Was the original work intended to be consumable, for example?
3. The amount and substantiality of the portion used. (How much is being copied? How important is the copied part to the entire work? How many copies are being made?)
4. The effect on the potential market for or value of the work. (Will the copyright owner suffer financial loss?)
According to the concept of “Fair Use” in Section 107, a single copy of any of the following may be made by or at the individual request of a staff member for research or use in teaching:

1. A chapter from a book.
2. An article from a periodical or newspaper.
3. A short story, short essay, or short poem whether or not from a collective work.
4. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical, or newspaper.

Multiple copies (not to exceed more than one copy per pupil) may be made by or at the request of an individual staff member for classroom use, provided that:

1. Copying meets the test of “brevity and spontaneity.”
2. Time does not allow for purchasing the material.
3. The material is used only once.
4. The copyright notice is printed on each copy of the material.

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

1. Copying of or from works intended to be “consumable:”
   a. Workbooks.
   b. Exercises.
   c. Standardized Tests.
   d. Answer Sheets.
   e. Other consumable materials.
2. Copying to create or replace anthologies.
3. Copying to substitute for the purchase of material.
4. Copying directed by a higher authority.
5. Repeated copying of the same item by the same staff member from term to term.
6. More than nine instances of such multiple copying for one course during one class term.

Please Note: The regulations governing the copyright guidelines are not comprehensive and do not absolve the staff from complying with all aspects of the law.

Computer Software

Section 7(b) of Public Law 96-517 grants to the purchaser the right to copy a program if and only if:

1. Such a copy is an essential step in the utilization of the program in conjunction with a machine.
2. The copy is for archival purposes.

The following computer software may also be copied by or at the individual request of a staff member for classroom use:

1. “In house” productions.
2. Uncopyrighted works or works in the public domain.
Notwithstanding the above, the following shall be prohibited:

1. Copying copyrighted programs on District equipment.
2. Using illegal copies of copyrighted programs on District equipment.
3. Purchasing programs designed primarily as “break and entry” tools with District, state, or federal funds.
4. Booting single copies of copyrighted programs into more than one machine without authorization from the copyright holder.
5. Using “archival” copies of software as additional copies.

The regulations governing the copyright guidelines are not comprehensive and do not absolve the staff from complying with all aspects of the law.

Audiovisual Materials

The “fair use” criteria in section 107 should be applied to each intended use before copying any audiovisual works (slides, filmstrips, audiotapes, records, copy photography, etc.) for classroom use.

The regulations governing the copyright guidelines are not comprehensive and do not absolve the staff from complying with all aspects of the law.

Video Recordings

Copies of any of the following video recordings may be made by or at the individual request of a staff member for classroom use.

1. “In house” productions
2. Uncopyrighted works or works in the public domain
3. Copies made under “permission to copy” arrangements

The following programs may be copied off-air by or at the individual request of a staff member for classroom use:

1. Instructional television programs (subject to the specific rights limitations)
2. Broadcast programs provided they are used within ten school days of the original broadcast
3. Programs with specified “permission to copy” arrangements

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

1. Copying from premium channels (HBO, The Disney Channel, Showtime, Cinemax, etc.) or non-broadcast channels (ESPN, MTV, Nickelodean, Arts and Entertainment, etc.).
2. Duplicating copyrighted video recordings.
3. Copying from one format to another (16 mm to videotape, Beta to VHS, disc to videotape, etc.).
4. Copying off-air programs for the purpose of entertainment or reward.
Rented or purchased “Home Use Only” video recordings may be used in the classroom as part of face-to-face instruction only. They may not be used for the purpose of entertainment or reward.

The viewing of video recordings with “Public Performance Rights” is not restricted.

The regulations governing the copyright guidelines are not comprehensive and do not absolve the staff from complying with all aspects of the law.

**Educational Multimedia**

1. Preparation of Multimedia Projects Using Portions of Copyrighted Works.
2. Students may incorporate portions of lawfully acquired copyrighted works when producing their own educational multimedia projects for a specific course.
3. Educators may incorporate portions of lawfully acquired copyrighted works when producing their own educational multimedia programs for their own teaching tools in support of curriculum-based instructional activities at educational institutions.
4. **Permitted Uses of Educational Multimedia Programs Created Under these Guidelines:**
   a. Students may perform and display their own educational multimedia projects, created under these guidelines, for educational use in the course for which they were created and may use them in their own portfolios as examples of their academic work for later personal uses such as job and graduate school interviews.
   b. Educators may perform and display their own educational multimedia projects created under these guidelines for curriculum-based instruction to students in the following situations:
      (1) for face to face instruction.
      (2) assigned to students for direct self-study.
      (3) for remote instruction to students enrolled in curriculum-based courses and located at remote sites, provided over the educational institution’s secure electronic network in real-time, or for after class review or directed study, provided there are technological limitations on access to the network and educational multimedia project (such as a password or PIN) and provided further that the technology prevents the making of copies of copyrighted material.
5. Educators may perform or display their own multimedia projects created under these guidelines in presentations to their peers, for example, at workshops and conferences.
6. Educators may retain educational multimedia projects created under these guidelines in their personal portfolios for later personal uses such as tenure review or job interview.
7. Educators use their educational media projects, created for professional purposes under these guidelines, for teaching courses for a period of up to two years after the first instructional use with a class. Use beyond that time period, even for educational purposes, requires permission for each copyrighted portion incorporated in the production.
8. Students may use their educational multimedia production projects only for the duration of the course for which it was prepared.
9. **Portion limitations mean the amount of a copyrighted work that can reasonably be used in educational multimedia projects under these guidelines, regardless of the original medium from which the copyrighted works are taken, in the aggregate means the total amount of copyrighted material from a single copyrighted work that is permitted to be used in an educational multimedia project without permission under these guidelines. These limits**
apply cumulatively to each educator’s or student’s multimedia projects for the same academic semester, cycle or term.

a. Motion Media: Up to 10% or 3 minutes whichever is less.

b. Text Material: Up to 10% or 1,000 words, whichever is less. An entire poem of less than 250 words, but no more than three poems by one poet, or five poems by different poets from any anthology may be used. For poems of greater length, 250 words may be used, but no more than three excerpts by a poet or five excerpts by different poets from a single anthology may be used.

c. Music, Lyrics, and Music Video: Up to 10%, but no more than 30 seconds of the music and lyrics from an individual work may be reproduced or otherwise incorporated as part of a multimedia project created under these guidelines. Any alterations to a musical work shall not change the basic melody or the fundamental character of the work.

d. Illustrations and Photographs: A photograph or illustration may be used in its entirety, but no more than 5 images by an artist or photographer may be reproduced or otherwise incorporated as part of an educational multimedia project. When using photographs and illustrations from a published collective work, not more than 10% or 15 images, whichever is less, may be reproduced or otherwise incorporated as part of an educational multimedia project.

e. Numerical Data Sets: Up to 10% or 2500 fields or cell entries, whichever is less, from a copyrighted database or data table may be reproduced or otherwise incorporated as part of an educational multimedia project.

Music

The “fair use” criteria in Section 107 and the guidelines under “fair use” for music should be applied to each intended use—before copying any copyrighted music or musical works.

Permissible uses included:

1. Emergency copying to replace purchased copies, which are unavailable for an imminent performance.
2. Making copies of excerpts of works for academic purposes.
3. Editing or simplifying purchased works provided that the fundamental character of the work is not changed.
5. Making a single copy of a copyrighted sound recording for the purpose of an aural exercise or examination.

Notwithstanding the above, the following shall be prohibited:

1. Copying to create or replace anthologies.
2. Copying of or from works intended to be consumable.
4. Copying to substitute for the purchase of material.
5. Copying without the inclusion of the copyright notice.

The regulations governing the copyright guidelines are not comprehensive and do not absolve the
staff from complying with all aspects of the law.

Libraries

According to the proviso of Section 108 of the copyright law (Public Law 94-553, Title 17), a library or any of its employees acting within the scope of their employment, may reproduce copies of print works and phonorecords under specific circumstances:

1. Purposes of preservation.
2. Purposes of private study, scholarship or research.
3. Purposes of interlibrary loan.

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

1. Copying for direct or indirect commercial advantage.
2. The systematic reproduction or distribution of single or multiple copies.
3. Copying to substitute for a subscription to a work or the purchase of a work.

The proviso under Section 108 does not apply to musical, pictorial, graphic, sculptural, motion picture or audiovisual works.

Copies made under the proviso of Section 108 for interlibrary loan, must include the notice of copyright.

A library that request reproductions of print or phonorecords via interlibrary loan must make certain that its requests conform to the CONTU Guidelines and must maintain records of its request for the required number of years.

Libraries must display prominently, at the place where orders for reproductions are accepted, a warning that copying will be done in accordance with the copyright law.

Reproducing equipment located on the premises must display the proper notice that the making of a copy may be subject to the copyright law.

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