

REPRODUCTION OF COPYRIGHTED MATERIALS (Computer Software)

The Board recognizes that computer software piracy is a major problem for the industry and that violations of computer copyright laws contributed to higher costs and grater efforts to prevent copies and/or lessen incentives for the development of good educational software. All of these results are detrimental to the development of effective educational uses of computers. Therefore, in an effort to discourage violation of copyright laws and to prevent such illegal activities:

1. The ethical and practical problems caused by software piracy will be taught in all schools in the district.
2. District employees will be expected to adhere to the provisions of law, rules and regulations to allow for the making of a back-up copy of computer programs. It is not an infringement for the owner of a copy of a computer program to make or authorize the making of another copy or adaptation of that computer program provided.
 - a. Such a new copy or adaptation is created as an essential step in the utilization of the computer program in conjunction with a machine and that it is used in no other manner, or
 - b. Such a new copy and adaptation 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.
3. When software is to be used in a disk-sharing system, efforts will be made to secure this software from copying.
4. Illegal copies of copyrighted programs may not be made or used in school equipment.
5. The legal or insurance protection of the district will not be extended to employees who violate copyright laws.
6. The superintendent or his designee will be designated as the only individuals who may sign license agreements for software for schools in the district. Each school using the software also should have a signature on a copy of the software agreement for local control.

REPRODUCTION OF COPYRIGHTED MATERIALS (Books and Periodicals)

Copyrighted materials are those materials (print and nonprint) which generally incorporate a notice of copyright. Personnel desiring to use copyrighted materials for instructional purposes will be subject to the following procedures:

A. Single Copies for Teachers

A single copy may be made of the following materials by or for a teacher, to be used

in scholarly research, teaching or preparation for a class:

1. Chapter from a book
2. Article from a periodical or newspaper
3. Short story, essay or poem, whether or not from a collective work
4. Chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper

B. Multiple Copies for Classroom Use

Multiple copies not to exceed more than one copy per student in a course may be made by or for a teacher for classroom use provided that:

1. The copying meets the tests of brevity and spontaneity as defined below.
2. The copying meets the cumulative effect test as defined below.
3. Each copy includes a notice of copyright.

Definitions -

Brevity

a. Poetry

(1) A complete poem if less than 250 words and printed on not more than two pages

(2) An excerpt from a longer poem of not more than 250 words

b. Prose

(1) A complete article, story or essay of less than 2,500 words

(2) An excerpt from any prose work of not more than 1,000 words or 10 percent of the work, whichever is less, but with a minimum of 500 words

Each of the numerical limits stated above may be expanded to permit the completion of an unfinished line of a poem or prose paragraph.

c. Illustration

One chart, graph, diagram, drawing, cartoon or picture per book or periodical issue

d. Special Works

Certain works of poetry, prose or poetic prose which combine language with illustrations, are intended for children as well as a more general audience and fall short of 2,500 words in their entirety. Paragraph B-3a above notwithstanding, such special works may not be reproduced in their entirety. However, an excerpt comprising not more than two of the published pages of such special works and containing not more than 10

percent of the words found in the text may be reproduced.

Spontaneity

- a. Copying is at the inspiration of the individual teacher.
- b. Inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so closely related that it would be unreasonable to expect a timely reply to a request for permission.

Cumulative Effect

- a. Copying of the material is only for one course in a school.
- b. Not more than one short poem, article, story, essay or two excerpts may be copied from the same author and not more than three from the same collective work or periodical volume during one class term.

The limitations stated above shall not apply to current news periodicals.

C. Prohibitions Relating to A and B

Notwithstanding the above, the following will be prohibited:

1. Copying will not be used to create, replace or substitute for anthologies, compilations or collective works. Such replacement or substitution may occur whether copies of various works or excerpts therefrom are accumulated or reproduced and used sparingly.
2. There will be no copying of works intended to be consumable in the course of study or teaching such as workbooks, exercises, standardized tests, test booklets, answer sheets and like materials.
3. Copying must not:
 - a. Substitute for the purchase of books, reprints, or periodicals
 - b. Be directed by higher authority.
 - c. Be repeated with respect to the same item by a teacher from term to term.
4. No charge will be made to the student beyond the actual cost of the photocopy.

REPRODUCTION OF COPYRIGHTED MATERIALS (Music Materials)

1. Permissible Uses
 - a. Emergency copying to replace purchased material which is not immediately available, provided purchased replacement copies are substituted in due time.
 - b. For academic purposes other than performance, single or multiple copies or

excerpts may be made provided the excerpts do not comprise a part of the whole which could constitute a performable unit such as a selection, movement or aria, not to exceed 10 percent of the entire work. The number of copies must not exceed one copy per student.

- c. Printed copies which have been purchased may be edited or simplified provided the fundamental character of the work is not distorted and the lyrics altered or added to.
- d. A single copy of performance recordings by students may be made for evaluation or rehearsal purposes and retained by the educational institution or teacher.
- e. A single copy of a sound recording such as a tape, disc or cassette of copyrighted music may be made from sound recordings owned by the educational institution or teacher for the purpose of preparing aural exercises or examinations. This pertains to the music copyright only and not to the copyright on the sound recording.

2. Prohibitions

- a. Copying to create, replace or substitute for anthologies, compilations or collective works.
- b. Copying from works intended to be consumable in the course of study or teaching such as workbooks, exercises, standardized tests, answer sheets and like material.
- c. Copying for the purpose of performance except at in 1-a above.
- d. Copying for the purpose of substituting for the purchase of music except as in 1-a and 1-b above.
- e. Copying without inclusion of the copyright notice which appears on the printed copy.

REPRODUCTION OF COPYRIGHTED MATERIALS (Television Programs)

Non commercial and Instructional Television

- 1. School re-recordings may be made only by students, teachers or faculty of an accredited nonprofit educational institution.
- 2. School re-recordings will be used solely for classroom, auditorium or laboratory exhibition in the course of instruction or related educational activities.
- 3. School re-recordings will be used only in the educational institution for which made and will not be given, loaned or otherwise made available outside that educational institution.
- 4. Off-air recordings may be used once by individual teachers in the course of relevant teaching activities, repeated once only when instructional reinforcement is necessary, 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 (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 – within the forty-five (45) calendar day retention period.

Use of Prerecorded Video Tapes Labeled "For Home Use Only"

This use is allowed if:

1. It is used in the course of face-to-face teaching activities of a non-profit educational institution.
2. The copy used has not been illegally made or brought into the classroom in violation of P.L. 94-553
3. The display or transmission of the program:
 - a. Is a regular part of the systematic instructional activities of a governmental body or a nonprofit educational institution and
 - b. Is directly related and of material assistance to the teaching content of the transmission and
 - c. Is made primarily for:
 - 1) Reception in classrooms or similar places normally devoted to instruction or
 - 2) Reception by persons to whom the transmission is directed because their disabilities or other special circumstances prevent their attendance in classrooms or similar places normally devoted to instruction

REPRODUCTION OF COPYRIGHTED MATERIALS (Programming Received Via a Satellite Dish)

According to federal communications law, satellite transmissions are private communications and cannot be viewed or recorded by others in a business/institutional setting. They can be viewed and taped by individuals in their home as long as scrambled signals are not unscrambled without authorization. Tapes made in this manner cannot be brought into schools, etc.

All recording done by a school, school district or other educational institution must have prior authorization. United States government programming, such as NASA transmissions during space shuttle missions, are an exception to this and are followed.