

Procedure – Copyright Compliance

Staff may make copies of copyrighted school district materials that fall within the following guidelines. Where there is reason to believe that the material to be copied does not fall within these guidelines, prior permission shall be obtained from the principal. Staff members who fail to follow this procedure may be held personally liable for copyright infringement.

Authorized Reproduction and Use of Copyrighted Material in Print

Reminders:

- A. Materials on the Internet are copyrighted unless otherwise indicated and should be treated strictly under copyright law. For example, materials listed under a Creative Commons (CC) license or which expressly indicate fair use.
- B. Proper attribution (author, title, publisher, place and date of publication) should always be given.
- C. Notice should be taken of any alterations to copyrighted works, and such alterations should only be made for specific instructional objectives. In cases where there is a Creative Commons license, users can edit the work, repost, and share freely.

In preparing for instruction, a teacher may make or have made a single copy of:

- A. A chapter from a book;
- B. An article from a newspaper or periodical;
- C. A short story, short essay or short poem; or
- D. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper.

A teacher may make multiple copies of limited texts for classroom use or discussion if the copying meets the tests of “brevity, spontaneity and cumulative effect” set by the following guidelines. Copies may not exceed more than one per student. 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 1000 words or ten percent (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; and
 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 ten percent (10%) 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. 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.

The 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 "higher authority", and students cannot be charged more than the actual cost of photocopying.

Authorized reproduction and use of copyrighted materials in the library:

A library may make a single copy or three digital copies of:

- A. An unpublished work which is in its collection;
- B. A published work in order to replace it because it is deemed deteriorated, lost or stolen, provided that an unused replacement cannot be obtained because it is no longer in print; or
- C. Technological protection measures may be circumvented for purposes of copying materials in order to make an acquisition decision with permission from the district Libraries and Instructional Technology manager.

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 because it is out of print. If the item is out of print, the entire work may be copied with permission from the district Libraries and Instructional Technology manager. 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.

Authorized Reproduction and Use of Copyrighted Music

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.

A teacher may make multiple copies for classroom use of an excerpt of not more than ten percent (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.

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.

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.

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 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 performance, promoters or organizers are compensated; and
- C. Admission fees are used for educational or charitable purposes only.

All other musical performances require permission from the copyright owner.

Off-Air Recording of Copyrighted Programs

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.

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.

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.

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.

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.

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 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. A back-up copy shall be purchased, for use as a replacement when a program is lost or damaged. If the vendor is not able to supply a back-up, the district, in accordance with [P.L. 96-517, Section 7\(b\)](#), shall make a back-up program and attest that the program will be used for replacement purposes only;
- D. The principal is authorized to sign a software license agreement on behalf of the school. A copy of this agreement shall be retained by the principal; and
- E. A computer program may be adapted by adding to the content or changing the language. The adapted program may not be distributed.

Fair Use Guideline for Education Multimedia

- A. 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;
- B. Projects posted online will include a notice that they were prepared under the fair use exemption of the US copyright law or are posted under a Creative Common license and are restricted from further use;
- C. Students may incorporate portions of copyrighted materials in producing to students in support of curriculum-based instructional activities. These projects may be used:
 - 1. In face-to-face instruction;
 - 2. In demonstrations and presentations, including conferences;
 - 3. In assignments to students;
 - 4. For remote instruction if distribution of the signal is limited;
 - 5. Over a network that cannot prevent duplication for fifteen (15) days; after fifteen (15) days, a copy may be saved on-site only; or
 - 6. In their personal portfolios.

Educators may use copyrighted materials in a multimedia project for two (2) 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: ten percent (10%) or three (3) minutes, whichever is less;
- B. Text materials: ten percent (10%) or 1,000 words, whichever is less;
- C. Poetry: an entire poem of fewer than 250 words, but no more than three (3) poems from one (1) author or five (5) poems from an anthology. For poems of greater than 250 words, excerpts of up to 250 words may be used, but no more than excerpts from one (1) poet or five (5) excerpts from an anthology;
- D. Music, lyrics and music video: up to ten percent (10%), but not more than thirty (30) seconds. No alterations are allowed that change the basic melody or fundamentals character of the work;
- E. Illustrations, cartoons and photographs: no more than five (5) images by an artist, and no more than ten percent (10%) or fifteen (15) images whichever is less, from a collective work; and
- F. Numerical data sets: up to ten percent (10%) or 2,500 field or cell entries, whichever is less.

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 (district Libraries

and Instructional Technology manager) 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. Staff 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 (9) instances of multiple copying of protected material in any one term;
 - 4. Copy or use more than one (1) short work or two (2) excerpts from works of the same author in any one term; or
 - 5. Copy or use protected material without including a notice of copyright. The following is a satisfactory notice: NOTICE: THIS MATERIAL MAY BE PROTECTED BY COPYRIGHT LAW.

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.

Edmonds School District
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Revised Dates: