

NORTHERN LEHIGH SCHOOL DISTRICT

SECTION: OPERATIONS

TITLE: COPYRIGHT MATERIAL

ADOPTED: March 10, 1997

REVISED:

<p>1. Purpose P.L. 94-553 Sec. 107</p> <p>2. Definition</p>	<p style="text-align: center;">814. COPYRIGHT MATERIAL</p> <p>The Board recognizes that the United States Code makes it illegal for anyone to duplicate copyrighted materials without permission. The Board further realizes that severe penalties are provided for unauthorized copying of audio, visual, or printed materials unless the copying falls within the bounds of the "fair use" doctrine.</p> <p>Under the "fair use" doctrine, unauthorized reproduction of copyrighted materials is permissible for such purposes as criticism, comment, news reporting, teaching, scholarship or research. If duplicating or changing a product is to fall within the bounds of fair use, these four standards must be met for any of the foregoing purposes:</p> <ol style="list-style-type: none"> a. THE PURPOSE AND CHARACTER OF THE USE. The use must be for such purposes as teaching or scholarship and must be nonprofit. b. THE NATURE OF THE COPYRIGHTED WORK. Staff may make single copies of: book chapters for use in research, instruction or preparation for teaching; articles from periodicals or newspapers; short stories, essays or poems; and charts, graphs, diagrams, drawings, cartoons or pictures from books, periodicals or newspapers in accordance with these guidelines. c. THE AMOUNT AND SUBSTANTIALITY OF THE PORTION USED. Copying the whole of a work cannot be considered fair use; copying a small portion may be if these guidelines are followed. d. THE EFFECT OF THE USE UPON THE POTENTIAL MARKET FOR OR VALUE OF THE COPYRIGHTED WORK. If resulting economic loss to the copyright holder can be shown, even making a single copy of certain materials may be an infringement, and making multiple copies presents the danger of greater penalties.
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3. Authority	<p>Staff may make copies of copyrighted school district materials that fall within the following guidelines. Where there is reason to believe 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 policy may be held personally liable for copyright infringement.</p> <p><u>Permitted Copies</u></p> <ol style="list-style-type: none"> 1. Multiple copies, not exceeding more than one per pupil, may be made 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. <ol style="list-style-type: none"> a. <u>Brevity</u> <ul style="list-style-type: none"> - A complete poem, if less than 250 words and two pages long, may be copied; excerpts from longer poems cannot exceed 250 words; - Complete articles, stories or essays of less than 2500 words or excerpts from prose works not more than 1000 words or 10% of the work, whichever is less may be copied; in any event, the minimum is 500 words; - Each numerical limit may be expanded to permit the completion of an unfinished line of a poem or 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; this includes children's books combining poetry, prose or poetic prose. b. <u>Spontaneity</u> <ul style="list-style-type: none"> - Should be at the "instance and inspiration" of the individual teacher. c. <u>Cumulative Effect</u> <ul style="list-style-type: none"> - 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
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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.

2. A library or archive may reproduce one copy or recording of a copyrighted work and distribute it if: the reproduction or distribution is made without any purpose of direct or indirect commercial advantage; the collection of the library or archives is open to the public, or available not only to researchers affiliated with the library or archives or with the institution of which it is a part, but also to other persons doing research in a specialized field; and if the reproduction or distribution of a work includes a notice of copyright. Libraries and their employees are not liable for unsupervised use.
3. Copies of materials for "face-to-face" teaching activities involving performances or displays made by students or instructors, religious services, live performances without commercial advantage, and the use of instructional broadcasts are permitted.

Prohibited Copies

1. The Act prohibits using copies to replace or substitute for anthologies, consumable works or 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 actual cost of photocopying.
2. Schools must be licensed to play copyrighted music where the performer is paid or admission is charged, even if the admission is used to cover refreshment costs.
3. Juke boxes must be licensed and a certificate of license must be displayed on each machine.

Off-air Recordings

Broadcast programs may be recorded off-air simultaneously with broadcast transmission and retained by the district for a period not to exceed forty-five (45) consecutive "calendar" days after the date of recording. After this period of time, all recordings must be erased or destroyed immediately.

These recordings may be used once by individual teachers in the course of relevant teaching activities, and repeated once only when the instructional reinforcement is necessary, during the first ten (10) consecutive "school days" in the forty-five (45) day calendar day retention period.

Off-air recordings may be made only at the request of and use 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.

After the first ten (10) consecutive school days, off-air recordings may be used up to the end of the forty-five calendar day retention period only for teacher evaluation purposes.

Off-air recordings need not be used in their entirety; but they may not be altered from their original content and may not be physically or electronically combined or merged to constitute teaching anthologies or compilations. Such recording must include the copyright notice on the broadcast program as recorded.

Videotapes, Optical Discs, Distance Learning, and Other Types of Audio/Visual Delivery Devices

1. A library, archive, or media center may reproduce one copy of recording of a copyrighted work and distribute it if:
 - a. the use meets the "fair use" test above
 - b. the copy or original was obtained legally
 - c. a copyright infringement notice is visible
 - d. the reproduction or distribution is made without any purpose of direct or indirect commercial advantage
 - e. the collection or archive is open to the public and available to the institution and staff to which it is a part, and to other persons doing research in a specialized field
 - f. the original or copy will be used in "face to-face" teaching activities only, and not for entertainment purposes. (Face-to-face teaching is defined as a classroom setting or similar place devoted to instruction as part of an instructional activity).

2. Recorded copies of copyrighted programs owned by a staff member, another person, or a copy of a rental program re considered illegally made and may not be used for instruction purposes unless its use meets the "fair-use" test.
3. Rental videocassettes, laser discs and other optical media with the "home use only" warning label may not be used in a classroom, school assembly, or club unless specifically covered in the rental agreement.
4. Multimedia use of copyrighted material falls under the guidelines of the medium being used (e.g. computer, video, audio).
5. Distance learning is subject to copyright guidelines if copyrighted material is copied or recorded during a transmitted lesson.
6. Closed-circuit distribution of a copyrighted work to classrooms in a school or campus is legal, as long as the transmission is used for instructional activity and not entertainment. It is best to seek permission from the copyright holder if there is doubt concerning a particular copyrighted work in regard to this use.
7. Off-air taping of broadcast programs is permitted to educational institutions for programs broadcast to the general public. Pay cable TV services (such as HBO, CINEMAX, etc.) and satellite broadcasts available at an extra charge are not allowed without permission from the copyright owner.
8. Certain restrictions for taping off-air broadcasts apply:
 - a. A recorded program can be used only twice (the second time for reinforcement purposes only) within the first ten(10) school days following the broadcast.
 - b. After using the recorded broadcast as stated above, the recorded program can be used by teachers only for evaluation purposes and must be erased at the end of forty-five (45) calendar days following the broadcast.
 - c. No program may be taped a second time by/for a given teacher, even if rebroadcasted.
 - d. Satellite receptions of programming is subject to the same guidelines as of-air broadcasts.

Computer Software

1. Copies of software (including those downloaded via modem), other than "public domain" software, cannot be made without the permission of the vendor or copyright owner.
2. Illegal copies of copyrighted programs may not be made or used on school equipment.
3. A computer program may be legally copied only for the following reasons:
 - a. It is created as an essential step in the use of the computer program (such as automatic copying into memory when a program is loaded.
 - b. It is created as a backup or archival copy only. All backup and archival copies must be destroyed in the event the original program is erased or removed from inventory.
4. Backup or archival copies may not be used simultaneously with the original program.
5. Copying a copyrighted program from a computer hard drive to a floppy disc, for use as an additional copy, is illegal.
6. "Booting" computer software in more than one machine at a time is unclear in the law. It is prudent to refrain from this practice until the law is clarified. (Booting is defined as the loading of a computer program into the memory or a computer).
7. "Networking" computer software is also illegal if the legal multiple user or site licenses have not been acquired from the vendor or copyright owner. (Networking is the use of a single program in a single computer that is connected to other computers, permitting the program to be used simultaneously in more than one computer.
8. Reproduction of original computer software manuals is also illegal and copying must abide by the "fair use" guidelines mentioned earlier.
9. The school district will provide for software expenditures as a budgetary item. Priority will be given to software which supports and/or is critical to curriculum or operating needs. All other software will be purchased if reasonable need is established and/or financial resources allow such purchase.

Federal Regulations
P.L. 94-553

10. The renting or leasing by individuals of original copies of software without the express permission of the copyright owner is illegal.