**Code No. 605.6R1**

**Use of Information Resources Regulations**

Employees and students may make copies of copyrighted 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 publisher or producer with the assistance of the librarian. Employees and students who fail to follow this procedure may be held personally liable for copyright infringement and may be subject to discipline by the Board.

Under the“fair use” doctrine, unauthorized reproduction of copyrighted materials is permissible for such purposes as criticism, comment, news reporting, teaching, scholarship or research. Under the fairuse doctrine, each of the following four standards must be met in order to use the copyrighted document:

• Purpose and Character of the Use - The use must be for such purposes as teaching or scholarship.

• Nature of the Copyrighted Work - The type of work to be copied.

• 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.

• 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 greaterpenalties.

Authorized Reproduction and Use of Copyrighted Material Reminders

• Materials on the Internet should be used with caution since they may, and likely are, copyrighted.

• Proper attribution (author, title, publisher, place and date of publication) should always be given.

• Notice should be taken of any alterations to copyrighted works, and such alterations should only be made for specific instructional objectives.

• Care should be taken in circumventing any technological protection measures. While materials copied pursuant to fair use may be copied after circumventing technological protections against unauthorized copying, technological protection measures to block access to materials may not be circumvented.

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

• A chapter from a book;

• An article from a newspaper or periodical;

• A short story, short essay or short poem; or,

• Achart, graph, diagram, drawing, cartoon or picturefrom a book, periodical or newspaper.

A teacher may make multiple copies not exceedingmore than one per pupil, for classroom use ordiscussion, 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.

• Brevity

• A complete poem, if less than 250 words and two pages long, may be copied: excerpts from longer poems cannot exceed 250words;

• Completearticles, stories or essays of less than 2500 words or excerpts from prose works lessthan 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 becopied. "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 10 percent of the work.

• Spontaneity - Should be at the "instance and inspiration" of the individual teacher when there is not a reasonable lengthof time to request and receive permission to copy.

• Cumulative Effect - Teachers are limited to using copied material for only one course for 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.

Copying Limitations

Circumstances will arise when employees are uncertain whether or not copying is prohibited. Inthose circumstances, the librarian should be contacted. The following prohibitions have been expressly stated in federal guidelines:

• Reproduction of copyrighted material shall not be used to create or substitute for anthologies, compilations or collective works.

• Unless expressly permitted by agreement with the publisher and authorized by school district action, there shall be no copying from copyrighted consumable materials such as workbooks, exercises, test booklets, answer sheets and the like.

• Employees shall not:

• Use copies to substitute for the purchase of books, periodicals, music recordings, consumable works such as workbooks, computer software or other copyrighted material. Copy or use the same itemfrom term to term without the copyrightowner's permission;

• Copy or use more than nine instancesof multiple copyingof protected material in anyone term;

• Copy or use more than one short work or two excerpts from works of the same author in any one term;

• 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.

• 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.

• Require other employees or students to violate the copyright law or fair use guidelines.

Authorized Reproduction and Use of Copyrighted Materials in the Library

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

• An unpublished work 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 work that is being considered for acquisition, although use is strictly limited to that decision. Technological protection measures may be circumvented for purposes of copying materials in order to make an acquisition decision.

A library may provide a single copy of copyrighted material to a student or employee 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.

Authorized Reproduction and Use of Copyrighted Music or Dramatic Works

Teachers may:

• Make a single copy of a song, movement, or short section from a printed musical or dramatic work that is unavailable except in a larger work for purposes of preparing for instruction;

• Make multiple copies 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 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,

• Make and retain a single recording of student performances of copyrighted material when it is made for purposes of evaluation or rehearsal;

• Make and retain a single copy of excerpts from recordings of copyrighted musical works for use as aural exercises or examination questions; and,

• Edit or simplify purchased copies of music or plays provided that the fundamental character of the work is not distorted. Lyrics shall not be altered or added if none exist.

Performance by teachers or students of copyrighted musical or dramatic 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 that are copyrighted are permitted without the authorization of the copyright owner, provided that:

• The performance is not for a commercialpurpose;

• Noneof the performers, promoters or organizers are compensated; and,

• Admission fees are used for educational or charitable purposes only.

All other musical and dramaticperformances require permission from the copyrightowner. Parents orothers wishing to record a performance should check with the sponsor to ensure compliance with copyright.

Recording of Copyrighted Programs

Television programs, excluding news programs, transmittedby commercial andnon-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 retainedby 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 destroyedimmediately. Certain programming such as that provided on public television may be exempt from this provision; check with the librarian or the subscription database, e.g. unitedstreaming.

Off-air recording may be used once by individualteachers in the course ofinstructional activities, and repeated once only when reinforcement isnecessary, within a building, during the first 10 consecutiveschool days, excluding scheduled interruptions, in the 45 calendar day retention period. 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, regardlessof the numberof times the program may be broadcast. A limited number of copies may be reproducedfrom each off-air recording to meet the legitimate needsof 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 45 calendar day retention period only for evaluation purposes,i.e., to determine whether or not to include thebroadcast program in the teaching curriculum. Permission must be secured from the publisher before the recording can be used for instructional purposes after the ten 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 ofoff-air recordings must include thecopyright 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 school district shall support the legal and ethical issuesinvolved 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:

• All copyright laws and publisher license agreements between the vendor and the school district shall be observed;

• Staff members shall take reasonable precautions toprevent copying or the useof unauthorized copies on school equipment;

• 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 replacement, the school district shall make a back-up copy that will be used for replacement purposes only;

• A copy of the software license agreement shall be retained by the technology director or librarian; and,

• A computer program may be adapted by adding to the content or changing the language. Theadapted program may not be distributed.

Fair Use Guidelines for Educational Multimedia

Students may incorporate portions of copyrighted materials in producing educational multimedia projects such as videos,Power Points,podcasts and web sites for a specific course, and may perform, display orretain the projects.

Educators may perform or display theirown multimedia **­**based instructional activities. These projects may be used:

• Inface-to-face instruction;

• In demonstrations and presentations, including conferences;

• In assignments to students;

• For remote instruction if distribution of the signal is limited;

• Over a network that cannot prevent duplication for fifteen days, after fifteen days a copy may be saved on-site only: or,

• In their personal portfolios.

Educators may use copyrighted materials in a multimedia project for two years, after that permission mustbe 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:

• Motion media: ten percent or three minutes, whichever is less;

• Text materials: ten percent or 1,000 words, whichever is less:

• Poetry: an entire poemof fewer than 250 words, but no more than three poems from one author or five poems from an anthology. For poems of greater than 250 words, excerpts of up to 250 words may be used, but no more than three excerptsfrom one poet or five excerpts from an anthology:

• Music, lyrics and music video: Up to ten percent, but no more than thirty seconds. No alterationsthat change the basic melody or fundamental character of the work;

• Illustrations, cartoons and photographs: No more than fiveimages **by** an artist, and no more than ten percent or fifteen images whichever is less from a collective work;

• Numerical data sets: Up to ten percent or 2,500 field or cell entries, whichever is less;

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. The opening screen of such presentations shall include notice that permission was granted and materials are restricted from further use.

Approved: September 29, 2015