

## **COPYRIGHT COMPLIANCE—GUIDELINES**

### **Software Copyright Policy**

- A. The ethical and practical problems caused by software piracy will be taught in all the schools in the school system.
- B. School system employees will be expected to adhere to the provisions of Public Law 96-517, Section 7 (b) which amends Section 117 of Title 17 of the United States code to allow for the making of a back-up copy of computer programs. This states that "...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:
  - 1. That 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
  - 2. That 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."
- C. When software is to be used on a disk sharing system, efforts will be made to secure this software from copying.
- D. Illegal copies of copyrighted programs may not be made or used on school equipment.
- E. The school system will contact producers of software used within the system to attempt to establish legal, multiple-use licensing agreements. All programs used by staff and students (outside the formal teaching of a program) will be the original disks or the result of a licensing agreement with the software producer.

### **Videotaping Copyright Policy**

Taping off the air can be legally done if the program:

- A. Is used under Fair Use Guidelines (see guidelines for off-air videotaping);
- B. Is used with a TLC License;
- C. Has been cleared by state or local ETV agencies;
- D. Is a hard news program used under network license;
- E. Is a public domain program (anything that comes from the Federal Government such as presidential addresses); or
- F. If used with the permission of the copyright proprietor.

**Off-Air Videotaping Policy**

- A. The guidelines were developed to apply only to off-air recording by non-profit educational institutions.
- B. A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable retransmission) and retained by a non-profit educational institution for a period not to exceed the first forty-five (45) consecutive calendar days after date of recording. Upon conclusion of such retention period, all off-air recordings must be erased or destroyed immediately. "Broadcast programs" are television programs transmitted by television stations for reception by the general public without charge.
- C. Off-air recordings may be used once by individual teachers in the course of relevant teaching activities and 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.
- D. 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, regardless of the number of times the program may be broadcast.
- E. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy shall be subject to all provisions governing the original recording.
- F. 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 teacher evaluation purposes, i.e., to determine whether or not to include the broadcast program in the teaching curriculum and may not be used in the recording institution for student exhibition or any other non-evaluation purpose without authorization.
- G. 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.
- H. All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.
- I. Educational institutions are expected to establish appropriate control procedures to maintain the integrity of these guidelines.

## Print Media Copyright Policy

The copyright law recognizes the special needs of teachers and students for copyrighted print media but does not give them unrestricted privileges. The School Committee, therefore, adopts the following guidelines which correlate with those of the Ad Hoc Committee on Copyright Law Revision:

### A. Single copying for teachers

A single copy may be made of any of the following by or for a teacher for his/her scholarly research or use in teaching or preparation to teach a class:

1. A chapter from a book;
2. An article from a periodical or newspaper;
3. A short story, short essay or short poem; or
4. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper.

### B. Multiple copies for classroom use

Multiple copies may be made by or for a teacher giving a course for classroom use or discussion provided that:

1. The copying is SPONTANEOUS
  - a. The decision to use the work and the moment of its use is so short that there is not time enough to obtain permission for its use.
  - b. The use is at the inspiration of one teacher.
2. The copying is BRIEF
  - a. Prose—no more than 2,500 of any prose.
  - b. Poetry—no more than 250 words.
  - c. One illustration—chart, graph, diagram, drawing or picture—per book or periodical issue.
3. Copying shall not exceed the prescribed CUMULATIVE amount
  - a. The material is for only one course in the school.
  - b. Not more than one short poem, article, story essay or two excerpts from the same author during one class term.
  - c. Not more than nine instances of multiple copying for one course during one class term.

In addition:

- A. There shall be no copying of or from works intended to be "consumable" in the course of study or teaching such as workbooks, standardized test and test booklets.
- B. Copying shall not be repeated with respect to the same item by the same teacher from term to term.
- C. Each copy shall include a notice of copyright.
- D. No charge shall be made to the student beyond the actual cost of copying.

### **Music Copyright Policy**

We accept the guidelines for educational uses of music as set forth by a similar committee.

The purpose of the following guidelines is to state the minimum and not the maximum standards of educational fair use under Section 107 of HR2223. The parties agree that the conditions determining the extent of permissible copying for educational purposes may change in the future; that certain types of copying permitted under these guidelines may not be permissible in the future, and conversely that in the future other types of copying not permitted under these guidelines may be permissible under revised guidelines.

Moreover, the following statement of guidelines is not intended to limit the types of copying permitted under the standards of fair use under judicial decision and which are stated in Section 107 of the Copyright Revision Bill. There may be instances in which copying which does not fall within the guidelines stated below may nonetheless be permitted under the criteria of fair use.

#### A. Permissible Uses

- 1. Emergency copying to replace purchased copies which for any reason are not available for an imminent performance provided purchased replacement copies shall be substituted in due course.
- 2.
  - a. For academic purposes other than performance, multiple copies of excerpts of works may be made, provided that the excerpts do not comprise a part of the whole which would constitute a performable unit such as section, movement or aria, but in no case more than 10% of the whole work. The number of copies shall not exceed one copy per pupil.
  - b. For academic purposes other than performance, a single copy of an entire performable unit (section, movement, aria, etc.) that is, (1) confirmed by the copyright proprietor to be out of print, or (2) unavailable except in a larger work, may be made by or for a teacher solely for the purpose of his/her scholarly research or in preparation to teach a class.

3. Printed copies which have been purchased may be edited or simplified provided that the fundamental character of the work is not distorted or the lyrics, if any, altered or lyrics added if none exist.
4. A single copy of recordings of performances by students may be made for evaluation or rehearsal purposes and may be retained by the educational institution or individual teacher.
5. 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 an educational institution or an individual teacher for the purpose of constructing aural exercises or examinations and may be retained by the educational institution or individual teacher. (This pertains only to the copyright of the music itself and not to any copyright which may exist in the sound recording.)

B. Prohibitions

1. Copying to create or replace or substitute for anthologies, compilations or collective works.
2. Copying of or from works intended to be "consumable" in the course of study or of teaching such as workbooks, exercises, standardized tests and answer sheets and like material.
3. Copying for the purpose of performance, except as in A. 1. above.
4. Copying for the purpose of substituting for the purchase of music, except as in A. 1. and A. 2. above.
5. Copying without inclusion of the copyright notice which appears on the printed copy.

Adopted: April 27, 1999