

360 – Instructional Resources and Services

362 – Copyright Policy

The Board recognizes that federal law makes it illegal to duplicate copyrighted materials without authorization of the copyright holder, except for certain exempt purposes. It is the intent of the School District of Shiocton, its board, staff, and students, to adhere to all provisions of Title 17 of the United States Code, titled “Copyrights,” and other relative federal legislation and guidelines. This school district does not condone the illegal use or reproduction of copyrighted materials in any form. Employees who willfully disregard the School District of Shiocton Copyright Policy or the guidelines do so at their own risk and assume all liability.

While the district encourages its staff to enrich the learning programs by making proper use of supplementary materials, it is the responsibility of district staff to obey the requirements of the law. In no circumstances shall it be necessary for district staff to violate copyright requirements in order to perform their duties.

School District of Shiocton building principals, together with the district library media specialist are responsible for providing all employees with training and information about copyright law, guidelines and fair use. Any staff member who is uncertain as to whether reproducing or using copyrighted material complies with the district's procedures or is permissible under the law should contact the superintendent or the district library media specialist, who will also assist staff in obtaining proper authorization to copy or use protected material when such authorization is required.

GUIDELINES

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FAIR USE

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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:

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 the following for use in research, instruction or preparation for teaching: book chapters; 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. In most circumstances, 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.

PUBLIC DOMAIN

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Works in the public domain do not have any copyright restrictions and may be used any way one wishes. Included in the public domain are; items written by the U.S. government, works that are not copyrightable (ideas, facts and blank forms), works whose copyrights have expired and works created specifically for the public domain. To view a table showing when copyrights expire, visit www.unc.edu/~unc1ng/public-d.htm.

Note – Since 1978 no notice of copyright is needed for a work to be protected, and the absence of a copyright notice on a work does not mean it is in the public domain. Also, out of print is not the same as being in the public domain.

SINGLE COPIES FOR TEACHERS

Staff may make copies of copyrighted materials that fall within the considerations of brevity, spontaneity and cumulative effect, as outlined in the guidelines of the following table:

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Permitted	Not Permitted
single copy: chapter of book	copying several chapters per book
single copy: short story, short essay, short poem	copying consumables: workbooks copyrighted exercise sheets, tests
single copy: chart, graph, diagram, picture or non-syndicated, non-copyrighted cartoon	photocopying worn ditto masters
single copy of an article from a newspaper or magazine	
using copyrighted material in overhead or opaque projectors for instructional purposes	

MULTIPLE COPIES FOR CLASSROOM/INSTRUCTIONAL PURPOSES

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Permitted	Not Permitted
complete poem less than 250 words (not more than 2 pages)	using/making multiple copies of same material semester after semester
excerpt from long poem not to exceed 250 words	creating “anthologies”
article, story, or essay less than 2,500 words	copying workbooks and other works meant to be used once by one student
excerpt from prose works - less than 1,000 words or 10% of total, whichever is less – may finish line	copying shall not be directed by higher authority
<u>one</u> chart, graph, diagram, picture, or non-syndicated, non-copyrighted cartoon <u>per</u> book or periodical	copying more than one or two excerpts from a single author during one class term
works combining prose, poetry, etc, less than 10% of whole	enlarging or modifying an illustration in any way
IF...	
.copying is for one course only	
.insufficient time to request permission	
.one work from a single author	
.less than 3 authors from collective work	
.9 or less instances of multiple copying per term	

.copying not used to create or replace anthologies	
.same copying not repeated next term	
.students not charged beyond photocopying fees	
classroom quantities of current news articles if individual articles not copyrighted	
All multiple copying must be at the inspiration of the individual teacher and the decision to use the material so close to the date needed for instruction as to preclude securing copyright permission from the copyright holder	
each copy includes notice of copyright - NOTICE: THIS MATERIAL MAY BE PROTECTED BY COPYRIGHT LAW	

BIG BOOKS AND PICTURE BOOKS

[Contents](#)

Permitted	Not Permitted
one illustration per book	copying “just” the text from a big book or picture book
less than 10% of text per book or 2 pages	making an audio-tape of someone narrating a big book or picture book

AUDIOVISUAL MATERIALS

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Permitted	Not Permitted
creating slide sets from books, magazines, etc., as long as only one per source used	copying audio tapes or video tapes for archival or backup purposes
making one overhead transparency of one page of one workbook	reproducing musical works or converting from one form to another (record to cassette)
converting a damaged filmstrip to a slide set, keeping same order minus damaged frames	copying any audiovisual work in its entirety (except off-air taping)
enlarging a map with an opaque projector for tracing but not duplicating color scheme, symbols, etc.	converting from one medium format to another
copying non-dramatic literary, audiovisual works for use by blind or deaf individuals	recording the text of a book or textbook onto an audiocassette

MUSIC

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Permitted	Not Permitted
emergency copies for performance provided copies are later purchased	copying from consumables such as workbooks, exercises, etc.
for study or teaching, single or multiple copies of excerpts	copying for performances except in an emergency
IF....	copying to create anthologies, compilations or collective works
.excerpts do not constitute a performable unit such as a movement or aria	copying to avoid purchasing
editing purchased copies for simplification	copying but excluding copyright notice
IF....	
.character of work is not changed	
.lyrics are not changed	
single copy of performances by students made for evaluation or rehearsal purposes	
copy of recording for purposes of aural exercises or testing	
portion of commercial music played as background in student media production	

VIDEO

(Educational/Instructional OFF-AIR Taping)

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Permitted	Not Permitted
May record program OFF-AIR	videotaping in anticipation of requests
IF...	retaining a program longer than 45 days
.program is used for instructional purposes, or face-to-face teaching, not for entertainment or filler	showing a program after ten days
.program is requested by a teacher	showing for motivation, filler, or entertainment purposes
.program is shown once and repeated once per class by individual teacher during first 10 consecutive school days after broadcast	taping a program at home, using in the classroom, and subsequently retaining in personal collection
.after first 10 consecutive school days, program is used only for evaluation by teacher	recording program off-air more than once at request of same teacher regardless of the number of times the program may be broadcast

VIDEO
(OFF-AIR Taping at Home)

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Permitted	Not Permitted
may tape program at home and bring to school to use but all educational guidelines must be followed	individual who taped program may not retain it
may show “home” tape if above criteria are followed and if tape legally made	

VIDEO
(Cable)

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Permitted	Not Permitted
may tape programs being simultaneously broadcast (see OFF-AIR educational/instructional guidelines)	may not tape programs not being broadcast simultaneously (CNN, Discovery, Disney, HBO, etc. unless prior approval or license obtained from cable network)
may probably show video or motion pictures via cable within a building as long as programs are used in face-to-face teaching and are of an instructional nature	may not show programs of a musical, dramatic or entertainment nature

VIDEO
(Purchased or Rented)

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Permitted	Not Permitted
Showing purchased or rented videotape for curriculum-supported, face-to-face teaching activities	showing purchased or rented videotape for entertainment, rewards, rainy days, filler, or non-instructional purposes

VIDEO
(Satellite Transmissions)

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Permitted	Not Permitted
copying satellite transmission for use as part of a systematic instructional activity and not a dramatic or musical work	copies of motion pictures, other AV works, choreographic works and pantomimes

making and using 30 copies of a transmission if they are destroyed after seven years of transmission, retaining one copy for archival purposes if desired	copies of broadcasts that are a “general cultural nature” or intended for transmission as part of information storage and retrieval system
copying foreign language programs	
musical works may be copied only if a public broadcasting entity (non-commercial educational broadcast station) has transmitted them and if the tapes are destroyed within seven days after transmission	

SOFTWARE

Software is governed by a license agreement as well as by copyright law. The following uses in the chart are general and could be modified by a license agreement. If you have any questions about the use of software, check with the Director of Technology.

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Permitted	Not Permitted
copying into RAM if copying is necessary to use the program	circulation of archival copy
one copy for archival purposes	“networking” software without license or permission
probably may make a 3.5” disk from a 5 1/4” disk if the 5 1/4” is considered the archival copy	loading a single copy of a software program onto several computers for simultaneous use
back up copies of hard drives as long as they are not used to run another drive	making copies of copyrighted software for student use
library lending of public domain software	

DATABASES

[Contents](#)

Permitted	Not Permitted
may download searches	downloaded searches should not be retained
	downloaded material may not be used to create a derivative work

CD-ROM

[Contents](#)

Permitted	Not Permitted
May print out pages of reference or other works for study or teaching	printing out large section of work

MUSICALS, DRAMATIC, AND NON-DRAMATIC PERFORMANCES

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Permitted	Not Permitted
school chorus performance open to the public	School drama club performing copyrighted play broadcast over cable to classes
	recording of choral or instrumental concerts and then giving or selling recording to parents

MULTIMEDIA

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Permitted	Not Permitted
teacher or student-developed multimedia program of copyrighted programs for use in classroom only	teacher or student-developed multimedia program of copyrighted works for use in displays, festivals, parent meetings or other public events
Motion Materials: Up to 10% or 3 min. (whichever is less)	
Text Materials: Up to 10% or 1000 words (whichever is less)	
Poetry: Entire poem if less than 250 words.	More than 3 poems by one poet
	More than 5 poems from one source.
Music, Lyrics, & Music video: Up to 10% or 30 seconds (whichever is less)	
Illustrations and Photographs: Up to 10% or 15 images (whichever is less)	
Numerical Data Sets: Up to 10% or 2500 fields or cell entries (whichever is less)	

INTERNET

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Because it is so easy to manipulate and use information and images from the Internet, copyright becomes a very complicated issue. Guidelines regarding use of materials from the Internet are still evolving; however, material found on the Internet may be copyrighted and it is best to treat material found on the Internet like other material. (Just because it is on the Internet does not mean it is in the public domain.) More information about copyright and the Internet can be found at the following sites:

<http://www.fno.org/jun96/legal.html#Copyright>

<http://www.ncsu.edu/midlink/permission.html>

Internet continued

Permitted	Not Permitted
	uploading copyrighted software to Internet for downloading
	collecting materials off the Internet and compiling into a new work

DIGITAL IMAGES

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Permitted	Not Permitted
	digitizing a copyrighted slide collection
	scanning copyrighted materials (magazine photograph, cartoon illustration, etc.) for school newspaper

REPRODUCTION AND USE OF COPYRIGHTED MATERIALS IN THE LIBRARY MEDIA CENTER

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Permitted	Not Permitted
single copy of copyrighted material to student or staff at no more than actual cost of photocopying provided:	
copy limited to one article of a periodical issue or a small part of other material	
copy contains the notice of copyright	
student or staff member is notified that the copy is to be used for private study, scholarship or research	

Format and text with permission from Jefferson County Public Schools (Golden, CO), and School District of Bonduel, 11/02.

SAMPLE REQUEST FOR PERMISSION

Permissions Department

Date: _____

Dear Reader:

This letter is a request for permission to duplicate/use for _____,
the following:

Title: _____

Copyright: _____

Author(s) _____

Material to be duplicated: _____

Number of copies: _____

Manner of distribution: _____

Type of reproduction: _____

Purpose of use/reproduction: _____

A self-addressed, stamped envelope is enclosed for your convenience. Please respond and notify me of fees, if any, for this permission.

Sincerely,

Name _____

School name _____

School address _____

City, St ZIP _____

Permission granted _____

Date _____

Conditions, if any _____

For more samples of copyright permission letters see the following:

<http://www.ncsu.edu/midlink/permission.html>

<http://www.bham.wednet.edu/copyperm.htm>

References:

Bellingham Public Schools (1995). Bellingham Copyright Policy. Available.
<http://www.bham.wednet.edu/technology/copyrightpolicy.htm>

CONFU: The Conference on Fair Use. Fair Use Guidelines for Educational Multimedia and Related Documents and Links, Available
<http://www.libraries.psu.edu/mtss/fairuse/guidelines.html>

Jefferson County Public Schools, Library Services. Copyright Guidelines. Available
<http://204.98.1.2/plmc/copyright.html>

School District Of Bonduel, Copyright Policy, Available
http://www.bonduel.k12.wi.us/sdob_pages/administration/policies/Copyrightpolicy.doc

Simpson, Carol (2000). Copyright for Schools: A Practical Guide. Worthington, Ohio:
Linworth Publishing.

Templeton, Brad. 10 Big Myths about copyright explained. Available
<http://www.templetons.com/brad/copymyths.html>

United States Copyright Office, The Library of Congress. Available
<http://lcweb.loc.gov/copyright>

Copyright Law Text:

Text for copyright law may be found at the U.S. Copyright Office Home Page
<http://www.loc.gov/copyright/>

Title 17 Copyright Law & Amendments since 1976:
<http://lcweb.loc.gov/copyright/title17>

Digital Millennium Act Summary, 1998:
<http://lcweb.loc.gov/copyright/legislation/dmca.pdf>

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