

1 **Ovando School District #11****R**

2

3 **INSTRUCTION**

2312P

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page 1 of 5

5 Copyright Compliance

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7 Authorized Reproduction and Use of Copyrighted Material in Print

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- 9 • Materials on the Internet should be used with caution since they may, and likely are, copyrighted.
- 10 • Proper attribution (author, title, publisher, place and date of publication) should always be given.
- 11 • Notice should be taken of any alterations to copyrighted works, and such alterations should only
- 12 be made for specific instructional objectives.
- 13 • Care should be taken in circumventing any technological protection measures. While materials
- 14 copied pursuant to fair use may be copied after circumventing technological protections against
- 15 unauthorized copying, technological protection measures to block access to materials may not be
- 16 circumvented.

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18 In preparing for instruction, a teacher may make or have made a single copy of a chapter from a book; an
 19 article from a newspaper or periodical; a short story, short essay, or short poem; or a chart, graph,
 20 diagram, drawing, cartoon, or picture from a book, periodical, or newspaper. A teacher may make
 21 multiple copies, not exceeding more than one (1) per student, for classroom use if the copying meets the
 22 tests of “brevity, spontaneity and cumulative effect” set by the following guidelines. Each copy must
 23 include a notice of copyright.

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25 1. Brevity

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- 27 a. A complete poem, if less than 250 words and two pages long, may be copied; excerpts
- 28 from longer poems cannot exceed 250 words.
- 29 b. Complete articles, stories or essays of less than 2500 words or excerpts from prose works
- 30 less than 1000 words or 10% of the work, whichever is less, may be copied; in any event,
- 31 the minimum is 500 words. (Each numerical limit may be expanded to permit the
- 32 completion of an unfinished line of a poem or prose paragraph.)
- 33 c. One chart, graph, diagram, drawing, cartoon, or picture per book or periodical issue may
- 34 be copied. “Special” works cannot be reproduced in full; this includes children’s books
- 35 combining poetry, prose, or poetic prose.

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37 2. Spontaneity. Should be at the “instance and inspiration” of the individual teacher when there is
 38 not a reasonable length of time to request and receive permission to copy.

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40 3. Cumulative Effect. Teachers are limited to using copied material for only one (1) course in the
 41 school in which copies are made. No more than one (1) short poem, article, story or two (2)
 42 excerpts from the same author may be copied, and no more than three (3) works can be copied
 43 from a collective work or periodical issue during one (1) class term.

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46 Teachers are limited to nine (9) instances of multiple copying for one (1) course during one (1)
 47 class term. Limitations do not apply to current news periodicals, newspapers, and current news
 48 sections of other periodicals.

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4 Performances by teachers or students of copyrighted dramatic works without authorization from the
5 copyright owner are permitted as part of a teaching activity in a classroom or instructional setting. All
6 other performances require permission from the copyright owner.

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8 The copyright law prohibits using copies to replace or substitute for anthologies, consumable works,
9 compilations, or collective works. "Consumable" works include: workbooks, exercises, standardized
10 tests, test booklets, and answer sheets. Teachers cannot substitute copies for the purchase of books,
11 publishers' reprints or periodicals, nor can they repeatedly copy the same item from term-to-term.
12 Copying cannot be directed by a "higher authority," and students cannot be charged more than actual cost
13 of photocopying. Teachers may use copyrighted materials in overhead or opaque projectors for
14 instructional purposes.

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16 Authorized Reproduction and Use of Copyrighted Materials in the Library

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

- 19 □ An unpublished work which is in its collection;
- 20 □ A published work in order to replace it because it is damaged, deteriorated, lost or stolen,
21 provided the unused replacement cannot be obtained at a fair price.
- 22 □ A work that is being considered for acquisition, although use is strictly limited to that decision.
23 Technological protection measures may be circumvented for purposes of copying materials in
24 order to make an acquisition decision.

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26 A library may provide a single copy of copyrighted material to a student or staff member at no more than
27 the actual cost of photocopying. The copy must be limited to one (1) article of a periodical issue or a
28 small part of other material, unless the library finds that the copyrighted work cannot be obtained
29 elsewhere at a fair price. In the latter circumstance, the entire work may be copied. In any case, the copy
30 shall contain the notice of copyright, and the student or staff member shall be notified that the copy is to
31 be used only for private study, scholarship, or research. Any other use may subject the person to liability
32 for copyright infringement.

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34 At the request of a teacher, copies may be made for reserve use. The same limits apply as for single or
35 multiple copies designated in "Authorized Reproduction and Use of Copyrighted Material in Print."

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37 Authorized Reproduction and Use of Copyrighted Music or Dramatic Works

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39 Teachers may:

- 40 • Make a single copy of a song, movement, or short section from a printed musical or dramatic
41 work that is unavailable except in a larger work for purposes of preparing for instruction;
- 42 • Make multiple copies for classroom use of an excerpt of not more than 10% of a printed musical
43 work if it is to be used for academic purposes other than performance, provided that the excerpt
44 does not comprise a part of the whole musical work which would constitute a performable unit
45 such as a complete section, movement, or song;
- 46 • In an emergency, a teacher may make and use replacement copies of printed music for an
47 imminent musical performance when the purchased copies have been lost, destroyed or are
48 otherwise not available.
- 49 • Make and retain a single recording of student performances of copyrighted material when it is
50 made for purposes of evaluation or rehearsal;

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

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- 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.

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9 Performance by teachers or students of copyrighted musical or dramatic works is permitted without the
10 authorization of the copyright owner as part of a teaching activity in a classroom or instructional setting.
11 The purpose shall be instructional rather than for entertainment.

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13 Performances of nondramatic musical works that are copyrighted are permitted without the authorization
14 of the copyright owner, provided that:

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- The performance is not for a commercial purpose;

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- None of the performers, promoters or organizers are compensated; and,

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

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19 All other musical and dramatic performances require permission from the copyright owner. Parents or
20 others wishing to record a performance should check with the sponsor to ensure compliance with
21 copyright.

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23 Recording of Copyrighted Programs

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25 Television programs, excluding news programs, transmitted by commercial and non-commercial
26 television stations for reception by the general public without charge may be recorded off-air
27 simultaneously with broadcast transmission (including simultaneous cable retransmission) and retained
28 by a school for a period not to exceed the first forty-five (45) consecutive calendar days after date of
29 recording. Upon conclusion of this retention period, all off-air recordings must be erased or destroyed
30 immediately. Certain programming such as that provided on public television may be exempt from this
31 provision; check with the *[Supervising teacher or teacher librarian – choose all that apply or add or the*
32 *subscription database, e.g. united streaming.*

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35 USE OF INFORMATION RESOURCES REGULATION

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37 Off-air recording may be used once by individual teachers in the course of instructional activities, and
38 repeated once only when reinforcement is necessary, within a building, during the first 10 consecutive
39 school days, excluding scheduled interruptions, in the 45 calendar day retention period. Off-air
40 recordings may be made only at the request of and used by individual teachers, and may not be regularly
41 recorded in anticipation of requests. No broadcast program may be recorded off-air more than once at the
42 request of the same teacher, regardless of the number of times the program may be broadcast. A limited
43 number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers.
44 Each additional copy shall be subject to all provisions governing the original recording.

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46 After the first ten consecutive school days, off-air recordings may be used up to the end of the 45 calendar
47 day retention period only for evaluation purposes, i.e., to determine whether or not to include the
48 broadcast program in the teaching curriculum. Permission must be secured from the publisher before the
49 recording can be used for instructional purposes after the 10 day period.

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5 Off-air recordings need not be used in their entirety, but the recorded programs may not be altered from
6 their original content. Off-air recordings may not be physically or electronically combined or merged to
7 constitute teaching anthologies or compilations. All copies of off-air recordings must include the
8 copyright notice on the broadcast program as recorded.

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10 Authorized Reproduction and Use of Copyrighted Computer Software

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12 Schools have a valid need for high-quality software at reasonable prices. To assure a fair return to the
13 authors of software programs, the school district shall support the legal and ethical issues involved in
14 copyright laws and any usage agreements that are incorporated into the acquisition of software programs.
15 To this end, the following guidelines shall be in effect:

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- All copyright laws and publisher license agreements between the vendor and the school district shall be observed;
- Staff members shall take reasonable precautions to prevent copying or the use of 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, *[board secretary, technology director or teacher-librarian - choose all that apply or add others]*; and,
- A computer program may be adapted by adding to the content or changing the language. The adapted program may not be distributed.

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28 Fair Use Guidelines for Educational Multimedia

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

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38 USE OF INFORMATION RESOURCES REGULATION

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40 Educators may perform or display their own multimedia projects to students in support of curriculum-
41 based instructional activities. These projects may be used:

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- In face-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.

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49 Educators may use copyrighted materials in a multimedia project for two years, after that permission must
50 be requested and received.

4The following limitations restrict the portion of any given work that may be used pursuant of fair use in
5an educational multimedia project:

- 6 • Motion media: ten percent or three minutes, whichever is less;
- 7 • Text materials: ten percent or 1,000 words, whichever is less;
- 8 • Poetry: an entire poem of fewer than 250 words, but no more than three poems from one author
9 or five poems from an anthology. For poems of greater than 250 words, excerpts of up to 250
10 words may be used, but no more than three excerpts from one poet or five excerpts from an
11 anthology;
- 12 • Music, lyrics and music video: Up to ten percent, but no more than thirty seconds. No alterations
13 that change the basic melody or fundamental character of the work;
- 14 • Illustrations, cartoons and photographs: No more that five images by an artist, and no more than
15 ten percent or fifteen images whichever is less from a collective work;
- 16 • Numerical data sets: Up to ten percent or 2,500 field or cell entries, whichever is less;

18Fair use does not include posting a student or teacher’s work on the Internet if it includes portions of
19copyrighted materials. Permission to copy shall be obtained from the original copyright holder(s) before
20such projects are placed online. The opening screen of such presentations shall include notice that
21permission was granted and materials are restricted from further use.

23**Notices – Before including this section, make sure employees are ready to comply with it and notices
24are posted.**

26*The [superintendent, principal, teacher, teacher-librarian, choose all that apply or add others] is
27responsible for ensuring that appropriate warning devices are posted. The warnings are to educate and
28warn individuals using school district equipment of the copyright law. Warning notices must be posted:*

- 29 • *On or near copiers;*
- 30 • *On forms used to request copying services;*
- 31 • *On video recorders;*
- 32 • *On computers; and,*
- 33 • *At the library and other places where interlibrary loan orders for copies of materials are
34 accepted.*

38Procedure History:

39Promulgated on: February 10, 2014

40Reviewed on: January 13, 2014

41Revised on: January 13, 2014