

COPYRIGHT COMPLIANCE

1. Single Copying for Teachers

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

- a. A chapter from a book;
- b. An article from a periodical or newspaper;
- c. A short story, short essay, or short poem, whether or not from a collective work;
- d. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical, or newspaper.

2. Multiple Copies for Classroom Use

Multiple copies (not to exceed in any event more than one copy per pupil in a course) may be made by or for the teacher giving the course for classroom use or discussion; provided that:

- a. The copying meets the tests of brevity and spontaneity as defined below; and b.
Meets the cumulative effect test as defined below; and
- c. Each copy includes a notice of copyright.

Definitions:

Brevity

- (i) Poetry (a) A complete poem if less than 250 words and if printed on not more than two pages or, (b) from a longer poem, an excerpt of not more than 250 words.
- (ii) Prose (a) Either a complete article, story, or essay of less than 2,500 words, or (b) an excerpt from any prose work of not more than 1,000 words or 10% of the work, whichever is less, but in any event a minimum of 500 words.

{Each of the numerical limits stated in “i” and “ii” above may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph. }

- (iii) Illustration: One chart, graph, diagram, drawing, cartoon, or picture per book or per periodical issue.
- (iv) “Special” works: Certain works in poetry, prose, or in “poetic prose” which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience fall short of 2,500 words in their entirety. Paragraph “ii” above notwithstanding such “special works” may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than 10 of the words found in the text thereof, may be reproduced.

Spontaneity

- (i) The copying is at the instance and inspiration of the individual teacher;
and
- (ii) The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

Cumulative Effect

- (i) The copying of the material is for only one course in the school in which the copies are made;
- (ii) Not more than one short poem, article, story, essay, or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume during one class term; and
- (iii) There shall not be more than nine instances of such multiple copying for one course during one class term. {The limitations stated in “ii” and “iii” above shall not apply to current news periodicals and newspapers and current news sections of other periodicals. }

3. Prohibitions As to 1. and 2. Above

Notwithstanding any of the above, the following shall be prohibited:

- a. Copying shall not be used to create or to replace or substitute for anthologies, compilations, or collective works. Such replacement or substitution may occur whether copies of various works or excerpts therefrom are accumulated or reproduced and used separately.
- b. There shall be no copying of or from works intended to be “consumable” in the course of study or of teaching. These include workbooks, exercises, standardized tests, and test booklets and answer sheets and like consumable material.
- c. Copying shall not:
 - (i) substitute for the purchase of books, publishers’ reprints, or periodicals; (ii) be directed by higher authority; or
 - (iii) be repeated with respect to the same item by the same teacher from term to term.
- d. No charge shall be made to the student beyond the actual cost of the photocopying.

4. Guidelines for Sound Recordings

A single copy of a sound recording of copyrighted materials may be made from sound recordings owned by the school or teacher for immediate classroom aural exercises or examinations without permission, as long as the recording itself has not been copyrighted.

5. Guidelines for Copying of Sheet Music

The guidelines for classroom copying in not-for-profit educational institutions with respect to books and periodicals also apply to copying of sheet music and sound recordings, with the following specific stipulations:

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) 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 a 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.
- 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 or 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 oral exercises or examination 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 for the purpose of performance except as in 5.a.1 above.
- 2) Copying for the purpose of substituting for the purchase of music except as in 5.a.1 and 5.a.2 above.
- 3) Copying without inclusion of the copyright notice which appears on the printed copy.

6. Non-print media

At present, there are no guidelines for duplication of non-print media. Duplication of such materials (TV programs, films, etc.) must be considered violations of copyright unless subsequent guidelines are developed permitting such use.

Repealed by the Board and re-enacted and revised by the Superintendent: September 2, 2003

LEGAL REF.:

17 U.S.C. § 107 & accompanying guidelines