



Book	Administrative Regulations
Section	6000 INSTRUCTION
Title	Use of Copyrighted Materials
Code	AR 6162.6
Status	First Reading and Action
Cross References	BP 6162.6 - Use of Copyrighted Materials
Adopted	January 16, 2006

Each employee making a reproduction shall first determine whether the copying is permitted by law based on the guidelines below. If the copying is not permitted according to these guidelines, the principal/designee may request permission to reproduce the material from its copyright holders.

Requests for permission to use copyrighted materials shall include the following information:

1. Title, author(s), editor(s) or publisher, producer(s) or distributor.
2. Edition, copyright and/or production year.
3. Exact amount of material to be used (e.g., lines, pages, running time, etc.).
4. Nature of the use (e.g., how many times, when and with whom the material will be used).
5. Number of copies to be made.
6. How the material will be reproduced.
7. If an initial contact was made by phone, the request shall also include the name of the initial contact person.

The following guidelines differentiate between permitted and prohibited uses of printed material, sheet and recorded music, videotapes, films, filmstrips or slide programs, off-air taping (radio or television), computer software, and digital media.

### **Printed Materials**

#### **Example Use:**

1. Single copies at the request of an individual teacher:
  - a. A chapter of a book.
  - b. An article from a magazine 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 a picture from a book, magazine or newspaper.
2. Multiple copies at the request of an individual teacher for classroom use, not to exceed one copy per student in a course:
  - a. A complete poem if less than 250 words and if printed on not more than two pages.
  - b. An excerpt from a longer poem, not to exceed 250 words.
  - c. A complete article, story or essay of less than 2,500 words.
  - d. An excerpt from a larger prose work not to exceed ten percent of the whole or 1,000 words, whichever is less, but in any event a minimum of 500 words.
  - e. One chart, graph, diagram, cartoon or picture per book or magazine issue.

All preceding copies must bear the copyright notice. They may be made only at the discretion of the individual teacher on occasions when a delay to request permission would preclude their most effective instructional use.

### **Sheet and Recorded Music**

#### **Example Uses:**

1. Emergency copies for an imminent performance are permitted, provided they are replacing purchased copies and replacement is planned.
2. Multiple copies (one per student) of excerpts not constituting an entire performable unit or more than ten percent of the total work may be made for academic purposes other than performances.

3. Purchased sheet music may be edited or simplified provided the character of the work is not distorted or lyrics added or altered.
4. A single copy of a recorded performance by students may be retained by the District or individual teacher for evaluation or rehearsal purposes.
5. A single copy of recordings of copyrighted music owned by the District or individual teacher may be made and retained for the purpose of constructing exercises or examinations.
6. A single copy of an excerpt that constitutes an entire performable unit (e.g., a movement or aria) may be made, provided it is either:
  - a. Confirmed by the copyright proprietor to be out of print.
  - b. Unavailable except in a larger work. This may be done by or for a teacher only for scholarly research or in preparation for teaching a class.
7. A single copy of a portion of a sound recording may be made by or for a student, i.e., a song from a record, but not the entire recording. The copy may be used in the educational context in which it was made and may not be sold or performed for profit.

## **Videotapes, Films, Filmstrips or Slide Programs**

### **Example Uses:**

1. A single copy of a portion of a copyrighted film or filmstrip may be made by a student for educational purposes if the material is owned by the school which the student attends.
2. A single copy of a small portion of a film or filmstrip may be made by or for a teacher for scholarly or teaching purposes.
3. Selected slides may be reproduced from a series if reproduction does not exceed ten percent of the total or excerpt the essence of the work.
4. A slide or overhead transparency series may be created from multiple sources as long as creation does not exceed ten percent of photographs in one source (book, magazine, filmstrip, etc.). This may not be done when the source forbids photographic reproduction.
5. A single overhead transparency may be created from a single page of a "consumable" workbook.
6. Sections of a film may be excerpted for a local videotape (not to be shown over cable) if they do not exceed ten percent of the total or excerpt the essence of the work. Extreme care must be exercised in copying a small portion of a film or filmstrip; small portions may contain the very essence of the material in question.

## **Radio - Off-Air Taping**

### **Example Uses:**

1. A single copy of a small portion of a copyrighted radio program may be made by a student for educational purposes. Such a copy may not be sold or performed for profit.
2. Copies of broadcasts by National Public Radio may be made by District employees and retained for an indefinite period for educational purposes.

## **Television - Off-Air Taping**

### **Example Uses:**

1. A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable retransmission) and retained for a period not to exceed 45 days. All off-air recordings shall be erased or destroyed at the end of the retention period. Broadcast programs are television programs transmitted for reception by the general public without charge.
2. 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. These recordings may be shown 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 consecutive school days in the 45 calendar-day retention period.
3. Off-air recordings may be made only at the request of individual teachers, for use by those teachers. 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.
4. 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.
5. After the first ten consecutive school days, off-air recordings may be used up to the end of the 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; they may not be used for student exhibition or any other non-evaluation purpose without authorization.
6. All copies of off-air recordings shall include the copyright notice on the broadcast programs as recorded.

## **Software Copyright**

### **Example Uses:**

Copies of District-owned software may be made only when:

1. The copy is needed as an essential step in using the computer program with a particular machine. This copy is to be used in no other way.
2. The copy is used for archival or "backup" purposes. This copy may be held only as a file copy and must be destroyed when the program is no longer rightfully owned by the District unless the copyright owner authorizes its sale, lease or transfer as part of the sale, lease or transfer of the original program. (United States Code, Title 17, Section 117).

## **Digital Media**

### **Example Uses:**

Digital media (images, video, electronic documents, or similar) shall only be used in accordance with federal copyright law and District instructional material policies. Examples of permitted use include:

1. Use of media released into the public domain (works that no longer carry copyright restrictions)
2. Use of media with rights released by the original content author(s)
3. Use of media in accordance with rights restrictions, such as those identified by Creative Commons or similar licensing programs. Examples of licensing and use restrictions commonly available under Creative Commons include:
  - a. CCO: public dedication under Creative Commons licensing indicating that original creator has released rights to their work and effectively put the work into the worldwide public domain. CCO allows for reusers to distribute, remix, adapt, and build upon the material in any medium or format, with no conditions
  - b. CC BY (Creative Commons By Attribution): allows for distribution, remixing, adaptation in any medium or format, so long as attribution is given to the creator. Allows for commercial use
  - c. CC BY-SA: same use rights as CC BY, with the additional restriction (SA-Share Alike) that adapted works must be shared under the same terms
  - d. CC BY-NC: works may be used under same guidelines as CC BY, but may NOT be used for commercial purposes (generally, any use seeking monetary gain, fundraising efforts etc.
4. Use of media where rights to use for a specific purpose have been obtained from the copyright holder
5. Digital media obtained through subscription services may carry additional usage restrictions. Use of media under these services must be used in accordance with terms of use governing such service(s)

When using digital works not personally created, in any medium or format, it must be assumed that the work carries copyright restrictions unless specifically noted otherwise.