

INSTRUCTION

COPYRIGHTS - Procedures

It is the intent of the Regional Office of Education to adhere to the provisions of the copyright laws as they pertain to the copying of books, periodicals, musical scores, videotapes, computer software, and network resources.

VIDEOTAPES

Off-Air Recording From Commercial Stations

1. Off-air videotaped recordings may not be kept for more than 45 calendar days after the recording date, at which time the tapes must be erased.
2. Off-air videotaped recordings may be shown to students only once in their entirety, within the first 10 consecutive school days of the 45-day retention period. A second showing, of portions of the recordings, may be made for instructional reinforcement only.
3. Off-air recordings must be made only at the request of an individual teacher for instructional purposes, not by school staff in anticipation of later requests by teachers.
4. Only teachers for evaluation purposes, that is, may view the taped recordings after the 10-day period to determine whether to include the broadcast program in the curriculum in the future.
5. If several teachers request videotaping of the same program, duplicate copies are permitted to supply their request; all copies are subject to the same restrictions as the original recording. (See #s 1 and 2 above.)
6. No off-air 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 is broadcast.
7. The off-air recordings may not be physically or electronically altered or combined with others to form anthologies, but they need not necessarily be used or shown in their entirety.

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8. All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.

Commercial programs that are taped outside the ROE and brought in for viewing shall have the same guidelines applied as the off-air taping done in the school.

Videotapes marked “FOR HOME USE ONLY” may be used in the classroom as long as the tape is used in face-to-face instruction to meet instructional objectives. “FOR HOME USE ONLY” tapes may not be used for entertainment purposes in the school setting.

Taping of Public Broadcasting Programs

Programs distributed by public broadcasting service may be recorded under the following conditions:

1. Only students, faculty, or staff members in accredited, nonprofit educational institutions may use the recordings.
2. The recordings may be used only for instruction or educationally related activities in a classroom, laboratory, or auditorium.
3. The recordings may be used only in the school for which they were made; they may not be made available outside that school.
4. The recordings may be used “only during the seven-day period of local ETV [Educational Television] and other educational broadcast licensed by the distribution agency, and will be erased or destroyed immediately at the end of that seven-day period except to the extent specifically authorized in writing in advance.
5. The recordings must be requested by teachers and shown only to students and faculty for instructional purposes.

Instructional TV programs may be taped for replay at times other than the times are scheduled. Subscribers may continue to use videotapes from their libraries as long as the program is under contract to ITV.

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MUSICAL SCORES AND RECORDINGS

Copying of musical scores or recordings may occur under the following conditions:

1. Emergency copying to replace purchased copies for any reason not available for an imminent performance, provided purchased replacement copies shall be substituted in due course.
2. For academic purposes other than performance, single or 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 selection, 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.

For academic purposes other than performance, a single copy of an entire performable unit (section, movement, aria, etc.) that is: a) confirmed by the copyright proprietor to be out of print, or b) 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 that may exist in the sound recording.)

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Copying musical scores or recordings are prohibited if the copying is done:

1. To create or replace or substitute for anthologies, compilations, or collective works.
2. 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 materials.
3. For the purpose of performance, except as “1” above.
4. For the purpose of substituting for the purchase of music, except as in “1” and “2” above.
5. Without inclusion of the copyright notice which appears on the printed copy.

COMPUTER SOFTWARE

Unless a license to do so exists, it is illegal to duplicate copies of software on disk, tape, or on a computer’s RAM. It is illegal to sequentially boot up a series of microcomputers with one disk, enabling more than one student to access a program for which there is only one purchased copy.

A network license is required for each individual software title being loaded on the network.

The only legal duplicated copy of a master copy of a piece of software is a back-up copy made for archival purposes. The archival copy may not be used and is kept in the event the working copy is damaged or destroyed, at which time it may be used. An archival copy is not a “back up” master and may not be used to make additional working copies. It is illegal to make a copy of a computer program acquired for preview purposes.

Permanent replacing of a damaged piece of software with one that is duplicated from a back-up copy is illegal. A temporary use copy may be made until the damaged copy is replaced, provided the temporary copy is erased upon receipt of the replacement copy.

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NETWORK RESOURCES

Unless otherwise stated, it is assumed that all materials on the Internet—including websites and graphics—are copyrighted and copyright guidelines are to be followed.

BOOKS AND PERIODICALS

Copying of books and periodicals may be done under the following conditions:

1. A single copy may be made of any of the following by or for a teacher at his/her individual request for his/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; and
 - d. a chart, graph, diagram, drawing, cartoon or picture from a book, periodical, or newspaper.
2. 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.

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Definitions

Brevity

1. 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.

2. 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 “1.” and “2.” Above may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.)

3. Illustration: One chart, graph, diagram, drawing, cartoon, or picture per book or per periodical issue.

3. “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 #2.” 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

1. The copy is at the instance and inspiration of the individual teacher, and

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2. 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

1. The copying of the material is for only one course in the school in which the copies are made.
2. 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.
3. There shall not be more than nine instances of such multiple copying for one course during one class term.

(The limitations stated in “2.” And “3.” Above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.)

Prohibition as to the Above

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

1. 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 there from are accumulated or reproduced and used separately.
2. 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 text booklets and answer sheets, and like consumable materials.

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3. Copying shall not:
 - a. substitute for the purchase of books, publishers' reprints, or periodicals;
 - b. be directed by higher authority;
 - c. be repeated with respect to the same item by the same teacher from term to term.
4. No charge shall be made to the student beyond the actual cost of the photocopying.