

INSTRUCTION

Copyright Compliance

The person or entity claiming ownership in a copyright has the following exclusive rights:

1. The right to make copies or authorize others to reproduce the work.
2. The right to revise, abridge, translate, or otherwise create derivative works based upon the original.
3. The right to distribute the work by any means, such as selling, licensing, renting, leasing, lending, or other methods of distribution.
4. The right to perform the work publicly.
5. The right to display the work publicly.

Copyright Compliance

Staff and students may make copies of copyrighted materials that fall within the following four “fair use” guidelines:

1. The purpose and character of the use—must be for such purposes as teaching or scholarship and must be for nonprofit use.
2. The nature of the copyrighted work—consideration given to the distinction between creative work and an informational work.
3. The amount and substantiality of the portion used—copying of a whole work cannot be considered “fair use,” but a portion may be if guidelines are followed.
4. 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.

Where there is reason to believe the material to be copied does not fall within these guidelines, the lead administrator for Curriculum and Instruction should be consulted. Staff and students who fail to follow this procedure may be held personally liable for copyright infringement.

A. Authorized Reproduction and Use of Copyrighted Material in Print

In preparing for instruction, a teacher may make or have made a single copy of:

1. A chapter from a book;
2. An article from a newspaper or periodical;
3. A short story, short essay, or short poem; or

4. A chart, graph, diagram, drawing, cartoon* or picture from a book, periodical, or newspaper.

*Copyrighted, syndicated cartoon characters are not permitted to be copied.

A teacher may make multiple copies, not exceeding more than one per pupil, for classroom use or discussion if the copying meets the tests of “brevity, spontaneity, and cumulative effect” set by the following guidelines. Each copy must include a notice of copyright.

a. Brevity

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

*Copyrighted, syndicated cartoon characters are not permitted to be copied.

b. Spontaneity

Should be at the “instance and inspiration” of the individual teacher.

c. Cumulative Effect

Teachers are limited to:

- 1) Using copied material for only one course in the school year in which copies are made.
- 2) No more than one short poem, article, story, or two excerpts from the same author.
- 3) No more than three works can be copied from a collective work or periodical column during one class term.
- 4) Nine instances of multiple copying for one course during one class term.

Limitations do not apply to current news periodicals, newspapers, and current news sections of other periodicals.

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

The copyright law prohibits using copies to replace or substitute for anthologies, consumable works, compilations, or collective works. "Consumable" works include: workbooks, exercises, standardized tests, test booklets, and answer sheets. Teachers cannot substitute copies for the purchase of books, publishers' reprints, or periodicals, nor can they repeatedly copy the same item from term to term. Copying cannot be directed by a "higher authority." Students cannot be charged more than the actual cost of photocopying.

Teachers and students may use copyrighted material in overhead or opaque projectors for instructional purposes.

B. Authorized Reproduction and Use of Copyrighted Materials in the Library

1. A library may make a single copy of:
 - a. An unpublished work that is in its collection;
 - b. A published work in order to replace it because it is damaged, deteriorated, lost, or stolen, provided that the replacement cannot be obtained at a fair price.
2. A library may provide a single copy of copyrighted material to a student or staff member at a charge not to exceed the actual cost of photocopying. The copy must be limited to one article of a periodical issue or a small part of other material, unless the library finds that the copyrighted work cannot be obtained elsewhere at a fair price. In the latter circumstance, the entire work may be copied. In any case, the copy shall contain the notice of copyright and the student or staff member shall be notified that the copy is to be used only for private study, scholarship, or research. Any other use may subject the person to liability for copyright infringement.
3. At the request of a teacher, copies may be made for reserve use. The same limits apply as for single or multiple copies designated in "Authorized Reproduction and Use of Copyrighted Material in Print."

C. Authorized Reproduction and Use of Copyrighted Music

1. A teacher may make a single copy of a song, movement, or short section from a printed musical work that is unavailable except in a larger work for purposes of preparing for instruction.

2. A teacher may make multiple copies for classroom use of an excerpt of not more than 10% of a printed musical work if it is to be used for academic purposes other than performance, provided that the excerpt does not comprise a part of the whole musical work which would constitute a performable unit, such as a complete section, movement, or song.
3. In an emergency, a teacher may make and use replacement copies of printed music for an imminent musical performance when the purchased copies have been lost, destroyed, or are otherwise not available.
4. A teacher may make and retain a single recording of student performances of copyrighted material when it is made for purposes of evaluation or rehearsal.
5. A teacher may make and retain a single copy of excerpts from recordings of copyrighted musical works for use as aural exercises or examination questions.
6. A teacher may edit or simplify purchased copies of music provided that the fundamental character of the music is not distorted. Lyrics shall not be altered or added if none exist.
7. Performance by teachers or students of copyrighted musical works is permitted without the authorization of the copyright owner as part of a teaching activity in a classroom or instructional setting. The purpose shall be instructional rather than for entertainment.
8. Performances of non-dramatic musical works that are copyrighted are permitted without the authorization of the copyright owner, provided:
 - a. The performance is not for a commercial purpose;
 - b. None of the performers, promoters, or organizers are compensated; and
 - c. Admission fees are used for educational or charitable purposes only.

All other musical performances require permission from the copyright owner.

D. Off-Air Recording of Copyrighted Programs

“Off-air recordings” are defined as television programs transmitted by television stations for reception by the general public without charge. This excludes cable transmissions, including such channels as HBO, other premium feature film channels, and any pay-per-view programming. Any

recording of these programs would be in violation of copyright law. Only those cable programs also available on-air in the geographical area may be recorded.

The following guidelines were negotiated to apply only to off-air recording by non-profit educational institutions:

1. Television programs, excluding news programs, transmitted by commercial and non-commercial television stations for reception by the general public without charge may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable retransmission) and retained by a school for a period not to exceed the first forty-five (45) consecutive calendar days after the date of recording. Upon conclusion of this retention period, all off-air recordings must be erased or destroyed immediately.
2. An off-air recording may be used once by individual teachers in the course of instructional activities, and repeated once only when reinforcement is necessary within a single building, cluster, or campus as well as in the homes of student receiving formalized home instruction, during the first ten (10) consecutive school days, excluding scheduled interruptions, in the forty-five (45) calendar day retention period.
3. The use of off-air recordings must be in a classroom or other instructional setting. Use of a recording must be directly related to the curriculum being taught. Use of an off-air recording for reward or entertainment is in violation of copyright law.
4. Off-air recordings may be made only at the request of and used by individual teachers, and may not be regularly recorded in anticipation of requests. 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.
5. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers. Each additional copy shall be subject to all provisions governing the original recording.
6. After the first ten (10) consecutive school days, off-air recordings may be used up to the end of the forty-five (45) calendar day retention period only for purposes, e.g., to determine whether or not to include the broadcast program in the teaching curriculum. Permission must be secured from the publisher before the recording can be used for instructional purposes after the ten (10) day period.

7. Off-air recordings need not be used in their entirety, but the recorded programs may not be altered from their original content. Off-air recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.
8. All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.
9. Parent/guardian permission may be required for student viewing of a Motion Picture Association of America rated movie even if it has been edited for television broadcast. Refer to Section G, Guidelines for the Use of Off-Air Recordings and Videos in the Classroom.

E. Authorized Use of Programming from KCTS/9 Public Television

1. There is no current contract between Central Kitsap School District and KCTS/9. Use and/or recording of the daily instructional program is not allowable.

F. Authorized Use of Purchased, Borrowed, Rented, or Leased Videotapes

1. In-classroom performance of a copyrighted videotape is permissible under the following conditions:
 - a. The performance must be made from a legitimate copy.
 - b. Attendance must be limited to the teacher and pupils.
 - c. The entire audience must be involved in the teaching activity.
 - d. The performance must be part of a systematic course of instruction and not for entertainment, recreation, reward, or cultural value.
 - e. The performance must be part of the teaching activities of a nonprofit institution.
 - f. The performance must take place in a classroom or similar place devoted to instruction, and the entire audience must be in that location.
 - g. The performance must be in connection with face-to-face teaching activities.
2. If the videotape has been rented from a video dealer, it may be used in a classroom in accordance with the above listed conditions provided no contract or signed agreement has been entered into with the video

dealer, whether through membership or rental agreement, which specifically states the video is to be used for home viewing only.

3. No charges may be made to attend the showing of the videotape.
4. No copies may be made of the videotape whether in whole or in part.
5. Refer to the Central Kitsap School District Policy and Procedures, Item B3, "Procedures for the Use of Videos and Off-Air Recordings in the Classroom," for additional information.

G. Authorized Use of Satellite Transmissions

Satellite transmissions fall under the same guidelines as cable television. There are no prohibitions against receiving a signal from a satellite, except those that are scrambled, but recording or retransmission would be a violation of copyright law. The following points should be adhered to:

1. To record and/or distribute satellite signals via closed circuit systems, a license to do so should be obtained from the appropriate agency providing the programming.
2. Instructional programs available via satellite, including teacher in-service, usually require fees. The recording and use of these programs, without payment of the appropriate fee, would be illegal.

H. Authorized Reproduction and Use of Copyrighted Computer Software

Schools have a valid need for high-quality software at reasonable prices. The Central Kitsap School District shall support the legal and ethical issues involved in copyright laws and any usage agreements that are incorporated into the acquisition of software programs.

To this end, the following guidelines shall be in effect:

1. All copyright laws and publisher license agreements between the vendor and the District shall be observed.
2. Staff members shall take reasonable precautions to prevent copying or the use of unauthorized copies on school equipment.
3. A back-up copy shall be purchased, at least, for use as a replacement when a program is lost or damaged. If the vendor is not able to supply such, the District, in accordance with P.L. 96-517, Section 7(b), shall make a back-up program and attest that the program will be used for replacement purposes only.

4. The Department of Information Services is responsible for maintaining all software license agreements for the Central Kitsap School District.
5. Manuals, guides, and any other printed items accompanying computer software are to be treated as any other copyrighted material in print.

I. Authorized Use of Copyrighted Material in Student Projects

The law does not discriminate between teachers and students with respect to the use of copyrighted materials for educational purposes. Students have the same rights, privileges, and limitations as do teachers.

Student use of copyrighted materials in their class projects should be within the copyright law if the following conditions are met:

1. The project remains the property of the student.
2. The project may not be retained by the school in the classroom or become part of the library collection.
3. No copies of the project may be sold or otherwise distributed.
4. The project is undertaken solely for the purposes of the individual student's learning experience.
5. The project is not displayed, shown, or performed outside the classroom or other instructional setting. This would prevent it being used in such circumstances as state competitions. In that case, permission of the copyright holder(s) would be needed.

J. Copying Limitations

Circumstances will arise when staff or students are uncertain whether or not copying is prohibited. In those circumstances, the lead administrator for Curriculum and Instruction should be contacted.

The following prohibitions have been expressly stated in federal guidelines:

1. Reproduction of copyrighted material shall not be used to create or substitute for anthologies, compilations, or collective works.
2. Unless expressly permitted by agreement with the publisher and authorized by District action, there shall be no copying from copyrighted consumable materials such as workbooks, exercises, test booklets, answer sheets, and the like.

3. Staff shall not:
 - a. Use copies to substitute for the purchase of books, periodicals, music recordings, computer software, or other copyrighted material except as permitted by District procedure;
 - b. Copy or use the same item from term to term without the copyright owner's permission;
 - c. Copy or use more than nine instances of multiple copying of protected material in any one term;
 - d. Copy or use more than one short work or two excerpts from works of the same author in any one term; or
 - e. Copy or use protected material without including a notice of copyright. The following is a satisfactory notice: NOTICE: THIS MATERIAL MAY BE PROTECTED BY COPYRIGHT LAW.

Staff or students shall not reproduce or use copyrighted material at the direction of someone in higher authority or copy or use such material in emulation of some other teacher's use of copyrighted material without permission of the copyright owner.

Sample forms to use in requesting permission to use copyrighted material are available.

**CENTRAL KITSAP SCHOOL DISTRICT NO. 401
Request for Permission to Retain Off-Air Recording**

Directions: Make three (3) copies of the letter. Send two (2) copies to the producer-distributor and retain one (1) copy for your records. Include a self-addressed and stamped return envelope. Please remember, a request does not grant rights until such time as written permission is received from the copyright holder. No reply does not imply the granting of permission.

TO:

Date _____
Firm _____
Address _____

FROM:

Central Kitsap School District, P.O. Box 8, Silverdale, WA 98383
Department _____
Telephone _____ **FAX** _____
Person making request _____ **Title** _____

We hereby request from your organization to make an off-air recording of the broadcast program entitled _____ to be broadcast in our area on _____, 20_____. Your permission will permit our school and/or library to use the program during the course of face-to-face instruction with our students in the following curricular area: _____
_____.

We thank you in advance for your attention to our request. Please indicate your consent to this request by filling in the spaces provided below and returning this letter to us at the earliest possible moment.

Sincerely,

Central Kitsap School District

PRODUCER-DISTRIBUTOR REPLY TO CKSD NO. 401

Permission is hereby granted to you in accordance with the above request under the following terms and conditions: _____

Signed: _____ Date: _____
Copyright Holder or Agent

**CENTRAL KITSAP SCHOOL DISTRICT NO. 401
Request for Authorization to Duplicate Copyrighted Material**

Directions: Make three (3) copies of the letter. Send two (2) copies to the producer-distributor and retain one (1) copy for your records. Include a self-addressed and stamped return envelope. Please remember, a request does not grant rights until such time as written permission is received from the copyright holder. No reply does not imply the granting of permission.

TO:

Date _____
Firm _____
Address _____

FROM:

Central Kitsap School District, P.O. Box 8, Silverdale, WA 98383
Department _____
Telephone _____ **FAX** _____
Person making request _____ **Title** _____

We are requesting authorization to duplicate the following copyrighted material:

Title _____
Author _____
Medium _____
Rationale _____

Number of copies to be made _____
Copy medium _____
Portion to be copied _____
Use of copies _____
Anticipated date of first use _____
Distribution of copies _____

COPYRIGHT HOLDER REPLY TO CKSD NO. 401

Permission to duplicate: _____ granted _____ denied
Details/Restrictions _____

Signature _____
Title _____ Date _____