

## **Instruction**

### **Use of Copying Devices**

#### **Publication or Creation of Educational Materials Software Copyrights: Printing and Duplication**

It is the intent of the Waterford Board of Education to adhere to the provisions of copyright laws in the area of microcomputer software. It is also the intent of the District to comply with the license agreements and/or policy statements contained in the software packages used in the district. In circumstances where the interpretation of the copyright law is ambiguous, the district shall look to the applicable license agreement to determine appropriate use of the software.

It is illegal for any employee to duplicate copyrighted materials without permission except to the extent such duplication may fall within the bounds of the "fair use" doctrine. The Board recognizes that severe penalties are provided for unauthorized copying of audio, visual, or printed materials unless the copying falls within the bounds of "fair use".

Any duplication of copyrighted materials by employees, therefore, must be done with permission of the copyright holder or within the bound of "fair use" as set forth in the guidelines concerning use agreed upon by various representative groups of publishers, authors, composers, teachers, and other affected parties.

The Board further recognizes that computer software piracy is a major problem for the industry and that violations of copyright laws contribute to higher costs and greater efforts to prevent copying and/or lessen incentives for the development of effective educational uses of microcomputers. Therefore, in an effort to discourage violation of copyright laws and to prevent such illegal activities:

1. The ethical and practical implications of software piracy will be instilled in educators and school children in all schools in the district.
2. District employees will be informed that they are expected to adhere to Section 117 of the 1976 Copyright Act as amended in 1980, governing the use of software. Pertinent information on copyright laws shall be included in teacher and student handbooks.
3. When permission is obtained from the copyright holder to use software on a disk-sharing system, efforts will be made to secure this software from copying.
4. Under no circumstances shall illegal copies of copyrighted software be made or used on school equipment.
5. Only the Superintendent of Schools, or his/her designee, may sign software license agreements for schools in the district. Each school using licensed software should have a signed copy of the software agreement.
6. The Principal at each school site is responsible for establishing practices which will enforce this district copyright policy at the school level.

## **Instruction**

### **Use of Copying Devices** (continued)

#### **Backup Copies of Copyrighted Computer Software**

Schools may lawfully make one copy of a copyrighted program. The following conditions must be met:

1. One and only one copy is made.
2. One copy should be labeled with the name of the program, name of the publisher, copyright holder, and computer compatibility.
3. Either the original or the copy is stored and referred to as the “archival” copy. The copy used is referred to as the “circulating” copy.
4. The archival copy should be stored in a limited access area with appropriate temperature and humidity controls.
5. Only the circulating copy may be used.
6. If the circulating copy is no longer usable, another copy may be made from the archival copy.

#### **Classroom Copying**

The Copyright Law (Public Law 94-553) requires that all employees honor the following guidelines for classroom copying. Failure to do so could expose the employee and the school system to legal challenge.

##### **I. Books and Periodicals**

###### **A. Single copying for teachers:**

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

1. A chapter from a book;
2. An article from a periodical or newspaper;
3. A short story, short essay, or short poem, whether or not from a collective work;
4. A chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper.

## Instruction

### Use of Copying Devices (continued)

#### Classroom Copying (continued)

#### I. Books and Periodicals (continued)

##### B. Multiple copies for classroom use:

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

1. The copying meets the test of brevity and spontaneity as defined below;
2. The copying meets the cumulative effect test as define below;
3. Each copy includes a notice of copyright.

##### C. Definitions:

###### 1. Brevity

- a. **Poetry:** A complete poem of less than 250 words and if printed on not more than two pages; or from a longer poem, an excerpt of not more than 250 words.
- b. **Prose:** Either a complete article, story, or essay of less than 2,500 words; or 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 above may be expanded to permit completion of an unfinished prose paragraph.)*

- c. **Illustration:** One chart, graph, diagram, drawing, cartoon, or picture per book or per periodical issue.
- d. **“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 and which fall short of 2,500 words in their entirety. Subparagraph “b” 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.

## **Instruction**

### **Use of Copying Devices** (continued)

#### **Classroom Copying** (continued)

#### **I. Books and Periodicals** (continued)

##### **C. Definitions:** (continued)

##### **2. Spontaneity**

- a. The copying is at the instance and inspiration of the individual teacher.
- b. 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.

##### **3. Cumulative Effect**

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

*(The limitation stated in “b” and “c” above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.)*

##### **D. Prohibitions:**

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 wherefrom 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, test booklets, answer sheets, and similar consumable material.

## **Instruction**

### **Use of Copying Devices** (continued)

#### **Classroom Copying** (continued)

##### **I. Books and Periodicals** (continued)

###### **D. Prohibitions:** (continued)

###### **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.

##### **II. Educational Uses of Music**

###### **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 student.

For academic purposes other than performances, a single copy of an entire performable unit (section, movement, aria, etc.) that is confirmed by the copyright proprietor to be out of print or unavailable except in a larger work may be made by or for a teacher solely for the purpose of his or her scholarly research or in preparation to teach a class.

3. Printed copies, including sheet music, 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.

## **Instruction**

### **Use of Copying Devices** (continued)

### **Classroom Copying** (continued)

## **II. Educational Uses of Music** (continued)

### **A. Permissible uses:** (continued)

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 which may exist in the case of sound recording.)

### **B. Prohibitions:**

1. Copying to create or replace or substitute for anthologies, compilations, or collective works.
2. Copying of or from works intended to be “consumable” in the course of study or of teaching such as workbooks, exercises, standardized tests, answer sheets, and similar material.
3. Copying for the purpose of performance, except as in “A.1” above.
4. Copying for the purpose of substituting for the purchase of music, except as in “A.1” and “A.2” above.
5. Copying without inclusion of the copyright notice which appears on the printed copy.

## **III. Reproduction by Libraries**

It is not a copyright infringement for a library, or any of its employees acting within the scope of their employment, to reproduce or distribute not more than one copy of a work provided:

- A. The reproduction or distribution is made without any purpose of direct or indirect commercial advantage.

## **Instruction**

### **Use of Copying Devices** (continued)

### **Classroom Copying** (continued)

#### **III. Reproduction by Libraries** (continued)

- B. The collections of the library or archives are open to the public or available not only to researchers affiliated with the library or archives, but also to other persons doing research in a specialized field.
- C. The reproduction or distribution of the work includes a notice of copyright.

The reproduction of multiple copies of the same material, whether made on one occasion or over a period of time, and whether intended for aggregate use by one individual or for separate use by the individual members of a group, is not authorized.

Libraries are generally exempt from liability for the unsupervised use of reproducing equipment located on its premises, provided that the reproducing equipment displays a notice that the making of a copy may be subject to the copyright law.

#### **IV. Student Rerecordings**

Video tape recorders may be used under the following conditions:

- A. School rerecordings may be made only by students, teachers, faculty, or staff members.
- B. School rerecordings will be used solely for classroom, auditorium, or laboratory exhibition in the course of classroom instruction or related educational activities.
- C. School rerecordings will be used only in the educational institution for which made and will not be given away, loaned, or otherwise made available outside the school.
- D. School rerecordings will be used only during the seven-day period of local Educational Television and other educational broadcasts 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 by the distribution agency.

## Instruction

### Use of Copying Devices (continued)

#### Classroom Copying (continued)

#### V. Off-Air Copying

- A. A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable re-transmission) and retained for a period not to exceed forty-five (45) calendar days after date of recording. Upon conclusion of such retention period, all off-air recordings must be erased or destroyed immediately. "Broadcast programs" are television programs transmitted by television stations for reception by the general public without charge.
- B. 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, 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 (10) consecutive school days in the forty-five (45) calendar day retention period. "School days" are school session days--not counting weekends, holidays, vacations, examination periods, or other scheduled interruptions--within the forty-five (45) calendar day retention period.
- C. Off-air recordings may be made only at the request of individual teachers for their own use 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.
- D. 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.
- E. 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 teacher evaluation purposes (i.e., to determine whether or not to include the broadcast program in the teaching curriculum). They may not be used in the recording institution for student exhibition or other evaluation purpose without authorization.
- F. 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.
- G. All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.

## **Instruction**

### **Use of Copying Devices** (continued)

### **Classroom Copying** (continued)

Legal reference: Connecticut General Statutes

Public Law 94-553, Title 17, The Copyright Act of 1976, Copyright Revision Bill 1978, and 1980 Amendments; House Report 941476, Congressional Record, September 11, 1976.  
Connecticut General Statutes

10-4 Duties of board. Reports. Comprehensive plan for elementary, secondary, vocational, career and adult education.

10-16b Prescribed courses of study.

10-28a Advice and assistance to school library media centers.

10-221 Boards of education to prescribe rules.

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WATERFORD PUBLIC SCHOOLS  
Waterford, Connecticut