

Use of Copyrighted Materials

Section 1. General. East Allen County Schools will require all employees to observe the rules and regulations as set forth in P.L. 94-553.

It will be the responsibility of each employee to observe the guidelines regarding the use of copyrighted materials as provided by the Superintendent's Office and set forth in this policy.

Furthermore, East Allen County Schools will assume no responsibility for damages as the result of violation of the copyright rules and regulations by any employee in accordance with P.L. 94-553.

Section 2. Books, Periodicals, Newspapers, etc. The following guidelines will be observed by all employees of the school district:

1. Single Copies. An employee may make, for scholarly research, preparation of teaching a class or presentation in a class, a single copy of the following:
 - 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; or
 - D. a chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper;

The above may be considered fair use provided that:

- A. The copy does not create or replace or substitute for anthologies, compilations, or collective works.
- B. The copy is not from works intended to be "consumable" in the course of study or teaching (workbooks, exercises, standardized textbooklets, and answer sheets and like material).
- C. The copy does not substitute for the purchase of books, publisher's reprints, or periodicals.
- D. The work, from which the copy is made, is not the same item from term to term.

- E. The copy includes a Notice of Copyright.
 - F. The employee or educational institution does not charge students more than the actual cost of the photocopies.
2. Multiple Copies. An employee may make multiple copies for classroom use or discussion (not to exceed one copy per pupil in the class) of any of the following:
- A. a complete poem if less than 250 words and if printed on not more than two pages;
 - B. poetic excerpt of not more than 250 words, except that one may complete an unfinished line of the poem;
 - C. a complete article, story, or essay of less than 2500 words;
 - D. an excerpt of any prose work of a minimum of 500 words to a maximum of not more than 1000 words or ten percent of the work, whichever maximum amount is less, except that one can complete an unfinished prose paragraph;
 - E. one chart, diagram, graph, drawing, cartoon, or picture per book or periodical issue; or
 - F. an excerpt of not more than two pages which contains not more than ten percent of the words found in the text of "special works". "Special works" being defined as certain works which often combine language with illustrations and which are intended sometimes for children and other items for more general audiences and which fall short of 2500 words in their entirety.

PROVIDED THAT:

- (1) The copy or copies do not create or replace or substitute for anthologies, compilations, or collective works.
- (2) The copy or copies are not from works intended to be "consumable" in the course of study or teaching (workbooks, exercises, standardized test booklets and answer sheets and like material).
- (3) The copy or copies do not substitute for the purchase of books, publisher's reprints, or periodicals.

- (4) The work, from which the copy or copies are made, is not the same item from term to term.
- (5) The copy or copies include a Notice of Copyright.
- (6) The employee or educational institution does not charge students more than the actual cost of the photocopies.
- (7) The direction to make such multiple copies did not come from higher authority (e.g. supervisor, coordinating teacher, or Principal) than the employee.
- (8) The multiple copying is done at the instance and inspiration of the individual employee.
- (9) 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.
- (10) The multiple copies are not of more than one short poem, article, story, essay or two excerpts from the same author or more than three excerpts from the same collective work or periodical volume in any one term, except for current news periodicals and newspapers and current news sections of other periodicals.

Section 3. Music.

1. Single Copies. An employee may make, for academic purposes other than performance and where the employee's sole purpose is scholarly research or class preparation, a single copy of an entire performable unit of music (section, movement, aria, etc.) that is either (1) confirmed by the copyright proprietor to be out of print or (2) unavailable except in a larger work.
 - A. An employee may make and retain a single copy of recordings or performances by students for evaluation or rehearsal purposes.
 - B. An employee may make and retain a single copy of a sound recording (such as a tape, disc, or cassette) of copyrighted music from sound recordings owned by an educational institution or an individual teacher for the purpose of constructing aural exercises or examinations.

- C. An employee may edit or simplify a purchased printed copy of music so long as the fundamental character of the work is not distorted or the lyrics altered, or lyrics added if none exist.

PROVIDED THAT:

- (1) The copy does not create or replace or substitute for anthologies, compilations, or collective works.
- (2) The copy is not from works intended to be "consumable" in the course of study or teaching (workbooks, exercises, standardized test booklets and answer sheets and like material).
- (3) The copy does not substitute for the purchase of books, publisher's reprints, or periodicals.
- (4) The work, from which the copy is made, is not the same item from term to term.
- (5) The copy includes a Notice of Copyright.
- (6) The employee or educational institution does not charge students more than the actual cost of the photocopies.

2. Multiple Copies. An employee may make, for academic purposes other than performance, multiple copies (not to exceed one copy per pupil) of excerpts of musical works, 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, and in no case may the excerpt be more than ten percent of the whole work.

PROVIDED THAT:

- A. The copy or copies do not create or replace or substitute for anthologies, compilations, or collective works.
- B. The copy or copies are not from works intended to be "consumable" in the course of study or teaching (workbooks, exercises, standardized test booklets and answer sheets and like material).
- C. The copy or copies do not substitute for the purchase of books, publisher's reprints, or periodicals.

- D. The work, from which the copy or copies are made, is not the same item from term to term.
- E. The copy or copies include a Notice of Copyright.
- F. The employee or educational institution does not charge students more than the actual cost of the photocopies.
- G. The employee does not employ successful use of multiple copying developed by another employee without securing permission from the copyright proprietor.
- H. The employee does not utilize more than nine instances of multiple copying per course per term, except for current news periodicals and newspapers and current news sections of other periodicals.
- I. The copying is for only one course in the school in which the copies are made.
- J. A teacher may make a copy or copies to replace purchased copies (of music) which for any reason are not available for an imminent performance, provided, purchase replacement copies shall be substituted in due course.

Section 4. Guidelines for the Use of Off-Air Recording of Broadcast Programming for Educational Purposes.

1. A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable re-transmission) and retained by a non-profit educational institution for a period not to exceed the first forty-five (45) consecutive 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.
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, 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) day 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.

3. 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.
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 (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, and may not be used in the recording institution for student exhibition or any other non-evaluation purpose without authorization.
6. 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.
7. All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.
8. Educational institutions are expected to establish appropriate control procedures to maintain the integrity of these guidelines.