

## **Teton School District No. 401**

### **INSTRUCTION 2150P Copyright Compliance**

#### Authorized Reproduction and Use of Copyrighted Material in Print

In preparing for instruction, a teacher may make or have made a single copy of a chapter from a book; an article from a newspaper or periodical; a short story, short essay or short poem; or a chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper. A teacher may make multiple copies, not exceeding more than one (1) per pupil for classroom use if the copying meets the tests of “brevity, spontaneity, and cumulative effect” set by the following guidelines.

#### 1. Brevity

- A. A complete poem, if less than 250 words and two pages long, may be copied; excerpts from longer poems cannot exceed 250 words.
- B. 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. Each numerical limit may be expanded to permit the completion of an unfinished line of a poem or prose paragraph.
- C. 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.

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

3. Cumulative Effect. Teachers are limited to using copied material for only one course in the school in which copies are made. No more than one short poem, article, story or two (2) excerpts from the same author may be copied, and no more than three (3) works can be copied from a collective work or periodical issue during one (1) class term. Teachers are limited to nine (9) instances of multiple copying for one (1) course during one (1) class term. Limitations do not apply to current news periodicals, newspapers and current news sections of other periodicals.

4. Record Keeping: Each school employee shall maintain personal records regarding each school year’s annual cumulative effect use. Further, an individual employee shall maintain records of permission they have received to duplicate copyrighted materials. These materials shall be retained for five years. Copies of site licenses, network licenses, and other permission to copy computer software will be maintained by the District’s Technology Personnel.

Each copy must include a clear and obvious notice of copyright. The provisions of this policy are applicable to any form of copyrighted materials, including electronically provided copies of materials.

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." Teachers may use copyrighted materials to the class for instructional purposes using such devices as a projector, interactive technology, or similar display.

### Digital Technology/Distance Learning

The District may send copyrighted materials as part of any distance learning classes, provided use complies with guidelines set forth in federal regulations and the following criteria are met:

1. The performance and/or display is a regular part of instruction; and
2. Technical measures are used to reasonably prevent material beyond the class session or distributing to it. Such measures may include:
  - A. Ensuring the material is only sent to students enrolled in the course;
  - B. Requiring an assigned password or login to access the materials and ensuring such passwords or logins are disabled as soon as the material is no longer needed by the students enrolled in the course;
  - C. Disabling the print function for any copyrighted materials;
  - D. Including a watermark on copyrighted materials;
  - E. Streaming copyrighted materials to students rather than providing it as a file saved to a website.

### Authorized Reproduction and Use of Copyrighted Materials in the Library

A library may make a single copy of an unpublished work which is in its collection; and a published work in order to replace it because it is damaged, deteriorated, lost, or stolen provided the unused replacement cannot be obtained at a fair price.

A library may provide a single copy of copyrighted material to a student or staff member at no more than the actual cost of photocopying. The copy must be limited to one (1) 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.

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".

### Authorized Reproduction and Use of Copyrighted Music

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.

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. Printed musical works which have been purchased may be simplified provided that the fundamental character of the work is not distorted and that lyrics are not added or altered.

A single copy of recordings of performances by students may be made for evaluation or rehearsal purposes.

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.

### Copyrighted Video

A school or District's media center is responsible for the maintenance of a school's obtained copyrighted video, audio, or mult-media materials. Such a center may reproduce one copy of a copyrighted work and distribute such in accordance with applicable provisions of the law.

Distance learning is subject to copyright guidelines if copyrighted material is copied or recorded during a transmitted lesson.

Copies made by a private individual of a rented or broadcast video are considered to be illegally made and may not be used for instructional purposes unless such use meets the fair-use test.

Rental video recordings and other optical media labeled with a "home use only" warning may not be used in any District classroom or school activity, including any extracurricular activity, unless such use is specifically permitted in the corresponding rental agreement.

Closed-circuit distribution of a copyrighted work to classrooms in a school is legal, so long as the transmission is used for instructional activity and not entertainment.

Off-air recording of broadcast programs is permitted to educational institutions for programs broadcast to the general public. Recordings of pay cable TV services and satellite broadcasts available at an extra charge are not allowed without permission from the copyright owner.

### Authorized Reproduction and Use of Copyrighted Materials on Websites

No information or graphics may be posted on any school system official website in violation of any copyright laws. The Superintendent or web maintenance designee is responsible for maintaining copies of permission granted for the use of copyrighted material on any school system official website.

Teacher Instruction to Students for Reproduction and Use of Copyrighted Material

Teachers will instruct students to respect copyright laws and to request permission when their use of material has the potential of being considered an infringement.

Legal Reference: 17 U.S.C. 101 to 110 Federal Copyright Act

Procedure History:

Adopted on: August 10, 2009

Revised on: January 11, 2016

Reviewed on: August 9, 2021