

1 **Board Policies**

Blair-Taylor School District

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3 **Series: 300**
4 **Section: 360**
5 **Policy #: 363**

INSTRUCTION
INSTRUCTIONAL RESOURCES AND SERVICES
COPYRIGHT COMPLIANCE POLICY

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9 The School District of Blair-Taylor recognizes that copyright piracy is a major problem for the
10 industry and that violations of copyright laws contribute to higher costs and greater efforts to prevent
11 copies and/or lessen incentives for the development of good educational materials.

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13 **Policy Statement:**

14 It is the policy of the School District of Blair-Taylor to abide by all Copyright Law (Public Law 94-553,
15 Title 17 and Public Law 96-517 Section 7(b)), including the Fair Use doctrine.

16 The policy applies to all district employees, students, and all users of materials from the Blair-Taylor
17 School District.

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19 **Responsibilities:**

20 The board recognizes that federal copyright law makes it illegal to duplicate copyrighted materials
21 without permission, except for certain exempt purposes. The board further realizes that severe
22 penalties are provided for unauthorized copying of printed, audio, visual, computer software, or
23 other copyrighted materials unless the copying falls within the bounds of the "fair use" doctrine.

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25 The Blair-Taylor School District expects all employees, students and users of district-owned
26 materials to be knowledgeable of a abide by the provisions of Copyright Law (Public Law 94-553,
27 Title 17 and Public Law 96-517 Section 7(b)), including the Fair Use Doctrine, and the guidelines
28 that have been negotiated to help educators interpret the law. These resources may be accessed
29 online or by contacting the LMC Specialist.

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31 Copyright protects the creators of "original works of authorship." A work is copyright protected from
32 the moment of its creation. This protection applies to both published and unpublished works.

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34 **Guidelines:**

35 To protect staff members, students, and the School District of Blair-Taylor against legal redress for
36 alleged violations of the copyright laws, the person making the reproduction must be certain that the
37 action is within the law. When an individual is not certain, he/she should contact the district
38 administrator in order to ascertain whether copying falls under "permitted use". If it does not, the
39 district administrator may request permission to reproduce materials from copyright holders.

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41 • All copying not specifically allowed by current copyright law, Fair Use guidelines, license
42 agreements or copyright holder's permission is prohibited. The use of district equipment for
43 the purpose of violating copyright law is prohibited.
44 The 1976 Fair Use law read, "Notwithstanding the provisions of sections 106 and 106A, the
45 fair use of a copyrighted work, including such use by reproduction in copies or phono records
46 or by any other means specified by that section, for purposes such as criticism, comment,
47 news reporting, teaching (including multiple copies for classroom use), scholarship, or
48 research, is not an infringement of copyright..."
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50 • Under the Fair Use doctrine, reproduction of copyrighted materials is permissible by a non-
51 profit educational institution for such purposes as outlined in the four criteria of Fair Use:
52 o Purpose and Character of Use
53 ▪ For purposes of teaching and/or scholarship
54 ▪ Must be a non-profit institution
55 o Nature of Copyrighted Work
56 ▪ Staff may make single copies for research, instruction or preparation
57 for teaching
58 ▪ Staff may make multiple copies only under the rule of spontaneity

- 59 (to be disposed of after use)
- 60 o Amount and Substantiality of Portion Used
- 61 ▪ In most circumstances, copying the whole of work cannot be considered
- 62 Fair Use
- 63 ▪ Copying a small portion may be if guidelines are followed
- 64 o Effect of the Market place
- 65 ▪ If resulting economic loss to the copyright holder can be shown, even
- 66 making a single copy of certain materials may be an infringement, and
- 67 making multiple copies presents the danger of greater penalties.
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- 69 • The liability for willful infringement of copyright law is placed on the district employee or user
- 70 of district materials making or requesting the copy. Blair-Taylor School District assumes no
- 71 responsibility and will provide no legal assistance unless they are covered within the
- 72 permissive uses as described in Fair Use, Public Law 94-553, Section 107.
- 73 • A district employee is forbidden to direct another employee to willfully violate the copyright law
- 74 or Fair Use provision.
- 75 • The district administrator shall be responsible for establishing practices which will enforce the
- 76 policy, and for providing appropriate notice and in-service education for all staff to gain
- 77 needed compliance with the provision of this policy and Public Law 94-553, Section 107.
- 78 • The district administrator's office will serve as the centralized location for the storage and
- 79 retrieval of copyright license and permission agreements and all other copyright records.
- 80 • Notices to be posted as required under the copyright law
- 81 o All copy materials must be labeled
- 82 ▪ NOTICE: The material may be protected by copyright law (Title 17 U.S.
- 83 Code).
- 84 o Posted on all unsupervised reproduction equipment
- 85 ▪ NOTICE: The copyright law of the United States (Title 17 U.S. Code)
- 86 governs the making of photocopies or other reproductions of copyrighted
- 87 material. The person using this equipment is liable for any infringement.
- 88 o Posted where request for copies are accepted by school media center staff
- 89 ▪ Warning concerning copyright restrictions: The copyright law of the
- 90 United States (Title 17 U.S. Code) governs the making of photocopies or
- 91 other reproductions of copyrighted materials
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Copyright information for specific materials:

- 94 • Printed Material
- 95 o A single copy of any of the following may be made by request for research or
- 96 teaching
- 97 ▪ Chapter from book, article from newspaper or periodical, short story,
- 98 essay, or poem,
- 99 ▪ Chart, graph, diagram, drawing, cartoon, or picture from a book,
- 100 periodical or newspaper
- 101 o Multiple copies (no more than one per pupil) may be made by request provided
- 102 that
- 103 ▪ Item meets test of "brevity and spontaneity"
- 104 ▪ Time does not allow for purchase of material
- 105 ▪ Material is only used once
- 106 ▪ Copyright notice is printed on each copy
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- 108 • Video recordings
- 109 o Copies to be made at anytime
- 110 ▪ In-house productions
- 111 ▪ Works in the public domain
- 112 ▪ With permission to copy arrangements
- 113 o To be copied off-air for classroom use
- 114 ▪ Instructional television programs (subject to the specific rights and
- 115 limitations)
- 116 ▪ Broadcast programs (as long as they are used within ten school days)

- 117 o Following is prohibited
- 118 ▪ Copying from premium channels (HBO, The Disney Channel)
- 119 ▪ Duplicating copyrighted video recordings
- 120 ▪ Copying from one format to another (DVD to VHS)
- 121 o Rented or purchased "Home Use Only" video recordings may not be used on
- 122 the classroom as part of face-to-face instruction. The viewing of video
- 123 recording with "Public Performance Rights" is not restricted.
- 124 • Computer Software
- 125 o Section 7(b) of Public Law 96-517 grants to the purchaser the right to copy
- 126 program if and only if:
- 127 ▪ Such copy is essential step in utilization of the program in conjunction with
- 128 machine
- 129 ▪ For archival purposes (not to be used as additional copy of item)
- 130 o Computer software may be copied for classroom use:
- 131 ▪ In-house productions
- 132 ▪ Un-copyrighted work or works in public domain
- 133 o The following shall be prohibited
- 134 ▪ Using illegal copies of copyrighted programs on district equipment
- 135 ▪ Booting single copies of copyrighted programs into more than one
- 136 machine without authorization from the copyright holder

137 Music

- 138 • Permissible uses:
- 139 o Emergency copying to replace purchased copies for an imminent performance
- 140 o Copies of excerpts of works for academic purposes
- 141 o Editing or simplifying purchased works provided that the fundamental character
- 142 of the work is not changed
- 143 o Single copy recording of student performance
- 144 o Making a single copy of copyrighted sound recording for the purpose of an
- 145 aural exercise or examination
- 146 • The following copying is prohibited:
- 147 o Replace anthologies
- 148 o For the purpose of performance
- 149 o Instead of purchase

150 Library Materials

- 151 • School media centers can justify most photocopying under Section 107 (fair use). However,
- 152 Section 108 provides libraries additional rights:
- 153 o A single copy of an entire unpublished work for the purposes of preservation,
- 154 security, or research.
- 155 o A single copy to replace an entire work if the work is damaged, stolen, or is out-
- 156 of-print and cannot be replaced at a fair price
- 157 o A single copy of an article from the library's own collection for personal research
- 158 or study
- 159 o A single copy of an article through interlibrary loan copying under the following
- 160 conditions:
- 161 ▪ The copy will belong to the patron
- 162 ▪ The copy is for personal research or study
- 163 ▪ The library provides the required warning notices of copyright
- 164 ▪ Requests are not in such a quantity to substitute for a purchase
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- 167 • The provision under section 108 does not apply to musical, pictorial, graphic, sculptural,
- 168 motion picture or audiovisual works.
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Educational Multimedia

- Multimedia projects can utilize pieces of other peoples work in different formats or mediums. Portion limitations are very important to protect the copyrighted work. This applies a set amount of an original work that can be used in a presentation regardless of the original medium the copyrighted work is from.
 - Motion Media- Up to 10% or 3 times which is less
 - Text Material- Up to 10% Or 1,000 words whichever is less
 - Music, Lyrics, and Music Video- Up to 10%, but no more than 30 seconds of the music and lyrics from and individual work may be reproduced. Any alterations to a musical work shall not change the basic melody or the fundamental character.
 - Illustrations and Photographs- May be used in its entirety, but no more than 5 images by an artist or photographer. When working with published collective work, no more than 10% or 15 images which ever is less.
 - Numerical Data Sets- Up to 10% or 2,500 fields or cell entries, which is less.
- Students and teachers may lawfully use copyrighted works when creating educational multimedia projects when they follow these guidelines. They may perform, present, or archive for portfolios the multimedia projects they have created. Educators may use created projects for up to two years after initial creation with educational classes or peers for workshops or presentations. The use of material beyond the time period, even for educational purposes, requires permission for each copyrighted portion incorporated in the production.

Copyrighted Materials in Distance Education and Electronic Courses

- The TEACH Act of 2002 gives instructors at accredited nonprofit educational Institutions and governmental bodies teaching via interactive digital networks on campus and at distance enhanced capability to employ most third party copyrighted works in electronic coursework without the need to secure permission from copyright owners.

The regulations governing the copyright guidelines are not comprehensive and do not absolve the staff from complying with all aspects of the law. It will be necessary from time to time for staff members to apply these criteria in identifying material, which may be used or reproduced with the copyright law. Staff members are cautioned to test such decisions against all these criteria being mindful that their status as district employees does not provide immunity for violation of that law.

LEGAL REFERENCE: PL 94-553; 94 517, Section 7 (b), Section 943.70 (2) (a) 5 Wisconsin Statutes, Coping with Copyright, DPI (1986)

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Clerk: _____