

## **SERIES 300 – INSTRUCTION**

### **Instructional Resources and Services – 360**

#### **District Copyright Policy (362.4)**

The Norwalk-Ontario-Wilton Board of Education is committed to achieving full compliance among staff members and students in the district with respect to federal laws governing the reproduction of copyrighted materials. This policy provides guidelines for district compliance with the Federal Copyright Act of 1976, the Federal Digital Millennium Act of 1998, and the Copyright Harmonization (TEACH Act) of 2001, and applicable regulations.

#### **Specific Guidelines**

- 1) The Norwalk-Ontario-Wilton School District shall provide all staff members with information and materials regarding the copyright law.
- 2) The Norwalk-Ontario-Wilton School District shall assist staff members in acquiring rights to copyrighted materials.
- 3) Appropriate copyright notices and warnings will be placed above all copying equipment.
- 4) Duplicating copyrighted materials without permission from the copyright holder is strictly prohibited, except under provisions of “fair use.”
- 5) Using Norwalk-Ontario-Wilton equipment to violate copyright law is strictly prohibited.
- 6) Except as otherwise expressly permitted under this policy, copying copyrighted material to substitute for the purchase of that material shall be prohibited.
- 7) Distributing, transmitting, or undertaking a reading or performance of a copyrighted work without the copyright holder’s permission shall be prohibited, except under the provisions of “fair use.”
- 8) No employee of the Norwalk-Ontario-Wilton School District shall order any violation of the copyright law.
- 9) The building Principals will be responsible for establishing practices in accordance with this policy.

#### **Fair Use Guidelines for Educational Multimedia**

The doctrine of “fair use” allows the limited use of a copyrighted work, including its reproduction, without the copyright owner’s permission for such purposes as criticism, comment, news reporting, teaching, scholarship, and research. Section 107 establishes four basic factors, which are considered together in determining whether or not a use constitutes copyright infringement:

- 1) The purpose and character of use including whether such use is of a commercial nature or is for non-profit educational purposes.

- 2) The nature of the copyrighted work.
- 3) The amount and substantiality of the portion used in relation to the copyrighted work as a whole.
- 4) The effect of the use upon the potential market for, or value of the copyrighted work.

### **“Fair Uses” of Copyrighted Materials**

#### **Literary Works and Printed Materials**

- 1) **Single Copy** – A staff member may take or have made at his or her request, a single copy of the following works for research or teaching purposes, without the copyright holder’s permission:
  - A) A chapter from a book.
  - B) An article from a periodical or newspaper.
  - C) A short story, short essay, or short poem.
  - D) A chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper.
  
- 2) **Multiple Copies** – A staff member may make, or have made at his or her request, multiple copies of copyrighted work without copyright holder’s permission under the following circumstances:
  - A) A complete story or essay must contain fewer than approximately 2,500 words.
  - B) An excerpted prose work must be no longer than approximately 1,000 words or 10% of the entire work.
  - C) No more than one illustration, chart, graph, diagram, drawing, cartoon or picture is copied per book or periodical, or a poem.
  - D) An excerpt from a poem of no more than 250 words.

#### **Audiovisual Media**

- 1) **Permissible Copying** – Copies of any of the following works may be made by individual request of a staff member for classroom use:
  - A) “In House” Productions.
  - B) Uncopyrighted Works.
  - C) Copies made “under permission to copy” arrangements.
  - D) Instructional television programs (subject to specific rights limitations)
  - E) Broadcast programs to be used within ten school days of original broadcast.

## Computer Software

- 1) **Permissible Copying** – Copies of computer software can be made by the individual request of a staff member:
  - A) Copies essential to utilizing the program in conjunction with a machine.
  - B) Copies necessary for archival purposes.
  - C) Copies of “in House” school productions.
  - D) Copies of uncopyrighted works or works in the public domain for classroom use.

## Musical Works

- 1) **Permissible Uses** – A staff member, or someone at the staff member’s request, may use musical works in the following ways without the copyright holder’s permission:
  - A) Emergency copies to replace purchased copies not available for a performance providing purchased replacement copies are substituted as soon as practical.
  - B) For academic purposes, other than performance, but not to exceed one copy per pupil and no more than 10% of the work.
  - C) Purchased printed copies may be edited or simplified, provided that the fundamental character of the work is not distorted or any lyrics altered or added.
  - D) A single copy of recordings of student performances may be made for evaluation or rehearsal purposes and may be retained by the educational institution or individual teachers.

## **LIBRARY USES OF COPYRIGHTED MATERIALS**

- 1) **Permissible Uses** – Under Section 108, a library or any of its employees acting within the scope of their employment may reproduce copies of print works and records under specific circumstances and the following purposes:
  - A) No more than one copy may be made at a time. (systematic reproduction is prohibited, such as that done to substitute for subscribing to or purchasing a work)
  - B) The copying must be without any legal purpose or commercial value.
  - C) All copies must include a notice of copyright.
  - D) Preserving an unpublished work.
  - E) Replacing a damaged, lost, or stolen published work.
  - F) Individual private study, scholarship or research.
  - G) Interlibrary loans.

Adopted: 12/19/05

