Procedure 2150-P(1): Copyright - Copyright Compliance

Status: ADOPTED

Original Adopted Date: 05/17/2021 | **Last Revised Date:** 11/15/2021 | **Last Reviewed Date:** 05/18/2026

Throughout this procedure, "copies" shall refer to electronic as well as physical copies.

Any reproduction of copyrighted materials for classroom use should be:

1. Brief: The amount copied should be short relative to the total length of the work. This requirement should not be circumvented by creating multiple small batches of copies.
2. Spontaneous: It should be done because the individual teacher chooses to, not because it has been directed by someone who supervises them.

Each employee shall maintain records of permission they have received to duplicate copyrighted materials. These materials shall be retained for a minimum of five years. Copies of site licenses, network licenses, and other permission to copy computer software will be maintained by the District's technology personnel.

Whether copying, performing, or using copyrighted material is within the requirements of the law depends on a variety of features of the particular use. Any employee who is unsure whether a specific use complies with the requirements of copyright law and this procedure should request direction as described in Policy 2150.

Copying Teaching Materials

Any copying of classroom materials, such as textbooks, research journals, or test preparation materials must comply with federal copyright law and administrative rules. The copyright should be disclosed on the documents used. The District may have contractual relationships with publishers that control the permitted and/or prohibited use of classroom materials and textbooks. These contractual terms must be followed, and questions about them shall be directed to the **Superintendent**. Staff are directed to exercise particular caution when copying materials related to standardized tests. All questions about the use of such materials shall be directed to the District's test coordinator.

Authorized Reproduction and Use of Copyrighted Material in Print

This subsection outlines minimum requirements that District staff shall follow. These guidelines, on their own, may not be sufficient to ensure compliance with the requirements of copyright law.

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 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 2,500 words or excerpts from prose works of less than 1,000 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:** The copying 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 excerpts from the same author may be copied, and no more than three works can be copied from a collective work or periodical issue during one class term. Teachers are limited to nine instances of multiple copying for one course during one 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 years. Copies of site licenses, network licenses, and other permission to copy computer software will be maintained by the District's Technology Personnel.

Each physical and electronic copy of copyrighted material must include a clear and obvious notice of the copyright.

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.

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 recipients keeping material beyond the class session or distributing 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 them as files saved to a website.

Performances

Some performances of music; such as playing a piece in class, rehearsing it at school outside of school hours, and performing it for the school and for parents; does not generally require permission of the copyright holder. However, other uses, such as performing for a general audience or rehearsing music along with any acting that might accompany it as part of a musical play, may require permission of the copyright holder. Additionally, copyright law restricts when, how, and for what purpose copies can be made of sheet music.

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.

While copyright law may allow the recording of student performances in some contexts, sharing or selling those copies typically requires a license.

The District may have purchased a subscription or membership to an entity that allows the District's use of certain copyrighted materials. Questions about such agreements and included content shall be directed to the Superintendent or Building Principal.

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 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, provided the copying falls within the scope of fair use.

Use of Copyrighted Materials on Websites or in Materials Produced by the District

No copyrighted logos or other graphics, videos, or music, 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.

Use of such copyrighted materials without copyright holder permission is also prohibited on print materials created by the District, such as flyers, programs, and publications.

These policies are authorized solely for the use of ISBA members who subscribe to ISBA Policy Services. They are not intended for, nor authorized for, any other purpose or use. Such materials shall not be copied, distributed, or otherwise used by any agent, employee, individual, or organization except as necessary for official District/Charter business by authorized ISBA Policy Services subscribers. Any personal, private, proprietary, or non-subscribed use is strictly prohibited.

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Legal References	**Description**
17 USC 107	Limitations on Exclusive Rights: Fair Use
USC TITLE 17	Copyrights

Other References	**Description**
ISBA Policy Services	https://www.idsba.org/member-services/policy/

National Association for School Music	United States Copyright Law: A Guide for Music Educators
NFHS Learning Center	Understanding Copyright Laws Regarding Your School Musical

Cross References

Code	Description
2510	Selection of Library Materials
2510	Selection of Library Materials
2570	Use of Commercially Produced Video Recordings
2570	Use of Commercially Produced Video Recordings
8605	Retention of District Records
8700	Computer Software