
Copyright Manual And Materials Selection Guide



Lake Charles, LA
Revised, 2001



©COPYRIGHT MANUAL

COMPILED BY
A COMMITTEE REPRESENTING
CALCASIEU PARISH SCHOOLS AND ADMINISTRATION
2001 EDITION

©Copyright Policy Manual

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This manual is an interpretation of the Copyright Law, Spring 2001.

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INTRODUCTION

This copyright policy and manual have been developed in accordance with Louisiana State Department of Education Bulletin 1134 (Revised), 1990, Standards and Guidelines for Library Media Programs. Chapter 10 of this bulletin states:

Each school district shall adopt a written statement of procedures concerning adherence to the federal copyright law (P.L. 94-553), the 1980 Computer Software Copyright Act, and the Off-Air Broadcast Guidelines. This document should be developed by library media specialists, teachers and administrators and should contain provisions for informing teachers concerning these regulations. The document should be reviewed by the district's legal counsel. The statement of procedures should clarify and define the following: legal fair use, proper use of equipment and materials, the consequences of infringement, and awareness of important copyright terms including copyright, fair use, brevity, spontaneity, cumulative effect, archival copy, home use only, and public performance. Knowledge of copyright law and infringement should be provided to students through the instructional program. Copyright law is subject to change by the United States Congress as well as by Treaties with foreign governments and is subject to interpretation by the Courts.

ALL EDUCATORS SHOULD BE AWARE THAT KNOWINGLY VIOLATING THE COPYRIGHT LAW IS A FELONY AND CARRIES WITH IT HEAVY PENALTIES.

The responsibility for copyright management is an administrative as well as a personal responsibility. Public Law 94-553, Title 17 of the United States Code, provides clear-cut definitions of fair use of copies now being produced through current technology. **DUPLICATION OF MATERIALS IS ILLEGAL WHEN USED AS A SUBSTITUTE FOR THEIR PURCHASE.**

BOARD COPYRIGHT POLICY

The policy of the Calcasieu Parish School Board is to adhere to provisions of the United States Copyright Law. In an effort to discourage violation of the copyright law and to prevent illegal activities from occurring in facilities utilizing equipment under the Board's control, the following policy will be applied.

1. Administrators with responsibility for equipment such as photocopy machines, audio and video tape recorders, and any other technology capable of reproducing copyrighted materials, will take responsible steps to inform staff of the appropriate and legal applications of their use.
2. Information about copyright law and policies will be available to all employees through the *Calcasieu Parish School Board Copyright Manual* (hereafter known as CPSB-CM) that addresses all issues of copyright law. **IGNORANCE OF THE LAW IS NO EXCUSE FOR VIOLATION.**
3. No CPSB hardware, software, or facilities may be used to violate copyright laws, regulations, or guidelines. Appropriate warning notices shall be supplied by CPSB to be posted on or near all equipment capable of making copies.
4. Willful infringement of the law by employees will result in disciplinary action that will be decided by the School Board.

Legal or insurance protection will **NOT** be extended to employees who willfully violate copyright law and policies.

DEFINITION OF TERMS

ARCHIVAL COPY

This term refers to single copies of copyrighted material by libraries. These libraries must be open to the public or available to outside researchers in order to be eligible for these exemptions. The copying must not be done for commercial advantage, and copies must bear notice of copyright. The following conditions also exist for making this type of copy by libraries.

1. No digitizing of copyrighted works is allowable without permission unless the original was in digital format.
2. A copy of a published work for preservation or replacement purposes may be made if it has been determined, after a reasonable search, that an unused replacement copy is not available at a fair price.
3. The reproduction of a copy or phonorecording of an unpublished work made be made in facsimile form for only reasons of security and preservation.
4. A copyrighted computer program may be copied for backup purposes. This copy is to be stored in case the original fails to run, and it is not to be used as a second copy of the program. Circulating a back-up copy to replace a damaged or destroyed copy is permissible if a replacement copy has been ordered. The temporary copy must be erased upon receiving the replacement copy.

BREVITY

1. Poetry: (a) a complete poem of less than 250 words and if printed on not more than two pages, or (b) from a longer poem, an excerpt of not more than 250 words.
2. Prose: (a) Either a complete article, story, or essay of less than 2,500 words, or (b) an excerpt from any prose work of not more than 1,000 words or 10 percent of the work, whichever is less, but in any event a minimum of 500 words.

(Each of the numerical limits stated in (1) and (2) above may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.)

3. Illustration: One chart, graph, diagram, drawing, cartoon, or picture per book or periodical issue.
4. "Special" works: Certain works in poetry, prose or in "poetic prose" which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience fall short of 2,500 words in their entirety. Paragraph (2) above notwithstanding, such "special works" may not be reproduced in their entirety; however, an excerpt comprising not

more than two of the published pages of such special work and containing not more than 10 percent of the words found in the text thereof, may be reproduced.

COPYRIGHT

Copyright is a statutory privilege extended to creators of works that are fixed in a tangible medium of expression. It gives the author, composer, or programmer exclusive rights in protecting his/her work published, recorded, exhibited, translated, or reproduced by way of copies or other versions except by permission.

The copyright owner has the following six rights:

1. The right to reproduce or copy the work;
2. The right to prepare derivative works;
3. The right to distribute copies of the work to the public;
4. In the case of an audiovisual work, the right to perform the work publicly;
5. In the case of a literary, musical, dramatic, or choreographic work, a pantomime, or a pictorial, graphic, or sculptural work, the right to display the work publicly; and
6. In the case of sound recordings, to perform the copyrighted work publicly by means of a digital audio transmission.

CUMULATIVE EFFECT

1. The copying of the material is for only one course in the school in which the copies are made.
2. Not more than one short poem, article, story, essay, or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume during one class term.
3. There shall not be more than nine instances of such multiple copying for one course during one class term.

(The limitations stated in (2) and (3) above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.)

FAIR USE

According to PL 94-553, Section 106, only the owner of copyright “has the exclusive rights to do and to authorize” duplication of any copyrighted material (i.e., print, music, video, etc.).

Section 107: Limitations on exclusive rights¹: Fair Use states:

“Notwithstanding the provisions of section 106, the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that

¹ HR 2223-2, pp. 8-9.

section, for purposes such as criticism, comment, news reporting, teaching, scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use, the factors to be considered shall include:

1. The purpose and character of the use
 - Preference is granted to works created for non-profit educational purposes, criticism, comment, news reporting, teaching, scholarship, and research.
2. The nature of the copyrighted work;
 - Some works appear to be more deserving of copyright protection than others. Examples: factual versus fanciful; the physical nature of works (e.g., how-to books).
3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
 - Quality and quantity considers *no more was taken than was necessary*.
4. The effect of the use upon the potential market for or value of the copyrighted work."
 - This is probably the most important in terms of litigation.

HOME USE ONLY

This is defined as the restriction some copyright owners impose that limits legal showings of specific videocassettes to viewing by an individual, family members, or small gatherings of friends in private settings.

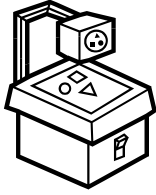
PUBLIC PERFORMANCE

This is defined as a performance in a place open to the public or at any place where a substantial number of persons outside of a normal circle of a family and its social acquaintances is gathered.

Schools have special privileges when it comes to performing copyrighted material in public. Section 110(1) states that "performance or display of a work by instructors or pupils in the course of face-to-face teaching activities of a nonprofit educational institution, in a classroom or similar place devoted to instruction. . . [is not an infringement]." This material presented must be related to the lesson plan in order for these exemptions to apply.

SPONTANEITY

The copying is at the instance and inspiration of the individual teacher, and 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.



AUDIO VISUAL WORKS

The following are **PERMITTED** under copyright laws:

- ✓ Creating a slide or overhead transparency series from multiple sources as long as creation does not exceed 10 percent of the photographs in one source (book, magazine, video, etc.), unless the source forbids photographic reproduction;
- ✓ Creating a single overhead transparency from a single page of a “consumable” workbook;
- ✓ Reproducing selected slides from a series if reproduction does not exceed 10 percent of total or excerpt “the essence”;
- ✓ Excerpting sections of a film for a local videotape (not to be shown over cable) if excerpting does not exceed 10 percent of total or “the essence” of the work; and
- ✓ Stories or literary excerpts narrated on tape and duplicated, as long as similar material is not available for sale.

The following are **PROHIBITED** under copyright laws:

- ✓ Duplication of tapes unless reproduction rights were given at the time of purchase;
- ✓ Reproduction of musical works or conversion to another format (e.g., tape to CD);
- ✓ Reproduction of commercial “masters,” individually or in sets (including multimedia kits) if available for sale separately;
- ✓ Reproduction of any audio visual work (film, filmstrip, videotape) in its entirety; and
- ✓ Conversion of one media format to another (e.g., film to videotape), unless permission has been secured.



COMPUTER SOFTWARE

The following is **PERMITTED** under copyright laws.

The making or authorizing the making of a copy of computer software provided

- ✓ That creating a copy is an essential step in allowing software to run on a certain computer;
- ✓ That the use is for archival purposes only (backup copy);
- ✓ That the adaptation of a copyrighted program is from one language to another because no commercially available software exists or when adding features to a program will better meet local needs; and/or
- ✓ That publishers/owners of copyrighted programs have given permission and/or permission is on file.

The following are **PROHIBITED** under copyright laws:

- ✓ Creating a copy of copyrighted programs for any purpose other than those listed above, and
- ✓ Multiple booting or networking of software without appropriate licensing.



DISTANCE LEARNING

Distance learning is an educational process that occurs when instruction is delivered to students remotely from the location of the campus of program origin, the main campus, or the primary resources that support instruction. Distance education involves teaching through the use of telecommunications technologies to transmit and receive various materials through voice, video, and data. Examples of such digital technologies include telecourses, audio and video teleconferences, compressed and full-motion video, fiber optic networks, satellite-based, and computer networks. The following guidelines do not cover asynchronous delivery of distance learning over a computer network, even one that is secure and capable of limiting access to students enrolled in the course through PIN or other identification system. Although fair use of copyrighted works applies in some aspects of such instruction, fair use guidelines to cover these situations are not yet developed because the area is so unsettled.

Assume everything is copyrighted unless otherwise stated.

The following are **PERMITTED** under copyright laws.

- ✓ Works performed must be integrated into the course, must be part of systematic instruction, and must be directly related and of material assistance to the teaching content of the transmission.
- ✓ Transmission must be over a secure system with technological limitations on access to the class or program such as a PIN number, password, or other means of identification of the eligible student.
- ✓ Reception must be in a classroom or other similar place normally devoted to instruction or any other site where the reception can be controlled by the eligible institution. In all such locations, the institution must utilize technological means to prevent copying of the portion of the class session that contains performance of the copyrighted work.
- ✓ Performance of an entire copyrighted work or a large portion thereof may be transmitted only once for a distance learning course. For subsequent performances, displays or access, permission must be obtained.
- ✓ The institution receiving the transmission may record or copy classes that include the performance of an entire copyrighted work, or a large portion thereof, and retain the recording or copy for up to 15 consecutive class days for viewing by students enrolled in the course. Access to the recording or copy for such viewing must be in a controlled environment such as a classroom, library, or media center, and the institution must prevent copying by students of the portion of the class session that contains the performance of the copyrighted work. If the institution wants to retain the recording or copy of the transmission for a longer period of time, it must obtain permission from the rightsholder or delete the portion which contains the performance of the copyrighted work.

The following are **PROHIBITED** under copyright laws.

- ✓ Performances may not be shown for entertainment purposes.
- ✓ Any commercial use or further dissemination of the recordings of the course or portions that contain performance of copyrighted works is not allowed.



MULTIMEDIA AND THE INTERNET

Copyright law applies not only to printed material but also includes digital content such as software, e-mail, websites, listservs, and multimedia productions. Information on the Internet is not necessarily public domain or copyright free. Some websites do give the public permission to copy for certain purposes. In such cases, permission for copying is included in a statement on the website. **Assume everything is copyrighted unless otherwise stated.**

The following are **PERMITTED** under copyright laws.

- ✓ Students may incorporate portions of lawfully acquired copyrighted works when producing their own educational multimedia projects for a specific course.
- ✓ Educators may incorporate portions of lawfully acquired copyrighted works when producing their own educational multimedia projects for their own teaching tools in support of curriculum-based instructional activities at educational institutions.
- ✓ Students may perform and display their own educational multimedia projects created for educational uses in the course for which they were created and may use them in their own portfolios as examples of their academic work for later personal uses such as job and graduate school interviews.
- ✓ Educators may perform and display their own educational multimedia projects created for curriculum-based instruction to students in the following situations:
 - Face-to-face instruction;
 - Assignments to students for directed self-study;
 - Remote instruction to students enrolled in curriculum-based courses and located at remote sites, provided over the educational institution's secure electronic network in real-time; or after class review or directed self-study, provided there are technological limitations on access to the network and educational multimedia project, i.e. a password, and provided, further, that the technology prevents the making of copies of copyrighted material.

If the educational institution's network or technology used to access the educational institution's network cannot prevent the duplication of copyrighted material, students or educators may use the multimedia education projects over an otherwise secure

network for a period of only 15 days after its initial real-time remote use in the course of instruction or 15 days after its assignment for directed self-study. After that period, one of the two use copies of the educational multimedia project may be placed on reserve in a learning center or library for on-site use by students enrolled in the course. Students shall be advised that they are not permitted to make their own copies of the educational multimedia project.

- ✓ Educators may perform or display their own educational multimedia projects in presentations to their peers, for example at workshops and conferences.
- ✓ Educators may retain educational multimedia projects in their personal portfolios for later personal uses such as tenure review or job interviews.
- ✓ Educators may use their educational multimedia projects created for educational purposes for teaching courses, for a period of up to two years after the first instructional use with a class. Use beyond that time period, even for educational purposes, requires permission for each copyrighted portion incorporated in the production.
- ✓ Educators and students may make alterations in the portions of the copyrighted works they incorporate as part of an educational multimedia project only if the alterations support specific instructional objectives. Educators and students are advised to note that alterations have been made.
- ✓ Educators may make no more than two copies of an educational multimedia project containing portions of copyrighted work. One copy may be placed on reserve and one copy may be made for preservation but may only be used to replace a copy that has been lost, stolen, or damaged.

The following are portion limits for use within an educational multimedia project:

- Motion media – up to 10 percent or three minutes, whichever is less;
- Text – up to 10 percent or 1000 words, whichever is less;
- Music – up to 10 percent or 30 seconds, whichever is less;
- Photos and Images – up to five works from one author, up to 10 percent, or 15 works, whichever is less, from a collection; and
- Database information – up to 10 percent or 2500 fields or cell entries, whichever is less.

The following are **PROHIBITED** under copyright laws.

- ✓ Educators may not use educational multimedia projects over electronic networks/websites without obtaining permission for all copyrighted works incorporated in the program.
- ✓ Educators may not distribute or reproduce any material containing copyrighted portions for educational or commercial use without seeking permission from the author.

The following procedures **MUST BE FOLLOWED** when copying multimedia or Internet sources.

- ✓ Educators and students must credit sources and display the copyright notice and copyright ownership information for all works incorporated as part of educational multimedia projects including those prepared under *fair use*.
- ✓ Educators and students must include on the opening screen of their multimedia project and any accompanying print material a notice that certain materials are included under *fair use* and have been prepared according to the educational multimedia *fair use* guidelines and are restricted from further use.



MUSIC

The following are **PERMITTED** under copyright laws.

- ✓ Emergency copies may be made to replace purchased copies which, for any reason, are not available for an immediate performance, provided purchased replacement copies shall be substituted as soon as possible.
- ✓ For academic purposes other than performance, multiple copies of excerpts may be made, provided the excerpts do not comprise a part of the whole, which would constitute a performable unit such as a section, movement, or aria, but in no case no more than 10 percent of the whole work should be copied. The number of copies shall not exceed one copy per pupil.
- ✓ Printed copies that have been purchased may be edited or simplified provided that the fundamental character of the work is not distorted or the lyrics, if any, altered, or lyrics added if none exist.

- ✓ A single copy of recordings of performances by students may be made for evaluation or rehearsal purposes and may be retained by the educational institution or individual teacher.
- ✓ A single copy of a sound recording (such as a tape, disc, or cassette) of copyrighted music may be made from sound recordings owned by an educational institution or an individual teacher for the purpose of constructing aural exercises or examinations and may be retained by the educational institution or individual teacher. This condition pertains only to the copyright of the music itself and not to any copyright that may exist in the sound recording.

The following are **PROHIBITED** under copyright laws:

- ✓ Copying to create or replace or substitute for anthologies, compilations, or collective works;
- ✓ Copying of or from works intended to be “consumable” in the course of study or of teaching such as workbooks, exercises, standardized tests, answer sheets, and like material;
- ✓ Copying for the purpose of performance, except as in the first condition under “PERMITTED”;
- ✓ Copying for the purpose of substituting for the purchase of music, except as in the first two conditions under “PERMITTED”; and
- ✓ Copying without inclusion of the copyright notice that appears on the printed copy.



MUSICAL, DRAMATIC, AND NON-DRAMATIC PERFORMANCES

The public performance of copyrighted music, dramatic, and non-dramatic material, whether for profit or not, is prohibited unless permission has been granted by the owner of this material.

The following are **PERMITTED** under copyright laws:

- ✓ Performance of a work, by instructors or students, in an instructional situation.
- ✓ Performance of a non-dramatic literary work or musical work in the course of a transmission only if the performance is
 - A regular part of systematic non-profit instructional activities;

- Directly related to teaching content; or
- An extension of the instructional program.



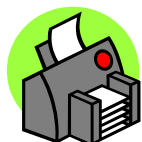
PHOTOCOPY FOR LIBRARY RESERVE USE

At the request of a teacher, a librarian may photocopy and place on reserve excerpts from copyrighted works in its collection in accordance with *fair use* guidelines.

If the request calls for only one copy to be placed on reserve, the librarian may photocopy an entire article, or an entire chapter from a book, or an entire poem. Requests for multiple copies on reserve should meet the following guidelines:

- ✓ The amount of material should be reasonable in relation to *fair use*.
- ✓ The number of copies should be reasonable in relation to *fair use*.
- ✓ The material should contain a notice of copyright.

The effect of photocopying the material should not be detrimental to the market for the work. (In general, the library should own at least one copy of the work).



PRINT MATERIAL FOR CLASSROOM USE

The following are **PERMITTED** under copyright laws.

- ✓ Teachers may make single copies for use in scholarly research, or in teaching, or in preparation for teaching a class of the following:
 - A chapter of a book;
 - An article from a newspaper or periodical;
 - A short essay, short story, or poem whether or not from a collected work; and
 - A chart, graph, diagram, drawing, carbon, or picture from a book, periodical, or newspaper.
- ✓ Multiple copies, not to exceed more than one copy per pupil in a course, may be made for use in the classroom under the following guidelines:
 - An article, story, or essay if it is less than 2500 words or
 - An excerpt of an article, story, or essay if it is no more than 1000 words or no more than 10 percent of the whole, whichever is less.
- ✓ Educators may copy books and periodicals at the instance and inspiration of the individual teacher only when the decision to use the material for

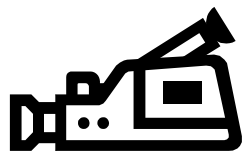
maximum teaching effectiveness is so close in time to use of the material that it would be unreasonable to expect a timely reply to a request for permission. Under these conditions, the following may be copied:

- A complete poem if it is less than 250 words and printed on no more than two pages;
- An excerpt from a longer poem if it is less than 250 words;
- A chart, graph, diagram, drawing, cartoon, or picture per book or periodical; and
- Special works combining prose, poetry, and illustrations, but limited to no more than 10 percent of the total.

Any pages copied must bear the copyright credit notice.

The following are **PROHIBITED** under copyright laws.

- ✓ Copies of consumable works, i.e., workbooks and standardized tests, may not be made.
- ✓ A copy may not be made for classroom use if it has already been copied for another class in the same institution.
- ✓ Multiple copies may not be made from the same collective work or periodical issue more than three times a term.
- ✓ Multiple copies of a short poem, article, story, or essay from the author may not be made more than once in a class term.
- ✓ Copies or works to take the place of or create an anthology may not be made.



VIDEO

OFF-AIR VIDEO RECORDING

Copyright law specifically prohibits unauthorized copying of works such as television programs and video presentations. **Failure to obtain the necessary copying permission may result in severe civil and criminal penalties.**

The following are **PERMITTED** under copyright laws.

- ✓ Commercially broadcast programs, except when specific restrictions have been issued, may be recorded off-air simultaneously with transmission and retained for 45 **calendar** days after the date of recording, provided that the use of the recording is an integral part of the school's systematic instructional plan.

- ✓ Off-air recordings, as in the case above, may be used once by an individual teacher for relevant educational classroom activities and once for necessary reinforcement during the first 10 consecutive **school** days after recording, provided that the use is an integral part of the school's systematic instructional plan.
 - School days* is defined as school session days, excluding weekends, holidays, vacations, examination periods, or other scheduled interruptions within the 45 calendar day retention period.
- ✓ After the first 10 **school** days, recordings may be used up to the end of the 45 **calendar** day retention period for teacher evaluation purposes only (e.g., to determine whether the program should be purchased by the department).
- ✓ Such recordings may be made only at the request of and used by individual teachers. No broadcast program may be recorded more than once for the same teacher. However, copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under the guidelines; each copy shall be subject to all provisions governing the original recording.
- ✓ The recordings need not be used in their entirety but may not be altered or edited. The recording must include the copyright notice on the program as recorded.
- ✓ Upon conclusion of the retention period, all off-air recordings must be erased or destroyed immediately.

The following are **PROHIBITED** under copyright laws:

- ✓ Off-air recording in anticipation of teacher requests;
- ✓ Using the recording for instruction after the 10 school day use period;
- ✓ Holding the recording for weeks or indefinitely because
 - Units requiring the program concepts are not taught within the 10 consecutive school day use period;
 - An interruption or technical problems delayed its use; or
 - Another teacher wishes to use it or for any other assumed "legitimate" educational reason.
- ✓ Programs recorded off-air used for entertainment or "reward" during the school day or evening (this circumstance constitutes a public showing for which special fees must be paid); and
- ✓ Recording of paid TV such as HBO or other cable broadcasts.



VIDEO TAPES IN THE CLASSROOM

Schools and departments within the Calcasieu Parish School System have instructional titles available for loan. In addition, the School System provides for off-air videotaping as allowed by the Fair Use Guidelines. **The same fair use guidelines for off-air video recording also apply to use of any videotapes in the classroom.**

A copyright owner's exclusive performance and display rights are specifically limited by Section 110 (1), which states that performance or display of a work by instructors or pupils in the course of face-to-face teaching activities of a nonprofit educational institution, in a classroom or similar place devoted to instruction [is not an infringement], unless, in the case of a motion picture or other audiovisual work, the performance, or the display of individual images, is given by means of a copy that was not lawfully made. . . and that the person responsible for the performance knew or had reason to believe was not lawfully made. . . .

Legal precedent has been established to determine the legality of using videocassettes that have been recorded at home or obtained through other means such as rental stores. Allowing tapes brought from home into the classroom can result in extensive liability because of lack of proper use and retention control.



Frequently Asked Questions

PERTAINING TO THE
USE OF
COPYRIGHTED MATERIAL



Frequently Asked Questions

GENERAL

1. What is copyright?

Copyright is a statutory privilege extended to creators of works that are fixed in a tangible medium of expression.

2. When can it be safely assumed that a work is in the public domain?

If the work was published (publicly distributed) more than 75 years ago, it is safe to assume it is in the public domain. If the work was created but not published or copyrighted prior to January 1, 1978, the term *copyright* is life of the author plus 50 years, but at least until December 31, 2002. If the work is published before 2002, the term will last at least until December 31, 2027.

3. Are works by the U. S. government in the public domain?

Works that are created by U. S. government employees in the course of their employment are in the public domain. Works created by outside contractors or the U. S. government may or may not be in the public domain, depending on the terms of their contracts.

4. Are works by state and local governments in the public domain?

No. States and local governments may claim copyright in their work.

5. What are the penalties if the court finds that the teacher or librarian knowingly infringed upon the copyright?

The awards to the copyright owner can range from \$500 to \$20,000 per work infringed upon and up to \$100,000 in cases of willful, or knowledgeable, infringement. If the defendant is able to prove that the infringement was "innocent," the damages may be reduced to \$200 per work infringed upon.

6. May a teacher's superiors instruct him/her to reproduce copyrighted works?

No. This is an example of copying directed by a higher authority, which is prohibited.

7. Can teachers make copies from a consumable workbook or standardized test booklet for classroom use?

No. Workbooks, standardized tests, and any other material which was designed to be consumed when used, cannot be duplicated under copyright laws.

FAIR USE

8. May I use a donated video to reward my students?

No. "Entertainment and reward" are excluded from fair use!

9. May I show a scene from a video to supplement instruction?

Yes. The length of the clip and its use supports fair use.

10. May I make a transparency of instructional material?

Yes, as a single copy in an emergency situation of material owned by the school, this practice is allowed.

11. Is fair use the same as educational use?

No. They are not synonymous. Section 107 gives six examples of fair use: criticism, comment, news reporting, teaching, scholarship, and research. The first three are traditionally accepted as fair use. The remaining three have not always been accepted as fair use. Teaching was included due to educational lobbying efforts. Thus, an educational use may be considered fair use, depending on the specific circumstances of the use.

12. May I install single user software on a Local Area Network (LAN)?

No. Additionally, an unenforced policy resulted in over \$1 million costs to a school district recently.

13. To whom do fair use guidelines apply?

Fair use guidelines apply to nonprofit educational institutions.

14. May I photocopy an article from a current newsmagazine for the media specialist's mini-course on current events?

Yes. Making a single copy from a periodical or newspaper to teach a class is permissible.

15. How long does a copyright last?

Under current law, a copyright exists for the life of the author + 50 years, 75 years from first publication of the "for hire" work, 100 years from creation of unpublished works (Section 103).

16. May a teacher require students to submit photocopies of articles used in term papers?

No. The requirement to copy and bring the articles to class places the teacher in the role of "higher authority" directing the duplication of materials, and this is not permitted.

17. May a principal, supervisor, or subject coordinator direct teachers to reproduce copyrighted materials?

No. This is another example of copying directed by a "higher authority," and this is prohibited.

18. May a teacher photocopy class materials for a student who is absent?

Yes, if copying is necessitated by a spontaneous incident and involves single copies.

19. Will the following statement prevent fair use if it appears on a work: "All Rights Reserved. No part of this book may be reproduced or utilized in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without permission in writing from the publisher."

No. Such a statement does not abridge fair use rights.

20. May teachers make multiple copies of short poems, articles, stories, or essays for each subject taught?

Yes, with the following restrictions: A teacher who teaches several subjects to the same students is entitled to nine instances of copying per term in each subject s/he teaches. Limitations (nine instances, no more than one article or two excerpts from same author, or three articles from same collective work/periodical) do not apply to current news periodicals and newspapers.

21. Is the librarian responsible if s/he learns that a teacher is breaking the copyright law?

There is a duty to notify the teacher that the material is subject to copyright law. There is a point at which a librarian's continued "neglect" of violations (particularly if library materials/equipment are utilized) may result in contributory infringement.

22. The laws are so complicated! How are teachers supposed to know what they can or cannot copy?

When in doubt, DON'T!

AUDIO VISUAL

23. A couple of teachers have old filmstrips or slideshows they would like to combine into one presentation. Is it okay for them to make only one copy that will be for instructional purposes?

No. The guidelines do not allow the combining of works without written permission.

24. May the librarian preserve some filmstrips by converting them to videotape?

No. Even though the school has purchased the filmstrips, the right to copy the filmstrips was not purchased.

25. May a teacher make a transparency from a book without violating copyright?

Yes, this falls within the guidelines of single copying for teachers as long as fair use limitations are followed.

26. May a teacher enlarge a cartoon drawing for the purpose of creating a bulletin board?

No, fair use rights do not allow the alteration of copyrighted material; however, the original cartoon may be placed on the bulletin board.

27. Is it okay for a teacher to use an opaque projector to enlarge a map so a student can trace it?

Yes. Those portions of a map considered to be in the public domain may be enlarged (e.g. boundaries, physical features, names of cities, streets, and regions).

28. May a teacher narrate a story onto tape to provide remedial reading assistance and reading motivation?

No. Narrating a copyrighted story onto tape is permissible only when the narration by the teacher is done for a student who meets the state's definition of one who is legally blind. Otherwise, permission must be obtained.

COMPUTER SOFTWARE

29. A book has a disk/CD with it to be used on a computer. May the library make an archival copy of the disk that accompanied the book in case it is damaged?

Yes. If the library owns the book, it may make an archival copy on a disk/CD or hard drive to retain in case of damage to the original. Should the original copy become damaged, the archival copy may be used to make another copy.

30. May the archival copy of a computer program be used as a second copy?

No. The archival copy is not to be used as a second copy. It is recommended that an archival copy be kept in a restricted area out of reach of all users.

31. Can a teacher make five copies of a copyrighted computer program for use by students at school or at home?

This type of copying is clearly prohibited by copyright laws and almost all license agreements.

32. Can a teacher use one disk/CD to load a computer program into several terminals for use by students?

It is not clear whether this use would violate the Copyright Law, although it probably would violate most license agreements. Many license agreements prohibit use of the software on more than one terminal at a time, as well as prohibit networking or any system that enables more than one person to use the software at a time. Section 117 of the Copyright Act authorizes the making of a copy if necessary in order to use the program; but the law does not specifically limit the number of copies to one. Therefore, the answer depends on the validity of the license agreement.

33. A librarian or teacher learns that a student is duplicating copyrighted software on the school's computers. What is the duty of the librarian or teacher?

The teacher or librarian has the duty to notify the student that the software is subject to the copyright laws. The computers should have copyright notices similar to those on unsupervised photocopiers.

34. A software program needs to be adapted in order to use it on a particular computer, is this permitted?

Yes, provided that only one adaptation is made. Copies of the adaptation/modification are not permitted.

35. May one copy of a software program be downloaded to a network?

No, downloading to a network would be a violation of copyright. Publishers may be contacted for further information on licensing for networks.

DISTANCE LEARNING

36. May remote sites in a distance education course freely videotape the class for reuse and review?

No. Permission must be granted by the instructor or organization responsible for the course.

MULTIMEDIA AND THE INTERNET

37. May a teacher develop a multimedia program from copyrighted materials for use in his/her classroom?

The fair use and classroom exemptions may cover such a use if the "spontaneity" and other conditions are met. However, teachers who are developing multimedia projects for classroom use that contain copyrighted materials may not share them in festivals, at parent meetings, or at other public events.

38. Are e-mail messages copyrighted?

Yes. They are fixed in a tangible medium and "stored," unless the author issues a permission statement.

39. May a teacher download images from a service such as America Online or another fee-based service and then share them with colleagues?

No. The teacher must check whether the contract for a fee-based service permits such action.

40. May faculty members upload their students' work onto a server?

The students' and parents' permission must be obtained. Student privacy issues might apply. Remember that a work is copyrighted when it becomes fixed in tangible medium.

41. May a student upload copyrighted software for downloading by others?

No.

MUSIC

42. Several students forgot their music the night of the band performance. Can copies be made just for that night?

Yes; emergency copying to replace copies owned by the school is allowed in this case. Purchased replacement copies, however, must be substituted for the copies later.

43. Can the music teacher change lyrics of a song to be more contemporary and make 30 copies of this for his/her music class?

No; altering or adding lyrics changes the fundamental character of a work and is not allowed under the copyright guidelines.

44. The band owns sheet music for *West Side Story*. May the chorus director make photocopies so the band and chorus may perform together at the school assembly?

No. Unless the situation is considered an emergency, no photocopies can be made for public performance.

45. What is an emergency under the guidelines?

The guidelines do not define "emergency." Therefore, the teacher should use common sense in making this determination; e.g., does time permit replacement of lost copies?

- 46. A student or teacher is making a sound/slide presentation and wants to use several popular songs as background. Is this allowed?**

Using portions of songs (less than a performable unit) is probably allowed; however, using an entire song is not.

- 47. Can a music teacher record a student performance as part of an exam if the copy is kept by the teacher?**

Yes.

- 48. May a teacher record a student's performance of copyright music?**

Yes, but only for evaluation purposes. Multiple copies may not ordinarily be made. If, however, there were three judges in a music contest, for example, three copies probably could be made.

Musical, Dramatic, and Non-Dramatic Performance

- 49. The drama club performs a copyrighted play that is broadcast on closed circuit television to English classes. Is this a legal transmission of a performance?**

No. While it is a regular part of systematic instructional activities and the transmission is to classrooms, this use constitutes a public performance which is prohibited.

- 50. The school drama class performs a copyrighted play at a school assembly. Is this permissible?**

Yes, if royalties have been paid.

- 51. The school band gives an annual Christmas Concert open to the public. Are performing licenses required?**

No. The works to be performed are purely musical and the concert is given without any purpose of commercial advantage and the students are not paid.

52. Same as the preceding question, but the school charges admissions.

If the proceeds benefit the school and the copyright owner is given notice and does not file an objection, the performance is exempt.

53. The music appreciation class is taught by closed-circuit telecasts of videotapes the school owns. Is this permissible?

Yes. The transmission is to classrooms.

PHOTOCOPY FOR LIBRARY RESERVE USE

54. May a teacher duplicate materials and place them on reserve at the library?

Yes, if the copying is spontaneous (not enough time to receive a response to letter requesting permission) and if the copying falls under the guidelines for educational or classroom use of books and periodicals, guidelines for music, or fair use.

PRINT

55. There's an interesting article in the latest news magazine that the media specialist wants for a current events mini-course; can the article be photocopied?

Yes, making a single copy from a periodical or newspaper to teach a class is permissible.

56. During a summer workshop a teacher ran across an epic poem that would be copied for each student in the fall; can this be done?

No. There was time to write to the publisher for permission to copy, and making multiple copies of a complete long poem over 250 words does not meet the criteria of brevity.

57. The old literature text used last year had several short stories that work well in the class and aren't in the new literature text. How much copying from this text is allowed under the law?

Multiple copies of not more than one short poem, article, story, essay or two may be copied from the same author, nor more than three from the same collective work or periodical volume during one class term are allowed.

- 58. A short paperback in the media center is quite popular and is beginning to fall apart from use. Can the media specialist make a copy of the book to circulate and keep the book itself as a master?**

No, that would constitute copying to substitute for purchase or replacement of materials.

- 59. A teacher ran across a book that has no copyright notice. Can copying be done freely in this instance?**

No one can be certain that a work is in the public domain unless a notice states that reproduction is permitted. When in doubt about copyright status, check with the U. S. Copyright Office, Library of Congress, Washington, D. C. 20559.

- 60. Can a teacher duplicate materials and put them on reserve at the library?**

Yes, if the copying is spontaneous (not enough time to receive a response to letter requesting permission) and if the copying falls under the guidelines for educational or classroom use of books and periodicals, guidelines for music, or fair use.

- 61. A teacher finds a short story that would fit into a unit to be taught next week. Can multiple copies be made for the class?**

Yes, since it was at the inspiration of the teacher and also meets the criteria of brevity. The copies cannot be used next semester since the time elapsed would be sufficient to write the publisher for permission to copy (see sample form).

- 62. Can a teacher make copies from a workbook?**

No, workbooks (along with standardized tests, coloring and/or activity books, or answer sheets) are consumable material and may not be copied.

- 63. How much of a book, poem, or magazine may be reproduced?**

A chapter from a book, a complete poem if no more than 250 words, otherwise an excerpt of no more than 250 words, and one article from a magazine.

- 64. Is it permissible to duplicate copies of 30 different poems for an entire class?**

No. This would be creating an anthology, which is not permitted.

65. May a teacher make multiple copies of short poems, articles, stories, or essays for each subject taught?

Yes. The teacher who teaches several subjects to the same students would be entitled under the guidelines to nine instances of copying per term in each subject he/she teaches.

66. May a teacher make a copy of a workbook for a single student who needs special help?

Where a limited amount of material is used and only a single student is involved, there is a good argument that this is fair use if it is not a regular practice.

67. May a teacher photocopy a comic strip to post on the bulletin board, and if a number of other teachers see it, and like it, and want copies for their bulletin board, can they make them?

There would be no problem in copying and posting a single strip. Also, because only one copy would be requested by other individual teachers for their classroom use, the teacher could make several copies, one for each teacher who requested it spontaneously. However, the teacher could not distribute copies that were not requested.

68. The curriculum guides for an elementary or a secondary course recommends (or mandates) that certain duplicated materials be used. Would making photocopies for the class be fair use?

No, because the copying would be "directed by a higher authority." The person writing the curriculum guide has ample time to obtain permission because such guides are usually written in advance.

69. May a teacher make 35 copies (one for each class member) of a short story that is in a text not provided to students?

Yes. Multiple copies (one copy per pupil in a course) are fair use if they stand the test of spontaneity and each copy contains notice of copyright.

VIDEO

70. What constitutes a broadcast program?

The term *broadcast program* is defined as a television program transmitted by television stations for reception by the general public without charge. Programs seen on television picked up by an antenna are broadcast programs.

71. Is it okay to tape a program from a cable broadcast?

Only when that broadcast is transmitted simultaneously with the live broadcast over the airwaves. Paid TV such as HBO may not be used.

72. Is it okay to copy a program videotaped by someone else?

No. Programs may be recorded at the time of transmission (including simultaneous cable re-transmission).

73. Is it legal for a school or district librarian or media coordinator to make a videotape of a film or filmstrip which the school or district owns?

No. Unless the school or district negotiated the right to make a videotape from the films or filmstrips, it is not legal to do so. This act would be duplicating the work in another format, one of the prime conditions for a copyright infringement suit.

74. May a high school English teacher show a videotape of the film *The Grapes of Wrath* to her class if the videotape is labeled Home Use Only ?

Yes, as long as the Section 110 (1) requirements for the classroom exception apply, the class may watch the videotape. See USING VIDEO TAPES IN THE CLASSROOM.

75. If four classes are studying *The Grapes of Wrath*, may the videotape be shown in the school auditorium or gymnasium to all four classes?

Yes, as long as the room is used as a classroom for systematic instructional activities.

76. If several students miss the showing, may they watch the videotape at some other time in the school library?

Yes. If the library is actually used for systematic instructional activities, the classroom exception still applies. If not, the viewing is fair use if it takes place in a private place in the library.

77. Is it permissible for an English teacher in connection with her English class to put a copy of the videotape *The Age of Innocence* on reserve in the school library for viewing by class members as an optional assignment?

Yes. If it is viewed at school, the classroom exception applies, and as long as the requirements of Section 110 are met, students should be able to watch the videotape at school. The videotape may also be loaned for home use. Whether watching is optional or mandatory makes no difference. See USING VIDEO TAPES IN THE CLASSROOM.

78. May several students view the videotape together in a private room at the parish library?

Such use should be considered fair under Section 107 because of its relationship to the classroom activities, as long as the viewing is in a private room. If the room is open to the public during the viewing, the use would not be permitted.

79. If the librarian becomes aware that a teacher or student is borrowing videotapes and using them for public performances, what is his obligation?

The librarian has a duty to notify the patron that the material is subject to the copyright laws. While there is no clear duty to refuse to lend, there is a point at which a library's continued lending with actual knowledge of infringement could possibly result in liability for contributory infringement.

80. May an elementary school teacher show a videotape of the film *Star Wars* to his class on the last day of school or to fill a void on a standardized test day?

No. Assuming that this performance is for entertainment rather than with systematic instruction, the classroom exception would not apply.

81. May a teacher use off-air video recorded programs with a class anytime during the 45-day retention period?

No. The guidelines note that a teacher may use the programs with a class only during the first ten school days (not including weekends, holidays, vacations, examination periods, and other scheduled interruptions) following the date of recording.

82. If a program was taped during the fall semester for one teacher, can the program be taped again during the spring semester for another teacher?

Yes. The guidelines only prohibit the same teacher from requesting that a program be taped more than once.

83. If a program was taped just before the summer vacation, can it be kept over the summer for use at the start of the fall semester?

No. The 45-day retention period would have expired before the start of the fall semester; therefore, the tape should have been erased during the summer.

84. May the Student Council use a program that was videotaped off-air for a fund raising project?

No. This use would be considered a public performance and is not allowed.

85. How many times may a teacher request the copying of an individual program?

Only once. No 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.

86. It is often impossible to show an entire television program recorded off-air within a class period. Does the teacher or librarian have to show the entire program to the students?

No. The program does not have to be used in its entirety. Excerpts may be used, provided the recorded program is not altered from its original content. The integrity of the program must be maintained; it cannot be combined or merged to produce teaching anthologies or compilations.

87. May the librarian make a recording of a broadcast in anticipation of teacher requests?

No. Off-air recording may be made only upon the request of individual teachers.

88. May an off-air recording be added to the library or classroom collection?

No. The only exception would be a news program.

89. Is it permissible for a teacher or librarian to tape a television program off-air at home and bring it to school the next day to play it back to the class?

Yes. This may be the only way a program aired after school hours can be taped simultaneously with the broadcast transmission or simultaneous cable retransmission, as required by the guidelines. The classroom exemption/face-to-face teaching exemption applies in this case.

90. May a program acquired from the local library or video rental store be used in classroom instruction?

Yes. The classroom exemption/face-to-face teaching exemption applies in this case.

91. May a program be taped off-air from a cable station?

Sometimes. Yes, if the program is being simultaneously retransmitted by a cable system. No. If the program is being shown on pay TV, Instructional Television Fixed Service, or related systems.

92. May the teacher videotape a school play performance?

No. Public performances of a work such as a play for which fees have been paid for performance rights cannot be taped unless the license so specifies.

93. Is it permissible to allow a student to borrow a videotape from the school library to show at a birthday party?

Yes. This loan is permitted because it is for home use with only a small group of friends present.

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Sample Forms

Educators wishing to copy materials in a way that may fall outside of the fair use provisions should seek permission in writing from the copyright holder/owner. Any person seeking permission to copy is responsible for keeping on file all documentation regarding attempts to contact vendors and authors before copying any materials. The documentation should also be on file in the school office. Documentation should include copies of letters sent and received and logs of any telephone calls. Notation should be made if no reply is received within a reasonable period of time.

TIPS FOR OBTAINING PERMISSION

When you are seeking permission to use copyrighted material, your best guarantee for getting what you need is to make it easy for the copyright owner to say yes by including the necessary information. The following guidelines will assist you in your request for permission.

- ✓ Begin early, as soon as you identify a need to obtain permission to use the copyrighted material.
- ✓ Identify yourself and your school or organization. Use letterhead stationery if possible.
- ✓ Enclose a stamped, self-addressed envelope for the reply.
- ✓ Provide a full citation to the work you wish to copy and include a photocopy of the portion you wish to reproduce.
- ✓ Be specific about the rights you seek—e.g. to make photocopies for distribution to a class or to incorporate in a curriculum guide.
- ✓ List the number of copies to be made and who will receive them.
- ✓ State whether the copies will be provided free of cost, at cost, or for a charge (specifically state how much).
- ✓ For film or video, state the length of time you want the permission to last.
- ✓ Maintain accurate and complete records on each request.
- ✓ Document appropriately* on or near the copyrighted material.

*Once you have obtained permission, you must acknowledge permission from the copyright owner by noting the appropriate documentation at the end of the copied material. A number of style manuals (APA, MLA, Turabian, etc.) cover documentation procedures; types of information generally included are the title and author of the article, the name of the book or journal, the publisher, the copyright date, the name of the copyright holder, and the notation *reprinted (or adapted) with permission*.

The sample forms in this section may prove helpful in acquiring copyright permission.

Sample Request Letter for Permission to Duplicate Copyrighted Print or Audiovisual Material

Date

XYZ Broadcasting
1000 Main Street
Centerville, USA

I am requesting permission to use five frames from one of your filmstrip presentations. These frames, showing the ring-formation of a young tree, will be combined for presentation with frames from another company and some slides developed by my students and me. The final project will show the development of the tree through the years.

Title: *Trees and Their Importance*
Collaborator: William M. Harlow
Product #: 2392

Material to be duplicated: Frames 245, 246, 247, 248, and 249

Type of Reproduction: Slides will be made of each frame; they will be transferred to a PowerPoint presentation.

Number of Copies: Only one copy will be made of each frame.

Use to be Made of Copies: The five slides will be shown in sequence with three slides copied from another filmstrip and several original slides developed in my classroom in a PowerPoint.

Distribution of Copies: The PowerPoint presentation will be shown to five classes of sixth grade science students. The average class size is 28 students.

A self-addressed stamped envelope and a file copy of this letter are enclosed for your convenience.

Sincerely,

Mrs. Jane Doe
Teacher
Calcasieu Parish Schools

Permission Granted:

Copyright Holder or Agent

Date

Sample Request Letter for Permission to Record Off-Air

Date

XYZ Broadcasting
1000 Main Street
Centerville, USA

We hereby request permission from your organization to make a recording of the television program entitled

_____ to be broadcast in our area on _____ (date). We will require license to allow us to retain the off-air copy for _____ years from the date of recording. The license we require will permit our school (or library) to use the program for any curriculum related performance within our institution.

Please

indicate below your consent to this request.

Sincerely,

Mrs. Jane Doe
Teacher
Calcasieu Parish Schools

Approval Signed:

Copyright Holder or Agent

Date

OBTAINING PERMISSION FOR COPYING
Request for Copying Services

Date of Request: _____

Requested By: _____

School: _____

Position: (check one of the following)

_____Teacher _____Administration _____Other (Please specify below)

Material to be Duplicated:

Number of Copies: _____

Purpose:

PLEASE READ THE STATEMENT BELOW CAREFULLY BEFORE SIGNING THIS REQUEST.

By signing this request form, I certify that I have received information on the United States Copyright Law, the Fair Use provisions, and the Calcasieu Parish School Board Policy and Guidelines. To the best of my knowledge, the duplication involved in filling this request will not violate any of the above named law, guidelines, or policies.

In addition, I release the Calcasieu Parish School System, including faculty, staff, and assistants/aides from any liabilities which may have incurred from the use of this material.

Signature _____ **Date** _____

Request for Off-Air Videotaping

Date of Request: _____

Requested by: _____

Grade Level/Subject Area: _____

School: _____

Program Title: _____

Estimated Length of Program: _____

Special Instructions:

The duplication of the material must meet all COPYRIGHT GUIDELINES, as stated in the Calcasieu Parish School Board policy.

PLEASE READ THE STATEMENT BELOW CAREFULLY BEFORE SIGNING THIS REQUEST.

I understand that this videotape must be erased or destroyed within 45 calendar days of the above date. This videotape may not be duplicated, altered, or otherwise edited nor may it be used for any purposes other than non-profit educational purposes. To the best of my knowledge, this request complies with the Calcasieu Parish Copyright Policy and with Federal Copyright Guidelines.

In addition, I release the Calcasieu Parish School System, including faculty, staff, and assistants/aides from any liabilities which may have incurred from the use of this videotape.

Signature _____ **Date** _____

Request for Permission to Use Copyrighted Materials

Date: _____

Company: _____

Address: _____

Material to be Duplicated: _____

Number of Copies to be Made: _____

Copy Medium: _____

Use to be Made of Copies: _____

Anticipated Date of Use: _____

Distribution of Copies: _____

Thank you for your cooperation.

Signature

Typed Name

Position

School

Producer Reply

Permission is _____ granted _____ denied for the copying of the materials as requested above.

Comment:

Signature _____ **Date** _____

Suggested Lesson Plan

©Copyright and Your Rights

Curriculum Area: All curriculum areas

Objective:

TLW develop awareness of the right to use copyrighted materials in a reasonable manner.

ELA Standard Five:

Students will locate, select, and synthesize information from a variety of texts, media, references, and technological sources to acquire and communicate knowledge.

Information Power Standard: Social Responsibility

Standard 8: The student who contributes positively to the learning community and to society is information literate and practices ethical behavior in regard to information and information technology.

Materials:

- Copyright activity sheet
- Book or magazine for each student

Procedures:

- Tell students the lesson's objective and how and why it will be taught. Explain the definition of *copyright* to the students. *Copyright* is a statutory privilege extended to creators of works. *Copyright* involves five separate rights:
 1. The right to reproduce or copy the work;
 2. The right to prepare derivative works;
 3. The right to distribute copies of the work to the public;
 4. In the case of audiovisual works, the right to perform the work publicly;
 5. In the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, the right to display the work publicly; and
 6. Explain the term *plagiarism* which means to steal or pass off as your own the ideas or words of another.

- Using the copyright activity worksheet, ask students to find a paragraph in a book or magazine and write it in square one. In square two, students will paraphrase what was written in square one. In square three each student will rewrite the information in square two one final time in order to break this information down into his or her own words completely.

Evaluation:

Ask students to share their work with the class as summary examples of the activity.

Notes:

Small groups of students may combine their efforts by choosing one example paper from their group and transferring it to a transparency. One transparency from each group can be shown to the class for discussion.

Garrett, Linda J., and Joanne Moore. Teaching Library Skills in Middle and High School. Neal-Schuman Publishers, Inc.: New York, 1993: 36-37, 60.

COPYRIGHT AND YOUR RIGHTS

Square 1: Find a paragraph in a book or magazine and write it here.

Square 2: Paraphrase what was written in square 1.

Square 3: Rewrite the information in square 2 completely in your own words.

Materials Selection

INSTRUCTIONAL MEDIA/LIBRARY SERVICES

Instruction shall be supported with adequate and appropriate books and instructional materials (e.g. audio cassettes, computer software, filmstrips, slides, recordings, compact discs, transparencies, video cassettes, films, prints, e-books, digital media) equipment, and available community resources, which support the stated philosophy and purposes of the school. All schools shall adhere to the library requirements established by the State Department of Education and approved by the Board of Elementary and Secondary Education (Refer to Bulletin 741 in Library Services).

The following outline governs Calcasieu Parish Schools:

Materials Selection Policies and the American Library

Association (ALA) Bill of Rights:

I. Objectives

- A. Objectives of Materials Selection are as follows
 - 1. To promote the intellectual, cultural, social, and ethical development of students; and
 - 2. To provide materials which extend and deepen the experiences encompassed in the curriculum.
- B. These objectives are fulfilled through the selection, provision, and servicing of expertly selected books and other materials of learning which contribute to the growth of the individual child. Since financial and other limitations prevent purchases of all materials that might help to meet these objectives, it is necessary to apply certain well-conceived criteria in the selection of each item.
- C. Media personnel are concerned with generating understanding of American freedoms through the development of informed and responsible citizens. To this end, the American Association of School Librarians asserts that the responsibility of the school library media center is:

1. To provide a comprehensive collection of instructional materials selected in compliance with basic, written selection principles, and to provide maximum accessibility to these materials.
2. To provide materials that will support the curriculum, taking into consideration the individual's needs, and the varied interests, abilities, socioeconomic backgrounds, learning styles, and maturity levels of the students served.
3. To provide materials for teachers and students that will encourage growth in knowledge and develop literary, cultural, aesthetic appreciation, and ethical standards.
4. To provide materials which reflect the ideas and beliefs of religious, social, political, historical, and ethnic groups, and their contributions to the American and world heritage and culture; thereby enabling students to develop an intellectual integrity in forming judgments.
5. To provide a written statement, approved by the School Board, of the procedures for meeting the challenge of censorship of materials in the school system.
6. To provide qualified professional personnel to serve teachers and students.

II. Responsibility of Materials Selection

The Calcasieu Parish School Board is legally responsible for material selection for school libraries and classroom instruction, as for all other school activities. The superintendent, supervisors, consultants, and principals operate within policies determined by the Board. Responsibility for material selection is delegated to library personnel, teachers, consultants, and principals, but is practiced in accordance with Board and Administrative Policies.

III. Selection Personnel

- A. Librarians of Calcasieu Parish Schools select library materials in consultation with teachers, administrators, consultants, students, and parents. Recommendations on purchases are made by professional librarians on specific book order forms in accordance with adopted policies and with the approval of the Library Consultant and Supervisor of Library /Textbook Services.
- B. Each school shall have a material selection committee comprised of a school library media specialist, master teacher, and grade/department representatives.

IV. Criteria Used in Selection

A. General Policies:

- 1. Each library's collection should be composed of materials which widen the boundaries of a child's experiences, enrich his/her life, or help him/her fulfill his/her personal needs.
- 2. Materials should contribute directly or indirectly to the educational purposes of the school and the state.
- 3. Needs and interests of children and staff members should be represented in the library collection insofar as possible.
- 4. Every attempt should be made to provide material at different levels of difficulty, with a diversity of appeal and with different points of view on all topics included.
- 5. A wide range of materials from professional publications, classical as well as contemporary, should be included in each library.

B. Specific Criteria

- 1. The following criteria should be applied to the selection of all materials:
 - a. Purpose of the material and its educational significance
 - b. Reputation and significance of the author, publisher, or producer
 - c. Timeliness or permanence of the material

- d. Importance of subject matter to the collection
- e. Professional credentials in handling the subject matter
- f. Price
- g. Appropriate grade level and appeal of the material
- h. Quality of the writing, production, or performance
- i. Quality of illustrations or graphics
- j. Recommendation in professional reviews or standard material lists
- k. Frequency of requests for this or similar materials

2. Duplicates

Duplicate copies of materials are purchased only on the basis of demonstrated need, since it is more desirable to purchase different titles rather than large numbers of copies of one title.

3. Replacement

Lost, damaged, or worn materials are not automatically replaced. The decision to replace an item is based on the availability of duplicates, the number of other materials in the same subject, the availability of more recent or better materials, and the continued demand for the item in question.

4. Fiction

- a. Because fiction plays an important role in instructional programs, libraries purchase a variety of materials in this literary form to meet the needs and interests of students varying in reading ability, social backgrounds, learning styles, and taste. Selection of individual fiction titles is based on their apparent literary and educational merit.
- b. Although it is impossible to set up a single standard of literary excellence, it is the librarian's responsibility to select fiction which is well written, professionally produced, and sometimes based on authentic human experience. Selection should

exclude weak, incompetent, and sentimental material that is intentionally sensational, morbid, or erotic.

5. Subjects of Frequent Controversy

Although educators aim for a balanced collection that represents various viewpoints, the following policies are concerned with areas of controversy:

- a. Religion – Insofar as possible - factual, unbiased material which represents all major religions should be included in the library collection.
- b. Ideologies – The library should make available basic factual information on the level of those it serves, on any ideology or philosophy which exerts a strong force, either favorable or unfavorable, in government, current events, politics, education, or any other phase of life.
- c. Sex and Profanity – Materials pertaining to sex should be subjected to a test of literary/instructional merit and reality by the professional educator, who considers the school community and existing laws. While educators should not, in any case, deliberately include the sensational or overdramatic, the fact of sexual incidents or profanity appearing does not automatically disqualify material. Rather, the decision is made on the basis of whether the material presents life in its true proportions, whether circumstances are realistically dealt with, and whether the material is of literary/instructional value. Factual material of an educational nature on the level of the user is included in the collection only if materials comply with existing laws.

6. Periodicals

Periodicals are selected to provide current thought in various fields and to supplement the materials collection. Individual magazines are selected by the following criteria:

- a. Louisiana State Department of Education Bulletin #1134 requirements.
- b. Accuracy and objectivity

- c. Accessibility of content through print & electronic indices
- d. Demand
- e. Value in reference services
- f. Representation of a point of view or a subject needed in the collection
- g. Local interest in the subject matter
- h. Price and vendor availability

7. Pamphlets

Selection of pamphlets is based on the same criteria as the selection of material. Free pamphlets are included provided they do not distort facts, overemphasize commercial messages, or contain misleading statements. Propaganda pamphlets are expected to be one-sided, but only those whose propaganda intent is clearly indicated by the publisher's name or statements of purpose are included in the collection.

8. Newspapers

Libraries include newspapers to present the most current news and information. The collection may include the local newspaper, the state newspaper, and one or more newspapers of nationally recognized merit.

9. Media

Selection of media is based on the same criteria as the selection of other materials.

- a. Computer programs/software
- b. Filmstrips/slides
- c. Cassette tapes and recordings
- d. Videos, Laser Disks, DVDs
- e. CD ROM
- f. MP3s
- g. E-books
- h. Other digital media

10. Gift Materials

Gift materials may be accepted and used at the discretion of the principal and librarian.

V. Publications Used in Book Selection:

A. Standard book lists and book reviewing periodicals are used to guide the librarians in their selection. The following are some of the professional aids used:

1. *Children's Catalog*
2. *Senior High School Catalog*
3. *Junior High School Catalog*
4. Book lists issued by the following organizations:
 - a. National Council of Teachers of English
 - b. National Council of Teachers of Mathematics
 - c. National Council for the Social Studies
 - d. National Science Teachers Association
 - e. American Association for the Advancement of Science
 - f. American Library Association
 - g. College Board
 - h. Locally Adopted Suggested Reading Lists
5. Book Reviewing Periodicals:
 - a. *Library Journal*
 - b. *Booklist*
 - c. *School Library Journal*
 - d. *New York Times Book Review*
 - e. *Wilson Library Bulletin*
 - f. *Hornbook*
 - g. *Publisher's Weekly*
 - h. Professional Journals (e.g., *English Journal*) by subject area

B. Selection Guides for other professional materials:

1. *Media and Methods*
2. *Electronic Learning*
3. *Computing Teacher*
4. *Classroom Computer Learning*
5. *Technology & Learning*
6. *TechTrends*
7. *ESchool News*

8. Locally adopted computerized reading management systems (e.g., Accelerated Reader Program and Scholastic Book Counts)
9. Other professional journals by subject area

VI. Procedure for Handling Challenged Material:

A. **Reconsideration of specific materials should begin with an informal hearing in which the complainant meets together with the teacher/librarian who oversees the material in question AND the school principal. If the problem is not resolved at this informal level, the school principal shall inform the complainant of the formal procedure listed below and assure him/her that the challenge will be given a fair and objective hearing.**

1. Request for Reconsideration Form must be picked up at the school library, completed in its entirety, and returned to the **school principal** for resolution.
2. If the matter remains unresolved by the complainant and school principal after five workdays from receipt of complaint, the principal shall notify his appropriate director.
 - a. The director shall render a decision and provide written notification to complainant (registered mail, return receipt requested) and copy to the principal within three workdays of knowledge of problem.
 - b. Notification shall provide form for acceptance or rejection of decision and a stamped, self-addressed envelope for return within ten workdays of its receipt.
 - c. Non-return will indicate complainant's acceptance
3. If the matter remains unresolved, it will progress to the Associate Superintendent of Curriculum and Instruction who shall appoint a Reconsideration Committee to resolve the issue.
 - a. The Reconsideration Committee shall be comprised of 1 representative from Library Services, 2 from Curriculum and Instruction, 1 from Legal Services, and 1 from the community.
 - b. Committee shall submit a **written report** of its decision **to the Associate Superintendent of Curriculum and Instruction** within ten workdays of its initial meeting.

4. The Associate Superintendent of Curriculum and Instruction shall provide written notification to complainant of verdict within three workdays of its receipt. Notification shall be sent by registered mail with return receipt requested.
5. Notification shall include:
 - a. Form for acceptance or rejection by complainant with instructions for its return within ten workdays of its receipt. Non-return will indicate acceptance.
 - b. A stamped, self-addressed envelope for return of acceptance/rejection form.
6. If the matter remains unresolved, it will progress to the Superintendent of Schools to make the final decision and notify complainant in writing (registered mail, return receipt requested) no later than ten workdays following notification of the problem. Copies will be sent to the Associate Superintendent for Curriculum and Instruction, Supervisor of Library/Textbook Services, School Principal, and other appropriate staff members.
7. Complainant has the right to appeal decision to the Calcasieu Parish School Board, following its guidelines, for review.

CITIZEN'S REQUEST FOR RECONSIDERATION OF MEDIA

Request by _____

Address _____
Street City State Zip Code

Telephone _____

Complainant represents: _____
(Individual) or (Organization – please provide name)

Title _____

Author _____

Please circle Format of Material:

Hardcover Book Paperback Book Textbook
Recording Film Other: _____

To what do you object? (PLEASE BE SPECIFIC; CITE PAGES OR PARTS)

Why do you object to this material?
For what age group would you recommend this material?
What are the strengths of this material?
Did you review all the material?

Are you aware of the judgment of this media by literary and authoritative critics?
What do you believe is the function of this media?
What would you like the school to do about this media?
In its place, what media of equal quality would you recommend that would convey as valuable a picture and perspective of our civilization?
Where was the media located in the school system?(school library, classroom, district media center, other)

Signature of Complainant: _____

Date: _____

COMPLETED FORM MUST BE RETURNED TO SCHOOL PRINCIPAL