



# ADMINISTRATIVE PROCEDURE

## COPYRIGHT GUIDELINES

6160

Procedure No.

July 22, 1992

Date

- I. **PURPOSE:** To establish guidelines for copying of print and non-print materials within the Prince George's County Public Schools consistent with the copyright laws.
  
- II. **INFORMATION:** Copyright laws have been developed to ensure the rights of authors and producers to their work. Although many educators may feel that their good intentions to bring the best and most current information to their students outweigh any other considerations, there are legal limits to copying and specific procedures that must be followed in reproducing the work of others. Failure to adhere to these rules may be a violation of copyright laws as well as a specific violation of the policy of the Prince George's County Public Schools. Any liability resulting from a school employee's failure to follow these guidelines is solely the responsibility of the individual.
  
- III. **DEFINITION:** The following definitions will be used:
  - A. The term print includes all published materials including material from books, periodicals, newsletters, and newspapers. Pictures and drawings appearing in print are also included.
  - B. Software is any program or set of instructions designed to direct a computer to perform functions.
  - C. Broadcast television consists of programming that can be received off the airwaves without the use of a cable system.
  
- IV. **PROCEDURES:**
  - A. The guidelines below are to be followed by all school employees. Principals and administrators are responsible for the dissemination of this information among their staff.

Under the copyright laws, certain photocopying of copyrighted works for educational purposes may take place without the permission of the copyright owner under the doctrine of "fair use." The copyright law does not fully define "fair use" or provide specific guidelines; rather it sets forth various factors, which must be balanced in each case to determine whether a given use is a "fair use."
  - B. To achieve for the faculty and administration a greater certainty of procedure, to reduce risks of infringement or allegations thereof, and to



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maintain a desirable flexibility to accommodate specific needs, the following guidelines have been adopted.

The guidelines set forth herein are to be used to determine whether or not the prior permission of the copyright owner is to be sought for photocopying for classroom, in-service, or other professional use. If the proposed photocopying is not permitted under the guidelines, permission to copy materials is to be sought from the copyright owner unless the copying has been approved by the Copyright Administrator as provided in the next paragraph. After permission has been sought, copying should be undertaken only if permission has been granted, and in accordance with the term's of the permission.

### C. Review by the Copyright Administrator

The doctrine of fair use permits photocopying in certain situations beyond those specified in the guidelines or those that might be agreed to by the copyright owner. In order to preserve the ability of individual faculty members to utilize the doctrine of fair use in appropriate circumstances without incurring the risk of having personally to defend an action brought by a copyright owner who may disagree as to the limits of fair use, a faculty member may request a review of any proposed copying by the Copyright Administrator, who shall contact Counsel for legal review and interpretation as necessary. If upon review, the Copyright Administrator determines that some or all of the proposed photocopying is not prohibited by the copyright law, the Copyright Administrator will so advise the faculty member. In that event, should any such photocopying by the faculty member thereafter give rise to a claim of copyright infringement, the Board of Education will defend and indemnify the faculty member against any such claim.

For print materials, the Copyright Administrator is the Coordinating Supervisor of Media and Instructional Materials (386-1607). For computer software, the Copyright Administrator is the Director of Instructional Technology (386-1608). For television, the Copyright Administrator is the Supervisor, Television Resources (301-386-1619).

### D. Print Materials

1. Copying for classroom use that meets all three of the test of brevity, spontaneity, and cumulative effect as defined below may be undertaken without securing permission from the copyright owner or Copyright Administrator.



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2. Only one copy may be provided to each student. No charge may be made beyond the actual cost of copying. Each copy should carry forward any copyright notice from the original materials.
  3. Workbooks, tests, answer sheets, and other consumables cannot be copied. (This does not include books of blackline masters, which are produced for the sole purpose of in-school copying. Such material contains notice that copying is allowed.)
  4. Copying shall not be used to create or to replace or substitute for anthologies, compilations, or collective works. Nor may the copies substitute for the purchase of books, publishers' reprints or periodicals.
  5. These guidelines apply to the multiple copying of items for classroom use as well as for in-service training or other professional use. However, for teaching, research, or preparation to teach a class, a teacher may, without meeting the tests of brevity, spontaneity, and cumulative effect, make a single copy of an entire chapter from a book; an article from a periodical or newspaper; a short story, essay or poem; a chart graph, diagram, drawing, cartoon or picture from a book; periodical, or newspaper.
- E. Definitions of Tests of Brevity, Spontaneity, and Cumulative Effect
1. Brevity
    - a. Prose: Either a complete article, story, or essay of less than 2,500 words or an excerpt of not more than 1,000 words or 10% of the work, whichever is less, but in any event a minimum of 500 words is permitted.  
  
[The numerical limits stated above may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.]
    - b. Illustration: One chart, graph, diagram, drawing, cartoon, or picture per book or per periodical issue.
    - c. Poetry: A complete poem if less than 250 words and if printed on not more than two pages or from a longer poem, an excerpt of not more than 250 words.



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- d. “Special” works: Certain works or less than 2,500 words which may be in poetry, prose, or “poetic prose” which often combine language with illustrations and which are intended sometimes for children and other times for a more general audience. 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% of the words found in the text thereof, may be reproduced.
2. Spontaneity
    - a. The copying is at the instance and inspiration of the individual teacher, and not directed by a higher authority; and
    - b. The inspiration and decision to use the work and the moment of its use of maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission. The copying cannot be repeated with respect to the same item by the same teacher from term to term.
  3. Cumulative Effect
    - a. The copying of the material is for only one course in the school in which the copies are made.
    - b. Not more than one short poem, article, story, essay, or two excerpts may be copied from the same author, nor more than three items from the same collective work or periodical volume during one class term.

[The limitations of cumulative effect shall not apply to current news periodicals and newspapers and current news sections of other periodicals.]
- F. Sheet Music
1. “Fair use” guidelines for sheet music are more strict than for other print materials.



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2. Multiple copies may be made of up to 10% of a work if the material copied does not comprise an entire performable unit such as a section, movement, etc. Multiple copying of an entire performable unit is not permitted in the school system.
3. A single copy of an entire performable unit may be made for academic purposes if the work is out of print or it is unavailable except as part of a larger work.
4. Only a single copy of a recording of performances by students may be made. The use of the recording is limited to evaluation and rehearsal.
5. Any copyright notice appearing on the original work should be reproduced on the copies.
6. No copying may be made to create or substitute for anthologies or collective works, or to substitute for the purchase of music. No copying of consumables such as workbooks and tests may be made.

#### G. Computer Software

1. Most commercial software programs contain statements indicating that the company retains ownership; the purchaser buys a license to use the software. Because of this, the freedom to make copies is limited. The principal or his/her designee should carefully read all documentation on purchased software and follow the restrictions outlined.
2. Some software agreements contain permission to make one back-up copy. This copy is the one frequently used; the original should be kept in a secure location.
3. Individual software programs usually cannot be put on networks without violating copyright rules. That is, the program can be used on only one computer at a time. If a school wants to use a program on a network or in a computer lab, lab packs (multiple copies), or networkable versions of the software are often available at 3-4 times the cost of single copy versions.
4. District licenses may be available through the Office of Instructional Computing. Most district-licensed software is networkable.



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5. The following general procedures in regard to software are to be followed in the school system:
  - a. The principal or his/her designee must read agreements and maintain records for all software purchases.
  - b. Registration cards provided by software publishers should be submitted to protect users.
  - c. Individual software may not be put on networks or used on multiple computers unless a registration or agreement specifically allows such use.
  - d. Secure storage should be provided for all software to prevent unauthorized copying.
  - e. Signs should be posted near computers warning students and staff that unauthorized copying of software is illegal.

#### H. Videotapes

1. System-owned: Individual schools or employees may not duplicate school system-owned commercial videotapes. The system does hold duplication rights for some tapes; these are marked in the Media Library Catalog. Schools can obtain copies of these tapes through the Media Library, Office of Library and Media Services. School system employees are not authorized to produce or own individual copies.
2. Personally owned: System employees must check copyright information concerning the use of any personally owned commercially produced videotapes. Copying of such videotapes for any purpose on school system-owned equipment is forbidden.
3. Rented: Rental videotapes may be used in schools, but only in a classroom instructional setting with a clear educational purpose. They cannot be used for entertainment, nor can they be broadcast on a closed circuit system.

Both personally owned and rented tapes may be used only after review by a professional and with the permission of the principal, since they have not been approved for use in the school system. See Bulletin I-106-88 for further information



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### I. Television (Broadcast and Cable)

1. Educational use of television programs recorded off the air or from cable is allowed by copyright law with certain restrictions.
2. Broadcast television: A videotape made from an off-air broadcast for educational use must be shown within 10 school days after the broadcast and may be used only twice per class (one initial showing and one review). After 45 days, the tape must be erased. The tape may only be shown in an educational setting and cannot be used for entertainment or recreation.

### J. Maryland Instructional Television (Channel 22)

Teachers may record ITV programs. Each year, Maryland ITV publishes a catalog/schedule, which is distributed to teachers and available in the media center of each school building. This schedule identifies recording limitations and/or restrictions for use.

### K. Cable Television

Various cable channels have specific rules for taping their programs for classroom use. The following list of rules for taping apply to the major cable channels available in Prince George's County.

Channel 12 (Prince George's County Schools)	No restrictions
A & E	Show within 1 year
BET	Show within 1 year
BRAVO	Write for permission
<i>Rainbow Programming, 150 Crossways Park W., Woodbury, NY 11797</i>	
C-SPAN	No restrictions
CNBC	No restrictions
CNN (Newsroom only)	Taping forbidden
Discovery (Assignment Discovery only)	Show within 1 year
ESPN	Write for permission
<i>935 Middle Street, Bristol, CT 06010</i>	
Family	Write for permission
FNN	No restrictions
History Channel	Show within 2 years
HBO	Taping forbidden
Learning	Write for permission



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Lifetime	Write for permission
Mind Extension University	Write for permission
Monitor	Show within 3 months
Nickelodeon (non-commercial only)	Show within 6 months
Showtime	Write for permission
X*Press and X*Change	No restrictions

- V. **RELATED STATE PUBLIC SCHOOL LAW, BY-LAW, RESOLUTIONS AND SCHOOL SYSTEM ADMINISTRATIVE PROCEDURES:** Bulletin I-106-88, Use of Video Cassettes and Video Films from Commercial Rental Stores.
- VI. **MAINTENANCE AND UPDATE OF THESE PROCEDURES:** These procedures will be regularly reviewed by the Office of Television Resources, the Office of Instructional Computing, and the Office of Library Media Services and updated as required.
- VII. **CANCELLATIONS AND SUPERSEDES:** None.
- VIII. **EFFECTIVE DATE:** July 1, 1992.

Approved by:  
Edward M. Felegy  
Superintendent of Schools

Distribution: All administrative handbook holders