

# PELHAM SCHOOL DISTRICT PROCEDURE

## EGADR – COPYRIGHT COMPLIANCE

*Category: Recommended*

### Authorized Reproduction and Use of Copyrighted Material in Print.

In preparing for instruction, a teacher may make or have made a single copy of a Chapter from a book; and article from a newspaper or periodical; a short story; Short essay or short poem; or a chart, graph, diagram, cartoon or picture from a book, periodical or newspaper. A teacher may make multiple copies not exceeding more than one per pupil for classroom use if the copying meets the test of “brevity, spontaneity and cumulative effect” set by the following guidelines. Each copy must include a notice of copyright.

#### 1. Brevity

a. A complete poem, if less than 250 words and two pages long, may be copied; excerpts from longer pomes can not exceed 250 words;

b. Complete articles, stories or essays of less than 2500 words or excerpts from prose works less than 1000 words or 10% of the work; which ever is less may be copied; in any event, the minimum is 500 words. (Each numerical limit may be expanded to permit the completion of an unfinished line of a poem or prose paragraph)

c. One chart, graph, diagram, drawing, cartoon or picture per book or periodical issue may be copied. “Special” works cannot be reproduced in full; this included children’s books combining poetry, or prose or poetic prose.

#### 2. Spontaneity

Should be at the “instance and inspiration” of the individual teacher.

#### 3. Cumulative Effect

Teachers are limited to using copied material for only one course in the school in which copies are made. No more than one short poem, article, story or two excerpts from the same author may be copied, and no more than three works can be copied from a collective work of periodical column during one class term.

Teachers are limited to nine instances of multiple copying for one course during one class term. Limitations do not apply to current news periodicals, newspapers and current news sections of other periodicals.

Performances by teachers or students of copyrighted dramatic works without authorization from the copyright owner are permitted as part of a teaching activity in a classroom or instructional setting. All other performances require permission from the copyright owner.

The copyright law prohibits using copies to replace or substitute for anthologies, consumable works, compilations or collective works. “Consumable” works include: workbooks; exercises, standardized tests, test booklets and answer sheets. Teachers cannot

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substitute copies for the purchase of books, publishers' reprints or periodicals, nor can they repeatedly copy the same item from term-to-term. Copying cannot be directed by a "higher authority," and students cannot be charged more than actual cost of photocopying. Teachers may use copyrighted Materials in overhead or opaque projectors for instructional purposes.

### Authorized Reproduction and Use of Copyrighted Materials in the Library

A library may make a single copy of an unpublished work that is in its collection; and a published work in order to replace it because it is damaged, lost or stolen, Provided the unused replacement cannot be obtained at a fair price.

A library may make a single copy of a copyrighted material to a student or staff member at no more than the actual cost of photocopying. The copy must be limited to one article of periodical issue or a small part of other material, unless the library finds that the copyrighted work cannot be obtained elsewhere at a fair price. In the latter circumstances, the entire work may be copied. In any case, the copy shall contain the notice of copyrighted and the student or staff member shall be notified that the copy is to be used only for private study, scholarship or research. Any other use may subject the person to liability for copyright infringement.

At the request of a teacher, copies may be made for reverse use. The same limits apply as for single or multiple copies designated in "Authorized Reproduction and Use of Copyrighted Material in Print".

### Authorized Reproduction and Use of Copyrighted Music

A teacher may make a single copy of a song, movement, or short section from a printed musical work that is unavailable except in a larger work for purposes of preparing for instruction.

A teacher may make multiple copies for classroom use of an excerpt of not more than 10% of a printed musical work if it is to be used for academic purposes other than performance, provided that the excerpt does not comprise a part of the whole musical work which constitute a performable unit such as a complete section, movement, or song.

In an emergency, a teacher may make and use replacement copies of printed music for an imminent musical performance when the purchased copies have been lost, destroyed or are otherwise not available.

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**District Procedure History:**

*Adopted: November, 1999*

*Revised: June 7, 2006*

**Legal Reference:**

*17 USC 101 to 1010 Federal Copyright Law of 1976.*