

# Board Policy

Code No. 605.7R1

## USE OF INFORMATION RESOURCES REGULATION

### GUIDELINES FOR PRINT MATERIAL

1. **A Single Copy** may be made of the following by or for a teacher at his or her individual request for his or her scholarly research or use in teaching, or preparation to teach a class:
  - a) A chapter from a book
  - b) An article from a periodical or newspaper
  - c) A short story, short essay or short poem
  - d) A chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper.
2. **Multiple Copies** (not to exceed one per pupil) may be made for the purpose of classroom use of discussion, provided that the copying meets the tests of brevity, spontaneity, and cumulative effect as defined below and must include a notice of copyright.
  - a. **DEFINITION -- BREVITY**
    - i) **Poetry**: A complete poem is 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.
    - ii) **Prose**: Either a complete article, story or essay of less than 2,500 words, or an excerpt from any prose work of not more than 1,000 words or 10% of the work, whichever is less, but in any event, a minimum of 500 words.
    - iii) **Illustration**: One chart, graph, diagram, drawing, cartoon, or picture per book or per periodical issue.
    - iv) **Special works**: Certain works in poetry, prose, or poetic prose which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience and fall short of 2,500 words in their entirety. 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 in the text may be reproduced.
  - b. **DEFINITION--SPONTANEITY**
    - i) The copying is at the instance and inspiration of the individual teacher, and
    - ii) 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.
  - c. **DEFINITION--CUMULATIVE EFFECT**
    - i) The copying of the material is for only one course in the school in which the copies are made.

(Note: The limitations above do not apply to current news periodicals and newspapers and current news sections of other periodicals.)

### PROHIBITIONS

1. Copying shall not be used to create or to replace or substitute for anthologies, compilations or collective works.
2. There shall be no copying of or from works intended to be consumable in the course of study or of teaching. These include workbooks, exercises standardized tests and test booklets, and answer sheets.
3. Copying shall not substitute for the purchase of books, publishers' reprints, or periodicals.
4. Copying shall not be done on direction from a higher authority.
5. Copying the same item from term to term without securing permission shall not be done.
6. Multiple copying shall not occur more than nine times per course, per item.\*

\* *Though not written into the guidelines, there was an understanding among the writers that by course is meant one semester or term of a given subject. In the case of an elementary school teacher who teaches several subjects the teacher would be entitled to the nine instances of copying in each subject.*

7. Copying shall be limited to one short work or two excerpts from one author's works in any one term.
8. Employing a successful use of multiple copying developed by another teacher without securing permission from the copyright owner is not allowed.
9. Copying protected materials without inclusion of a notice of copyright is not allowed.
10. Making copies of music (or lyrics) for performance of any kind in the classroom or outside of it is not allowed, with the exception of the emergency exception noted under Music (#1) below.
11. No charge shall be made to a student beyond the actual cost of photocopying.

### **GUIDELINES FOR PRINTED MUSIC**

1. Emergency copying to replace purchased copies, which for some reason are not available for an imminent performance provided purchased replacement copies shall be substituted in due course, is allowed.
2. For academic purposes other than performance, single or multiple copies of excerpts of works may be made provided that the excerpts do not comprise a part of the whole which would constitute a performable unit, i.e., a section, movement, or aria, but in no case more than 10% of the whole work. The number of copies shall not exceed one copy per pupil.
3. Printed copies which 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 added, if none exist.
4. For academic purposes other than performance, a single copy of an entire performable unit that is confirmed by the copyright holder to be out of print or unavailable except in a larger work, may be made by or for a teacher solely for the purpose of his or her scholarly research or in preparation to teach a class.

### **GUIDELINES FOR AUDIOVISUAL WORKS**

Audiovisual works include slides, filmstrips, audio tapes and records, photographs, etc. Although the law does not specifically address itself to published items other than print, music, television and computer software, it is safe to assume that these items are protected. They fall under the four categories of fair use as listed earlier. Court decisions would take into account all four factors in determining violations. The following cases are intended as representative examples of duplication considered to be permissible or prohibited:

### **PERMISSIBLE USES**

1. Creating a series of slides from multiple sources, such as magazines, books, encyclopedias, etc., as long as one doesn't exceed 10% of the photographs in any one source, unless the source specifically prohibits any photographic reproduction.
2. Creating a single overhead transparency from a single page of a consumable workbook.
3. Creating multiple overhead transparencies from a variety of sources, not exceeding 10% of the total content of any one source, unless this type of reproduction is specifically prohibited.
4. Excerpting sections from a filmstrip to create slides, as long as one doesn't exceed 10% of the entire work or excerpt the very creative essence of the work.
5. Reproducing selective slides from a slide series as long as one doesn't exceed 10% of the entire production, excerpt the very creative essence of the work or violate a specific prohibition for this type of reproduction.
6. Excerpting sections of a movie in any format to be included in a locally produced videotape, not to exceed 10% of the whole and not excerpting the essence of the work.
7. Stories or excerpts of stories may be narrated on tape by teachers, parents or students and duplicated, as long as similar material is not available for sale.
8. It is permissible to duplicate visual or audio materials of a non-dramatic literary work in order to provide materials for the blind or deaf. In addition, these and other copyrighted materials may be legally transmitted to blind or deaf individuals via cable systems.
9. 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.

### **PROHIBITIONS**

1. No duplication of cassette tapes unless reproduction rights were given at time of purchase.

2. No reproduction of musical works (i.e. records) or conversion into another form for use (i.e. tapes).
3. No reproduction of an audio-visual work in its entirety.
4. No conversion of one media format into another, i.e., 16 mm film or any format to videotape. However, direct transmission of a 16 mm film or other - format via a closed circuit, discrete cable system is permissible, as long as the material is not first converted to videotape.

### **UTILIZATION OF FREE-LOAN, RENTED OR PURCHASED MATERIALS**

It is generally stipulated that materials acquired for use in educational institutions are for use in an instructional situation in a classroom where face-to-face teaching takes place. Thus, 16mm films, films on videotape and other format materials may not be shown purely for entertainment purposes, no matter whether they are acquired through free-loan, rental or purchases. They may only be used for entertainment purposes if the material or accompanying information specifically states permission to do so, or if an arrangement has been made with the item's producer or distributor.

### **GUIDELINES FOR VIDEO RECORDINGS**

Faculty and students of the Bettendorf Community School District will abide by copyright restrictions in utilizing video materials in the schools. Special license restrictions on the use of video materials shall also be observed. Permission for special types of usage may be requested by writing the producer/distributor, or by specifying types of usage when ordering materials. For example:

- a. Acceptance of this purchase order indicates consent to use this material on a building-wide, closed circuit cable system.
- b. Acceptance of this purchase order indicates consent to make one copy for archival purposes.

It is generally stipulated that materials acquired for use in educational institutions are for use in an instructional situation, in a classroom where face-to-face teaching takes place.

Thus, videotapes may be not shown purely for entertainment purposes, no matter whether they are acquired through off-air taping, free-loan, rental or purchase. They may only be used for entertainment purposes if the material or accompanying information specifically states permission to do so, or if an arrangement has been made with the item's producer or distributor.

#### **1. RECORDING COMMERCIAL TELEVISION PROGRAMS**

- a. A broadcast program may be recorded off-air and retained by a school for a period not to exceed 45 calendar days after the date of the recording. Upon conclusion of such retention period, the off-air recording and any copies must be erased at once.
- b. An off-air recording may be used once by an individual teacher and repeated once during the first 10 consecutive school days in the 45 calendar day retention period. Such use must be made in the course of face-to-face teaching activities in a classroom or similar place devoted to instruction.

After the first 10 consecutive school days, an off-air recording may be used up to the end of the 45 calendar day period only for teacher evaluation purposes.

Off-air recordings may be made only at the request of, and may only be used by, individual teachers and may not be regularly recorded in anticipation of requests.

No broadcast program may be recorded more than once at the request of a teacher, regardless of the number of times the program is broadcast.

Off-air recordings need not be used in their entirety, but the recorded programs may not be altered from their original content; neither may off-air recordings be physically or electronically combined or merged to constitute teaching anthologies or compilations.

## **2. RECORDING IOWA PUBLIC TELEVISION PROGRAMS**

- a. A teacher may record and use any of the programs aired on Iowa Public Television (IPT) during the instructional programming block, from 8 a.m. to 4 p.m., Monday through Friday, throughout the school year. Each program has its own individual use rights. See the IPT Instructional Television Schedule for use rights.
- b. Programs taped from IPT during other hours are subject to the requirements set forth in "Recording Commercial Television Programs."

## **3. RECORDING COMMUNITY CABLE PROGRAMS**

- a. Programs recorded from channels which are cablecast as part of the community cable's basic package may be used in the classroom, as long as they meet the requirements set forth in "Recording Commercial Television Programs."
- b. Programs on channels which are cablecast as an option available to subscribers at an extra fee may not be recorded for use in the classroom.

## **4. PROGRAMS TAPED IN THE HOME**

- a. Programs recorded by staff or students at home may be used in the classroom as long as they meet the requirements set forth in "Recording Commercial Television Programs," and in "Recording Community Cable Programs."

## **5. PROGRAMS PURCHASED OR RENTED "FOR HOME USE"**

- a. Video cassettes labeled "for home use only" may be used in schools if two conditions are met:
  - i) The program is related to the curriculum.
  - ii) The screening is conducted by a teacher or student in a classroom and face-to-face teaching occurs.

## **COMPUTER SOFTWARE**

### **1. PURCHASE CONDITIONS**

Most computer software purports to be licensed rather than sold. Frequently the package containing the software is wrapped in clear plastic through which legends similar to the following appear:

Read this agreement carefully. Use of this product constitutes your acceptance of the terms and conditions of this agreement.

While there is at present no case law concerning the validity of such agreements, one should assume that such licenses are in fact binding contracts. Therefore, by opening and using the software the Library or classroom may become contractually bound by the terms of the agreement wholly apart from the rights granted the copyright owner under the copyright laws.

Following such legends are the terms and conditions of the license agreement. The terms vary greatly between software producers and sometimes between programs produced by the same producer. May explicitly prohibit rental or lending; some limit the program to use on one identified computer or to one user's personal use.

### **2. SOFTWARE TAKE HOME RIGHTS**

Certain software programs purchased by the District may include "take-home rights" for staff members. The legality of an at-home installation will be determined on a case-by-case basis according to the licensing agreement for each program.

### 3. BACKUP COPIES

- a. One archival copy of a copyrighted program may lawfully be made under the following conditions:
  - i) One copy is made;
  - ii) The backup copy is stored;
  - iii) If possession of the original ceases to be lawful, the backup must be destroyed or transferred along with the original program;
  - iv) Copyright notice should appear on the copy;
  - v) It is important to note that if the software acquired is licensed for use, rather than owned outright, then one may not make an archival copy unless the terms of the license allows such duplication.
- b. The original may be kept for archival purposes and the "backup copy" circulated. Only one copy - either the original or the backup - may be used or circulated at any given time.

### 4. IN-LIBRARY AND IN-CLASSROOM USE

- a. License restrictions, if any, will be observed.
- b. If only one program is owned under license, ordinarily it may only be used on one machine at a time.
- c. Most licenses do not permit a single program to be loaded into a computer which can be accessed by several different terminals or into several computers for simultaneous use. If a program is installed on a server, sufficient licenses for the number of users or a network license is required.

## GUIDELINES FOR MULTIMEDIA

These guidelines apply to the use, without permission, of portions of lawfully acquired copyrighted works in educational multimedia projects.

### PREPARATIONS OF EDUCATIONAL MULTIMEDIA PROJECTS USING PORTIONS OF COPYRIGHTED WORKS

1. **Student Use:** Students may incorporate portions of lawfully acquired copyrighted works when producing their own educational multimedia projects.
2. **Faculty Use:** Faculty may incorporate portions of lawfully acquired copyrighted works when producing their own educational multimedia programs for their own teaching tools in support of curriculum-based instructional activities.

### PERMITTED USES

Uses of education multimedia projects created under these guidelines are subject to time, portion, copying, and distribution limitations:

1. Student Use: Students may perform and display their own educational multimedia projects for the course or class in which they were created and may use them in their own portfolios as examples of their academic work for later personal uses.
2. Faculty Use: Faculty may perform and display their own education multimedia projects for curriculum-based instruction in the following situations:

#### Face-to-face Instruction

- a) Assigned to students for directed self-study.
- b) Remote instruction over a secure electronic network in real-time, or for after class review or directed self-study.
- c) Presentations to peers at workshops or conferences.
- d) Personal portfolios for later personal uses such as job reviews or interviews.

## LIMITATIONS

### Time Limitations

1. **Faculty Use:** Faculty may use their educational multimedia projects for teaching courses for a period of up to two years after the first instructional use with a class. Use beyond that time period requires permission for each copyrighted portion incorporated in the production.
2. **Student Use:** Students may use their educational multimedia projects for the course or class in which they were created. Students may also use them in their own portfolios as examples of their academic work for later personal uses.

### Portion Limitations

**Definition:** Portion limitations mean the amount of the copyrighted work that can be used in educational multimedia project(s) regardless of the original medium from which the copyrighted works are taken. These limits apply cumulatively to each educator's or student's multimedia project(s) for the same academic semester, cycle, or term.

**Motion Media:** Up to 10% or 3 minutes, whichever is less, in the aggregate of a copyrighted motion media work may be reproduced or otherwise incorporated as part of a multimedia project.

**Text:** Up to 10% or 1,000 words, whichever is less, in the aggregate of a copyrighted work consisting of text materials may be reproduced or otherwise incorporated as part of a multimedia project.

**Music, Lyrics, and Music Video:** Up to 10%, but in no event more than 30 seconds, of the music and lyrics from an individual musical work (or in the aggregate of extracts from an individual work), may be reproduced or otherwise incorporated as part of a multimedia project. Any alterations to a musical work shall not change the basic melody or the fundamental character of the work.

**Illustrations and Photographs:** A photograph or illustration may be used in its entirety, but no more than 5 images by an artist or photographer may be reproduced or otherwise incorporated as part of a multimedia project. When using photographs and illustrations from a published collective work, not more than 10% or 15 images, whichever is less, may be reproduced or otherwise incorporated as part of a multimedia project.

**Numerical Data Sets:** Up to 10% or 2,500 fields or cell entries, whichever is less, from a copyrighted database or data table may be reproduced or otherwise incorporated as part of an educational multimedia project.

## COPYING AND DISTRIBUTION LIMITATIONS

1. Only a limited number of copies, including the original, may be made of an educational multimedia project. There may be no more than two copies, only one of which may be placed on reserve.
2. An additional copy may be made for preservation purposes, but may only be used or copied to replace a copy that has been lost, stolen, or damaged.
3. In the case of a jointly created educational multimedia project, each principal creator may retain one copy for use at conferences or in personal portfolios.

## DOWNLOADING FROM THE INTERNET

1. Caution is advised in using digital material downloaded from the Internet for educational multimedia projects.
2. Internet access does not automatically mean that works can be reproduced and reused without permission or license.
3. Some copyrighted works may have been posted to the Internet without authorization of the copyright holder.

## **ACKNOWLEDGEMENT**

1. All educational multimedia projects created by faculty members and students under fair use shall include the sources and copyright ownership information, if it is shown in the original source.
2. Copyright ownership information includes the copyright notice ©, year of first publication, and name of copyright holder. The credit information may be combined and shown in a separate section of the educational multimedia project except for images incorporated into the project for remote instruction. In such cases, the copyright notice and name of the creator of the image must be incorporated into the image (attached to the image file and appears on the screen when the image is viewed) when such information is reasonably available.

## **NOTICE OF USE RESTRICTIONS**

Students and faculty members must include on the opening screen of their educational multimedia project and on any printed materials that their presentation has been prepared under fair use exemption of the U.S. Copyright Law and are restricted from further use. *(Some of the material in the presentation is covered by the Fair Use Section of the Copyright Law, Title 17, U.S. Code)*

## **FUTURE USES BEYOND FAIR USE**

If there is the possibility that the educational multimedia project created under fair use could later result in broad dissemination, it is strongly recommended that steps be taken to obtain permissions during the development of the project.

## **INTEGRITY OF COPYRIGHTED WORKS: ALTERATIONS**

Portions of copyrighted works incorporated into an educational multimedia project may be altered only if the alterations support specific instructional objectives.

## **REPRODUCTION OR DECOMPILATION OF COPYRIGHTED COMPUTER PROGRAMS**

Reproduction or decompilation of copyrighted computer programs and portions thereof are outside the scope of these guidelines.

## **LICENSES**

Fair use and these guidelines shall not preempt or supersede licenses and contractual obligations.

*Portions of the multimedia guidelines were used with permission from Copyright Condensed, Heartland AEA.*

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