



CMCSS Guidelines for Use of Copyrighted Material

It is the intent of Clarksville-Montgomery County School System (CMCSS) that all instructional staff shall adhere to the provisions of copyright laws in the use of instructional materials. CMCSS established the following guidelines regarding the use of copyrighted materials. All CMCSS instructional staff must review these guidelines during the annual employee training. Upon completing the annual employee training, employees verify their completion by either signing the attendance sheet or by completing the online post-test the start of the school year. Principals are responsible for either referencing or including a copy of these guidelines in their faculty handbook.

I. Literary Materials

Permissible Uses:

Single Copying for Educators

A single copy may be made of any of the following by or for an educator at his/her individual request for his/her scholarly research or use in teaching or preparation to teach a class:

- a. A chapter of a book;
- b. An article from a periodical or newspaper;
- c. A short story, short essay or short poem, whether or not from a collective work; or
- d. A chart, graph, diagram, drawing, cartoon or a picture from a book, periodical, or newspaper.

Multiple Copies for Classroom Use

Multiple copies (not to exceed one copy per student in a course) may be made by or for the educator giving the course for classroom use or discussion, provided that: (1) the material copied is brief and the copying is spontaneous and noncumulative as measured by the definitions sets forth below; and (2) each copy includes a notice of copyright.

Brevity: A reproduced work is brief if it consists of the following:

- a. Poetry: Not more than (i) a complete poem if less than 250 words and if printed on not more than two pages or (ii) an excerpt from a longer poem, not to exceed 250 words. These numerical limits may be expanded to permit completion of an unfinished line of poetry.
- b. Prose: Not more than (i) a complete article, story or essay of less than 2,500 words or (ii) an excerpt from any prose work of not more than 1,000 words or ten percent of the work, whichever is less, but in any event a minimum of 500 words. These numerical limits may be expanded to permit completion of an unfinished prose paragraph.

- c. Illustration: Not more than one chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue.
- d. Special works: Certain works which often combine language with illustrations and which are intended sometimes for children and at other times for more general audiences, often fall short of 2,500 words in their entirety. Notwithstanding Paragraph b. above, such special works may not be reproduced in their entirety; however, an excerpt of no more than two of the published pages of such special work containing no more than ten percent of the words found in the text thereof may be reproduced.

Spontaneity: Reproduction of a copyrighted work is spontaneous if:

- a. The copying is at the instance and inspiration of the individual educator; 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 to use the work.

Cumulative Effect: Reproduction of a copyrighted work is noncumulative if:

- a. The copying of material is for only one course in the school in which the copies are made. It is prohibited to use copied materials to substitute for the purchase of books, publishers' reprints or periodicals.
- b. No more than one short poem article, story, essay, or two excerpts has been copied from the same author or more than three from the same collective work or periodical volume during one class term. The section does not apply to current new periodicals, newspapers, and current news sections of other periodicals.
- c. There have been no more than nine (9) instances of such multiple copying for one course during one class term. This section does not apply to current new periodicals, newspapers, and current news sections of other periodicals.

II. **Sheet and Recorded Music**

Permissible Uses:

- 1. An individual educator may make emergency copies of printed music to replace purchased copies, which for any reason are not available for an imminent performance, provided purchased replacement copies are substituted in a timely manner.
- 2. For academic purposes other than performance, an individual educator may:
 - a. Make multiple copies of excerpts or works, if the excerpts do not comprise a part of the whole that would constitute a performable unit (i.e., section, movement, or aria), but in no case more than ten percent of the work. The number of copies shall not exceed one copy per student.

- b. Make a single copy of an entire performable unit (i.e., section, movement or aria) that is (i) confirmed by the copyright proprietor to be out of print, or (ii) unavailable except in a larger work.
3. An individual educator may edit or simplify purchased sheet music provided the fundamental character of the work is not distorted or lyrics, if any, are not altered or added if none exist.
4. An individual educator may retain a single copy of a recorded performance by students for evaluation or rehearsal purposes and may be retained by the school system or educator.
5. 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 the school system or by an individual educator for the purpose of constructing aural exercises or examinations and may be retained by the school system or educator. (This pertains only to the copyright of the music itself and not to any copyright that may exist in the sound recording.)

The copyright notice must be included on all copies.

III. Videotapes, Films, and Television-Off-Air Taping

Permitted Uses:

1. Showing of motion pictures and other audiovisual materials in the classroom of a nonprofit educational institution is permitted as long as the showing is part of “face-to-face” instruction and not presented for recreational or entertainment purposes. Whether purchased or rented, audiovisual materials bearing the level “For Home Use Only” come under this provision and may be used for planned direct classroom instruction, but not for entertainment or fund-raisers unless such use was negotiated at the time of purchase or rental, usually in the form of a licensing agreement.
2. A single copy of a portion of a film or filmstrip may be made by or for an educator for scholarly or teaching purposes.
3. Sections of film may be excerpted for a local videotape (not to be shown over cable) if they do not exceed 10 percent of the total or excerpt the essence of the work.
4. A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable retransmission) and retained for a period not to exceed 45 days. All off-air recordings shall be erased or destroyed at the end of the retention period. Broadcast programs are television programs transmitted for reception by the public without charge.

5. Off-air recordings may be used once by individual educators in the course of relevant teaching activities and repeated once only when instructional reinforcement is necessary. These recordings may be shown in classrooms and similar places devoted to instruction within a single building, cluster, or campus, as well as in the homes of students receiving formalized home instruction, during the first ten consecutive schools days in the 45 calendar-day retention period.
6. Off-air recordings may be made only at the request of individual educators for use by those educators.
7. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of educators under these guidelines. Each such additional copy shall be subject to all provisions governing the original recording.
8. After the first ten consecutive school days, off-air recordings may be used up to the end of the 45-calendar day retention period only for educator evaluation purposes (i.e., to determine whether to include the broadcast program in the teaching curriculum); they may not be used for student exhibition or any other non-evaluation purpose without authorization.
9. All copies of off-air recordings shall include the copyright notice on the broadcast programs as recorded.
10. Off-air recordings need not be used in their entirety, but the content of recorded programs may not be altered.

Computer Software

Permissible Use:

1. Archival copies may be made to serve as back up in case of destruction or damage of the original through mechanical failure. Such copies shall be centrally stored and only one, original or copy, may be used at any one time. The archival copy must be destroyed when the District no longer rightfully owns the program unless the copyright owner authorizes its sale, lease or transfer as part of the sale, lease or transfer of the original program.
2. Adaptations to the computer program are permitted if they are required to correctly use the program.
3. Features may be added to the program as long as the altered program is not sold or given away without the original author's permission.
4. In the absence of a license permitting the user to do so, the contents of one disk may not be loaded into multiple computers for use at the same time or may not be loaded into local network.



5. Illegal copies of copyrighted programs shall not be made or used on school equipment.

Internet

Educators should use caution in using digital material downloaded from the internet in producing their own educational multimedia programs, since there is a mix of works protected by copyright as well as works in the public domain on the internet.

Access to works on the internet does not necessarily mean that the information is permitted to be reproduced and reused without permission or royalty payment. In addition, some copyrighted works may have been posted to the internet without authorization of the copyright holder.

Emerging Technologies

Newer technologies are easily changed or merged with one another. Their potential for manipulation could likely result in the creation of new copyrightable forms of expression. Such technologies include, but are not limited to, digital video, satellite transmission, distance learning, CD-ROM, on-line databases (and their downloading), informational networks, and other educational interventions that can be manipulated.

When using the new technologies, educators need to be fully aware of the potential for copyright infringement. In the absence of clearly granted rights, it is recommended that educators contact the copyright holder in writing for permission to manipulate or use these technologies in alternative ways. This course of action will ensure compliance with the spirit and intent of the copyright law as it applies to the role of electronic information and its transfer and use.

At the time of purchase, it is essential to specify the intended use of the media and understand the provisions of any contract a distributor includes with the media purchased. Educational applications may be enhanced if the purchase procedures are followed.

Obtaining Permission for Copying

When in doubt about the usage of a copyrighted work, the educator should obtain permission from the copyright owner.

An educator may request and obtain permission to copy material from a copyrighted work; and he/she may then use the work as expressly permitted. The Chief Academic Officer or designee shall preserve a copy of the written permission granted by the publisher or copyright owner.