

E-24 WHAT TEACHERS MAY AND MAY NOT DO

The criteria for fair use of copyrighted works, together with the owner-user jointly developed guidelines, delimit the exclusive rights of copyright owners, especially in the area of reproduction for classroom use. Accordingly, a teacher may:

1. Make a single copy of the following:
 - A chapter from a book
 - An article from a periodical or newspaper
 - A short story, short essay, or short poem
 - A chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper
 - A short excerpt (up to 10 percent) from a performable unit of music such as a song, movement, or section
2. Make multiple copies (not to exceed one per pupil) for classroom use of the following:
 - A complete poem if less than 250 words*
 - A poetic excerpt if less than 250 words
 - A story, essay, or article if less than 2,500 words*
 - A prose excerpt from 500 to 1,000 words* per book or periodical issue
 - An excerpt of up to two pages of "special works" containing words and pictures
 - Up to 10 percent of a performable unit of music (song, movement, section) for academic purposes other than performance
3. Make a single recording of student performances for evaluation, rehearsal or archival purposes.
4. Make a single recording of aural exercises or examination questions using excerpts from recorded copyrighted materials.
5. Make an emergency replacement copy to substitute for a purchased copy that is not available for an imminent musical performance.

Teachers and students may incorporate portions of lawfully acquired copyrighted works when producing their own educational multimedia projects for a specific course.

Students may keep a copy of their own project as an example of their academic work.

Teachers may display their own multimedia projects for face-to-face instruction, assign them to students for directed self-study, and utilize them for remote instruction to students enrolled in curriculum-based courses, provided there are technological limitations on access (such as a password). After two years, permission must be secured for each copyrighted portion incorporated in the production.

Teachers and students are advised to be cautious in utilizing downloaded material from the Internet in producing their own projects because there is a mix of copyright protected and public domain media; further, some copyrighted works may have been posted without authorization of the copyright holder.

Teachers may copy television programs off the air for classroom use, but it should be shown only once to classes and then erased unless additional rights are given. ***

The guidelines also list some prohibitions that were agreed to be reasonable interpretations of the four fair use criteria. They specify that teachers may not:

1. Copy to make anthologies or compilations or to replace or substitute for them.
2. Copy from works intended to be consumable (workbooks, exercises, standardized test booklets, and answer sheets).
3. Copy to substitute for purchase of books, periodicals, music, or recordings.
4. Copy on direction from higher authority (supervisor, coordinating teacher or principal).
5. Copy the same item from term to term without securing permission.
6. Utilize more than nine instances of multiple copying per course, per term.
7. Copy more than one short work or two excerpts from one author's works in any one term.
8. Employ a successful use of multiple copying developed by another teacher without securing permission from the copyright owner.**
9. Make copies of music (or lyrics) for performance of any kind in the classroom or outside of it, with the emergency exception noted above. (No. 5)
10. Copy protected materials without inclusion of a notice of copyright.
11. Charge students more than the actual cost of the authorized copies.

COPYRIGHT RESOURCES AND SUGGESTIONS

1. Each school media center should have a copy of the Fair Use Guidelines for Educational Multimedia (drafted in 1996) and the Agreement on Guidelines for Classroom Copying in Not For Profit Educational Institutions with Respect to Books and Periodicals (Congressional Record, 1976) and the Digital Millennium Copyright Act.

2. Each school media center could have web copyright resources available for students and faculty linked from our homepages.
3. School media specialists will be able to act as a resource for copyright questions such as how to obtain permission, if necessary.

*Numerical limits may be expanded to permit completion of a line of a poem or an unfinished prose paragraph.

**It was the thought of the members of Congress that the need to copy should result from the teacher's own spontaneous inspiration and the lack of time to get permission. The privilege that they granted exists to encourage creative teaching on the part of individuals and to allow them to catch the "teachable moment".

*** From: Fair Use Guidelines for Educational Multimedia, Consortium of College and University Media Centers, July 1996 (adopted in a non-legislative report by the Subcommittee in Courts and Intellectual Property, Committee on the Judiciary, U.S. House of Representatives.

REF: Educational Research, Inc. Information Aid, 1977

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