

**GUIDELINES FOR COPYING  
AND USE OF  
COPYRIGHTED MATERIALS**

**GUIDELINES FOR THE USE OF FILMS, VIDEOTAPES,  
FILMSTRIPS, OVERHEAD TRANSPARENCIES,  
AND SLID PROGRAMS**

1. **Permitted Uses.** An individual educator *may*:
  - a. Allow a student to make a single copy of a small portion of a copyrighted film, videotape, or filmstrip for legitimate scholarly or research purposes if the material is owned by the school district that the student attends.
  - b. Duplicate a single copy of a small portion of a film or filmstrip for scholarly or teaching purposes.
  - c. Create a slide or overhead transparency series from multiple sources as long as creation does not exceed ten percent of the photographs from one source (e.g., book, magazine, filmstrip) unless the source forbids photographic reproduction.
  - d. Create a single overhead transparency from a single page of a “consumable” workbook.
  - e. Excerpt sections of a film for a local videotape (not be shown over cable) if excerpting does not exceed ten percent of the total nor the “essence” of the work.
  - f. Reproduce selected slides from a series if reproduction does not exceed ten percent of the total and does not excerpt “the essence” of the original work.
  
2. **Prohibited Uses.** An individual educator *cannot*:
  - a. Reproduce an audiovisual work in its entirety.
  - b. Convert one media format to another (e.g., film to videotape) unless prior written permission is secured.
  - c. Copy any portion of a film, videotape, or filmstrip sent to the school for preview or rent, or owned by another school district or institution, without the express written permission of the copyright holder. This includes any material borrowed by the site or sent to the site for preview.

**NOTE: The copyright of a film or videotape governs the performance (showing) as well as the copying of it. It is permissible to show a film to students using closed-circuit television if the system is confined to one building. Showing a film or videotape via closed-circuit television outside the building is not permitted.**

**GUIDELINES FOR THE RENTAL, PURCHASE,  
AND USE OF VIDEOTAPES**

1. **Permitted Uses.** Unless precluded by county or district policy, individual educators may:
  - a. Use purchased or rented videotapes (e.g., feature films) as part of a systematic course of instruction. Such use shall be for face-to-face instruction and must take place in a classroom or similar area devoted to instruction.
  - b. Use only lawfully made videotapes.
  - c. Use recordings made from Instructional Television (ITV) stations during the year the broadcast occurs.
  - d. Use recordings made at home in accordance with the guidelines for off-air recording of broadcasts and in compliance with criteria for instructional materials as outlined in Procedure 4050.
  
2. **Prohibited Uses.** Individual educators *cannot*:
  - a. Use rented or purchased videotapes where a written notice or a written contact specifically prohibits such use in a classroom or face-to-face teaching situation.
  - b. Use purchased or rented videotapes for assemblies, fundraising, recreation, entertainment, reward or other applications outside the scope of face-to-face instruction.
  - c. Show videotapes to nonstudent general audiences.
  - d. Utilize recordings made at home not in accordance with the guidelines for off-air recording of broadcasts.
  - e. Continue to hold videotapes made from Instructional Television (ITV) stations if ITV ceases to purchase yearly duplication rights.

<p><b>NOTE: District educators must obtain approval of the principal prior to the showing of rented or purchased feature films or videotapes.</b></p>
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## **GUIDELINES FOR THE USE OF TELEVISION—OFF-AIR TAPING**

The primary purpose of the federal “Guidelines for Off-Air Recording of Broadcast Programming for Educational Purposes” is to provide standards for both owners and users of copyrighted television programs. These guidelines were developed in 1979 by a committee appointed by Congressman Robert Kastenmeier, Chairman of the House of Representatives Subcommittee on Courts, Civil Liberties, and Administration of Justice. They spell out how the fair use provisions of the U.S. copyright law apply to the recording, retention, and use of television broadcast programs for educational purposes. Generally, the guidelines outline the procedures to follow for the short-term use of videotape recordings off-air in face-to-face instruction within a specified time period. The guidelines also enable educators to preview instructionally related materials for possible acquisition through purchase, lease, rental, or free-loan agreements by the county and district. The fair use rights and limitations for off-air taping of television programs are clarified below. (Sample forms to request information on the rights to a television broadcast and permission to make an off-air taping appear on the last pages of this attachment.)

1. **Permitted Uses.** Individual educators *may*:
  - a. Record a broadcast program off-air simultaneously with broadcast transmission, including simultaneous cable retransmission, and retain the recording for a period not to exceed the first 45 consecutive calendar days after the date of the broadcast. At the conclusion of the retention period, all off-air recordings shall be erased or destroyed immediately. Broadcast programs are television programs transmitted for reception by the general public without charge. Individuals who wish to retain programs beyond the 45-day period need to obtain written approval of appropriate copyright holders.’
  - b. Use off-air recordings once for each class in the course of relevant teaching activities during the first ten consecutive school days in the 45-day retention period and repeat 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.
  - c. After the first ten consecutive school days, use off-air recordings to the end of the 45-calendar day retention period for evaluation purposes only (i.e., to determine whether the broadcast program should be purchased for the curriculum). The program may not be used for student exhibition or any other nonevaluation purpose without written authorization.
  - d. Use copies of off-air recordings, as stipulated in these guidelines, only if the copies include the copyright notice on the broadcast program.
  - e. Request that off-air recording be made for fair use. This recording can be made only at the request of, and for use by, individual teachers; it cannot be recorded in anticipation of an educator’s request. A limited number of additional copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy shall be subject to all provisions governing the original recording. No broadcast program may be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program may be broadcast.

- f. Request that a library record and retain for research purposes commercial television news programs from local, regional, or national networks; interviews concerning current events; and on-the-spot coverage of news events. However, documentary, magazine-format, and public affairs broadcasts are not included in the definition of daily newscasts of major events of the day.

**NOTE: Regional providers of instructional programming in California purchase off-air duplication rights on behalf of the schools they serve. Regional instructional television (ITV) agencies should be consulted for clarification in the use of these programs.**

2. **Prohibited Uses.** Individual educators *cannot*:

- a. Tape off-air programs in anticipation of another educator's requests.
- b. Request that a broadcast program be recorded off-air more than once for the same educator, regardless of the number of times the program may be broadcast.
- c. Use the recording for instruction after ten consecutive school days.
- d. Hold the recording for weeks or indefinitely because (1) units needing the program concepts are not taught within the ten-day use period; (2) an interruption or technical problems delayed its use; (3) another teacher wishes to use it; or (4) there exists any other supposedly "legitimate" educational reason.
- e. Record programs off-air without written permission from the author/producer/distributor when a special notice is provided specifically prohibiting reproduction of any kind.
- f. Alter the original content of off-air programs. Broadcast recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.

**NOTE: THE COPYING OR USE OF SUBSCRIPTION PROGRAMS TRANSMITTED VIA SUBSCRIPTION TELEVISION CABLE SERVICES, SUCH AS *HBO* OR *SHOWTIME*, IS ILLEGAL. SUCH PROGRAMS ARE LICENSED FOR PRIVATE HOME USE ONLY AND CANNOT BE USED IN PUBLIC SCHOOLS. "PAY" PROGRAMS RECEIVED VIA SATELLITE DISH ARE SUBJECT TO THESE GUIDELINES.**

## **GUIDELINES FOR THE USE OF RADIO— OFF-AIR TAPING**

1. **Permitted Uses.** Individual educators may:
  - a. Allow a student to make a single copy of a small portion of a copyrighted radio program for legitimate scholarly or research purposes. Such a copy may not be sold or performed for profit.
  - b. Copy radio broadcasts consistent with fair use guidelines established for off-air videotaping for use in face-to-face instruction. Contractual rights may entitle an individual to retain/use educational programs (e.g., those aired over Public Radio International, Public Broadcasting), beyond the fair use period. Rights to extend the ten-day use period or the 45-day retention/evaluation period should be obtained in writing from the agency or individual holding distribution rights. Retention (not use) of recorded programs is permitted until additional use rights are established.

**GUIDELINES FOR THE USE OF AUDIO RECORDINGS—  
RECORDS, COMPACT DISKS, AND TAPES**

1. **Permitted Uses.** An individual educator *may*:
  - a. For academic purposes other than performance, make a single copy of a portion of a sound recording for a student, provided that the portion does not comprise a part of the whole that would constitute a performable unit and in no case more than ten percent of the whole work. This copy can be used only in the educational context in which it was made and may not be sold or performed for profit.
  - b. Make a single copy of recordings of performances by students for evaluation or rehearsal purposes, which may be retained by the educational institution or individual teachers for such purposes.
  - c. Make a single copy of the sound recording of copyrighted music or a portion thereof from the sound recordings owned by an educational institution or an individual teacher for the purposes of constructing aural exercises or examinations. This copy may be retained by the educational institution or individual teacher for such purposes.
  
2. **Prohibited Uses.** An individual educator *cannot*:
  - a. Duplicate audio recordings unless reproduction rights were given at the time of purchase.
  - b. Reproduce music works or convert to another format (e.g., compact disk to tape) unless prior written permission is secured.

**NOTE: Answers to questions pertaining to making multiple copies of sound recordings should be obtained in writing from the person or agency holding the copyright.**

## **GUIDELINES FOR THE USE OF COMPUTER SOFTWARE**

1. **Permitted Uses.** The 1976 U.S. Copyright Act and its 1980 amendments remain vague in some areas of software use and its application to education. When the law itself is vague, software licenses tend to be much more specific. It is therefore imperative that educators read the software's copyright statement and understand the licensing restrictions printed there. Generally, however, individual educators *may*:
  - a. Make one copy of the original computer program for the purpose of maintaining the availability of the program should it be damaged during use. Either the copy or the original may be retained in archives. Only one, either the original or the copy, may be used at any time.
  - b. Make a copy of a program as an essential step in using the computer program as long as it is used in conjunction with the machine and in no other manner.
  - c. Make a new copy from the archival program in the event the program in use is damaged or destroyed.
  
2. **Prohibited Uses.** An individual teacher *cannot*:
  - a. Load the contents of one disk into multiple computers for use at the same time in the absence of a license permitting the user to do so.
  - b. Load the contents of one disk into a local network or disk-sharing system in the absence of a license permitting the user to do so.
  - c. Make or use illegal copies of copyrighted programs on school equipment.
  - d. Allow any employee or student to surreptitiously or illegally duplicate computer software or access any database or electronic bulletin board.

## GUIDELINES FOR THE USE OF PRINTED MATERIALS

### 1. Permitted Uses

- a. **Single Copies.** An individual educator *may* make single copies of the following:
- (1) A chapter from a book.
  - (2) An article from a periodical or newspaper.
  - (3) A short story, short essay, or short poem, whether or not from a collected work.
  - (4) A chart, graph, diagram, drawing, cartoon, or a picture from a book, periodical, or newspaper.
- b. **Multiple Copies.** An individual educator *may* make multiple copies for classroom use (not to exceed one copy per student in a course) of the following:
- (1) A complete poem if it has fewer than 250 words.
  - (2) An excerpt from a longer poem, not to exceed 250 words or two printed pages in length. For example, it is not permissible to reproduce more than two printed pages of an illustrated poem without permission.
  - (3) A complete article, story, or essay of fewer than 2,500 words.
  - (4) An excerpt from a larger printed work, not to exceed ten percent of the whole or 1,000 words, whichever is less.
  - (5) One chart, graph, diagram, cartoon, or picture per book or per issue of a periodical.

**NOTE: All permitted copying must bear an appropriate reference (e.g., author, title, date, copyright and/or symbol, source). Also, the copying must be at the “instance and inspiration” of the individual teacher; and the inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness must be “so close in time that it would be unreasonable to expect a timely reply to a request for permission.”**

2. **Prohibited Uses.** An individual teacher *cannot*:

- a. Copy more than one work or two excerpts from a single author during one class term.\*
- b. Copy more than three works from a collected work or periodical volume during one class term.\*
- c. Reproduce more than nine sets of multiple copies for distribution to students in one class term.\*
- d. Copy to create or replace or substitute for anthologies or collected works.\*
- e. Copy consumable works, such as workbooks, exercises, standardized tests, and answer sheets.
- f. Copy the same work from term to term.
- g. Copy the same materials for more than one course being offered in the school.

\*Does not apply to current news periodicals and newspapers and current news sections of other periodicals.

## **GUIDELINES FOR THE REPRODUCTION OF WORKS FOR LIBRARIES**

The copyright law imposes extensive restrictions on the reproduction of works for school libraries. Systematic duplication of multiple copies is forbidden by law, with the exceptions noted below:

1. **Permitted Uses.** A librarian *may*:
  - a. Arrange for interlibrary loans of photocopies of works requested by users, provided that copying is not done to substitute for subscriptions to or purchase of a work.
  - b. Within any calendar year, make for a requesting entity five copies of any article or articles published in a given periodical within the last five years prior to the date of the request for the material.
  - c. Make single copies of articles, phonorecords, including any form of audio recording, or excerpts of longer works for a student making a request, provided the material becomes the property of the student for private study, scholarship, or research.
  - d. Make a copy of an unpublished work for purposes of preservation, of a published work to replace a damaged copy, and of an out-of-print work that cannot be obtained at a fair price.
  - e. Make off-air tape recordings of daily television news broadcasts for limited distribution to researchers and scholars for research purposes.
  - f. In accordance with the provisions of fair use, selectively make a copy of a musical work, pictorial, graphic, sculptural work, motion picture, or other audiovisual work for purposes of preservation or security if the current copy owned by the library is damaged, deteriorated, lost, or stolen, and it has been determined that an unused copy cannot be obtained at a fair price.
  
2. **Prohibited Uses.** A librarian *cannot*:
  - a. Make copies for students if there is reason to suspect that the students have been instructed to obtain copies individually.
  - b. Copy without including a notice of copyright on the reproduced material.

<p><b>NOTE: To avoid liability for copyright infringement on the part of the library or an employee as a result of unsupervised duplicating, libraries must display notices to the effect that making a copy may be subject to the U.S. Copyright Act. The Register of Copyrights has prescribed the requirements for such warnings as follows:</b></p>
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(Refer to next page for notice to post.)

# **NOTICE**

## **Warning Concerning Copyright Restrictions**

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material.

Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specified conditions is that the photocopy or other reproduction is not to be “used for any purposes other than private study, scholarship, or research.” If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of “fair use,” that user may be liable for copyright infringement.

This institution reserves the right to refuse to accept a copying order, if, in its judgment, fulfillment of the order would involve violation of copyright law.

## **GUIDELINES FOR THE USE OF SHEET AND RECORDED MUSIC**

1. **Permitted Uses.** An individual educator *may* duplicate:
  - a. Emergency copies for an imminent performance, provided that copies of the sheet music or recorded music are purchased in a timely manner to replace the emergency copies.
  - b. For academic purposes other than performances, single or multiple copies (one per student) of excerpts not constituting an entire performance unit or more than ten percent of the total work.
  - c. Edited or simplified purchased sheet music, provided that the fundamental character of the work is not distorted; that lyrics, if any, are not altered; and that lyrics are not added.
  - d. A single copy of a recorded performance by students that is to be retained by the institution or individual teacher for evaluation or rehearsal purposes.
  - e. A single copy of recordings of copyrighted music owned by the institution or a teacher for constructing aural exercises or examinations and retained for that purpose.
  
2. **Prohibited Uses.** An individual educator *cannot* duplicate:
  - a. In order to replace or substitute for anthologies, compilations, or collected works.
  - b. From works intended to be consumable, such as workbooks, exercises, standardized tests, and answer sheets.
  - c. For purposes of performance, except as noted in an emergency (see 1.a. above).
  - d. To substitute for the purchase of music.
  - e. Without inclusion of a copyright notice on the copy.

# SAMPLE FORM

## Sample Request for Permission to Reproduce Copyrighted Materials

Date \_\_\_\_\_

Author, Publisher, or Distributor  
Permissions Department  
Address

Dear Permissions Department:

I respectfully request permission to copy and use: Title \_\_\_\_\_

Author/Editor \_\_\_\_\_ Year Published \_\_\_\_\_

Number of copies \_\_\_\_\_ Copies will/will not be sold. Proposed selling price \$ \_\_\_\_\_

Description of materials to be copied (photocopy enclosed): \_\_\_\_\_  
\_\_\_\_\_

Intended use of materials: \_\_\_\_\_  
\_\_\_\_\_

Type of reproduction: \_\_\_\_\_

A self-addressed, stamped envelope is enclosed for your convenience in replying to this request. Should you be unable to authorize this request, please forward this letter to the appropriate person or agency.

Sincerely,

(Signature)

(Title of Requestor)

Permission granted \_\_\_\_\_ Date \_\_\_\_\_

(Signature)

Conditions (if any) \_\_\_\_\_  
\_\_\_\_\_

# SAMPLE FORMS

## Sample Inquiry to TV Producer

**Request for information of agency holding rights to a TV broadcast and permission to retain program if it is not for sale, rental, or lease.**

Date \_\_\_\_\_

**Network Address (Write directly to ABC, CBS, or NBC—not an affiliate.)**

Permissions Department

Address \_\_\_\_\_

Dear Permissions Department:

I respectfully request information on the availability and retention of the following program:

Title \_\_\_\_\_ Air date \_\_\_\_\_

Can a copy of this program be retained for classroom instructional use?    YES            NO

Is this program available for sale?    YES            NO

If yes, specify agency distributing this program: \_\_\_\_\_

Specify format \_\_\_\_\_ Cost (if known) \$ \_\_\_\_\_

Enclosed is a self-addressed, stamped envelope for your convenience in replying to this request. Should you be unable to authorize this request or provide the above information, please forward this letter to the appropriate person or agency.

Sincerely,

(Signature)

(Title of requestor)

Permission granted \_\_\_\_\_ Date \_\_\_\_\_

Conditions (if any) \_\_\_\_\_

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### Sample Request for Off-Air Videotaping

**(Note: Agency guidelines for off-air videotaping are to be printed on the back of this form.)**

I, the undersigned, having requested \_\_\_\_\_ to videotape the following

*Name of Agency*

program(s) within the parameters of the policy set forth by the Governing Board on \_\_\_\_\_

*Date*

am aware of said policy (see reverse side) and agree to accept responsibility for the use and erasure of this material to prevent any infringement of copyright law in lieu of express written approval of the copyright proprietor.

Title of program to be copied \_\_\_\_\_

Date of program \_\_\_\_\_ Date program is needed \_\_\_\_\_

Time of program \_\_\_\_\_ Station or channel \_\_\_\_\_ Length of program \_\_\_\_\_

Special instructions \_\_\_\_\_

Requestor's name \_\_\_\_\_ Location \_\_\_\_\_

Signature \_\_\_\_\_ Department \_\_\_\_\_