

SUSQUEHANNA TOWNSHIP SCHOOL DISTRICT
Harrisburg, Pennsylvania 17109

POLICY

PRINTING AND DUPLICATING COPYRIGHTED MATERIALS

The school board realizes that Title XVII of the United States Code makes it illegal for anyone to duplicate copyrighted materials without permission. The board further realizes that severe penalties are provided for unauthorized copying of audio, visual, or printed materials unless the copying falls within the bounds of the “fair use” doctrine.

Any duplication of copyrighted materials by Susquehanna Township School District employees must be done with permission of the copyright holder or within the bounds of “fair use”, as set forth in the following guidelines:

GUIDE TO COPYRIGHT LAW EDUCATION USE

The Copyright Revision Act of 1976, P.L. 94-553, and subsequent amendments, brings under the statute the doctrine of “fair use” to cover the duplication and use of copyrighted material by educators. Section 107 of the law says use of copyrighted works is not an infringement if used for “purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use, scholarship, or research).”

The criteria set by the statute for determining fair use include, but are not limited to:

The purpose and character of the use, including whether use is for commercial or nonprofit educational purposes;

The nature of the copyrighted work;

The amount and substantiality of the portion market for or value of the copyrighted work.

Copying for Teachers: Although the act does not set standards for copying of material by teachers, the House Judiciary Committee set “minimum” guidelines in its report on the legislation. Under those guidelines, teachers may make single copies of: book chapters for use in research, instruction or preparation for teaching; articles from periodicals or newspapers, short stories, essays or poems; and charts, graphs, diagrams, drawings, cartoons, or pictures from books, periodicals, or newspapers.

Multiple copies, not exceeding more than one per pupil, may be made for classroom use or discussion if the copying meets the tests of “brevity, spontaneity and cumulative effect” set by the guidelines. Each copy must include a notice of copyright.

Brevity: Under the brevity test, which is defined separately for poetry, prose and graphics, the guidelines say:

A complete poem, if less than 250 words and two pages long, may be copied. Excerpts from longer poems cannot exceed 250 words;

Teachers may copy complete articles, stories or essays of less than 2,500 words or excerpts from prose works less than 1,000 words or 10 percent of the work, whichever is less. 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;

One chart, graph, diagram, drawing, cartoon or picture per book or periodical issue may be copied;

“Special” works, such as children’s books, combining poetry, prose or poetic prose, cannot be reproduced in full. An excerpt of not more than two pages and no more than 10 percent of the words may be copied.

Spontaneity: The copying should be at the “instance and inspiration of the individual teacher,” say the guidelines. The “inspiration and decision” to use the work should be “so close in time” to the “moment of its use for maximum teaching effectiveness” that it would be “unreasonable to expect a timely reply to a request for permission.”

Cumulative Effect: Teachers are limited by the guidelines to using the 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 or periodical volume during one class term. Teachers are limited to nine instances of multiple copying for one course during one class term. The limitations, however, do not apply to current news periodicals, newspapers and current news sections of other periodicals.

Prohibitions: The guidelines prohibit using copies to replace or substitute for anthologies, compilations or collective works. Works intended to be “consumable,” including workbooks, exercises, standardized tests, test booklets and answer sheets, cannot be copied.

Teachers cannot substitute copies for the purchase of books, publishers’ reprints or periodicals, nor can they repeatedly copy the same item from term to term. The copying of works cannot be directed by a “higher authority” and students cannot be charged more than the actual cost of photocopying.

LIBRARY COPYING

The Act gives protection to libraries beyond the fair use section. Section 108 allows a library or archive to reproduce one copy or recording of a copyrighted work and distribute it if: the

reproduction or distribution is made without any purpose of direct or indirect commercial advantage; the collection of the library or archives is open to the public, or available not only to researchers affiliated with the library or archives or with the institution of which it is a part, but also to other persons doing research in a specialized field; and if the reproduction or distribution of a work includes a notice of copyright.

Libraries and their employees are not liable for the “unsupervised use” of photocopying equipment provided that the machines display a warning notice that making the copies may be subject to the copyright laws.

COMPUTER SOFTWARE COPYING

District employees are expected to adhere to District Policy #4017 and to the provisions of Public Law 96-517, Section 7 (b) which amends Section 117 of the 1976 Copyright Revision Act to allow for the making of a back-up copy of computer programs. This states that “.it is not a copyright infringement for the owner of a copy of a computer program to make or authorize the making of another copy or adaptation of that computer program provided:

- a. that such a new copy or adaptation is created as an essential step in the utilization of the computer program in conjunction with a machine and that is used in no other manner

-or-

- b. that such a new copy and adaptation is for archival purposes only and that all archival copies are destroyed in the event that continued possession of the computer program should cease to be rightful.”

Any exact copies prepared in accordance with the provisions of this section may be leased, sold, or otherwise transferred, along with the copy from which such copies were prepared, only as part of the lease, sale, or to the transfer of all rights in the program. Adaptations so prepared may be transferred only with the authorization of the copyright owner.

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Reference: Department of Education Basic Education Circular 11-78, Issued 3/3/78

Approved by the School Board – June 25, 1979
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