



Policy Number: 2260

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POLICY USE OF COPYRIGHT MATERIALS IN SCHOOLS

PURPOSE

American Leadership Academy is committed to the observance of federal and state copyright laws and publisher licensing agreements. This policy provides guidelines to assist staff members in adhering to these laws and agreements; however, the individual staff member bears the ultimate responsibility for compliance with the law.

GUIDELINES

Copyright law provides authors of creative works with protections and rights over the works they create. Copyright extends to any literary, musical, dramatic, artistic, audiovisual, or architectural work, including computer programs and website content. (Copyright Law Sec. 102)

Subject to certain exceptions, which are outlined in this policy, the owner of a copyright has the exclusive rights to reproduce, distribute, perform, or display the copyrighted work, or to authorize such reproduction, distribution, performance or display by others.

An exception to the exclusive rights enjoyed by the copyright owners is the doctrine of fair use. The fair use of copyrighted works for purposes of teaching, scholarship, or research, journalism, or parody is not an infringement of copyright. The following factors determine fair use:

1. The purpose and character of the use, including whether the use is of a commercial nature or for non-profit educational purposes.
2. The nature of the copyrighted work.
3. The amount and importance of the portion used in relation to the copyrighted work as a whole.
4. The effect of the use upon the potential market for or value of the copyrighted work.
5. The performance or display of a work by instructors or students in the course of face-to-face teaching activities in a classroom or other similar place devoted to instruction.

As educators utilize media in association with their classroom instruction, they have numerous resources and options available that respect copyright law. These include:

1. Materials purchased, licensed, or created for school use by the school, or state.
2. Materials created by the educator, purchased by the educator or for which the educator has obtained permission from the copyright holder for classroom use.

3. Materials available in the Public Domain. These include works created by the United States government, works created before the advent of U.S. copyright law, and works of sufficient age that copyright protection has lapsed.
4. Materials made available on the open web, which by virtue of their free and public accessibility carry an “implied license” that would extend to most conventional classroom uses (Harper).
5. Fair use of materials without permission from the copyright holder, when the educator in good faith determines that his use falls within the factors defined in section 107 of U.S. copyright law.

Copyright Use Determination:

If you can answer yes to any of the following questions then you can proceed with your proposed use:

1. Do I own the rights to this material?
2. Can I link to it?
3. Is this content in the public domain?
4. Is this content licensed under licensing methods?
5. Does ALA own the rights to the content?
6. Does my use of the content meet the criteria of fair use?

If you choose to use fair use please keep a copy of your fair use assessment.

Fair Use:

Fair use is a statutory doctrine allowing certain uses of copyrighted works for limited purposes, such as teaching, research, and scholarship, among others. However, purpose alone is not sufficient to determine whether a particular action falls under the fair use doctrine. For example, fair use does not mean teachers are free to copy any material solely under the rationale that the copies will be used for teaching. Instead, fair use must be evaluated on a case by case basis, and there are instances where copying for teaching purposes would not be permitted. Under the law, the following criteria must be considered in determining whether the use of a copyrighted work is fair:

1. The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes.
2. The nature of the copyrighted work.
3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole (the larger the portion used, the more likely the copyright violation).

Teachers may make a single copy of any of the following for his/her own use in research teaching, or class preparation:

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 collective work.
4. A chart, graph, diagram, drawing, or picture from a book, periodical, or newspaper.

Teachers may make multiple copies (not to exceed one copy per student in a course) for the purpose of classroom use or discussion.

License

Many copyright owners will issue licenses outlining terms of use for their copyrighted works. If such license is properly obtained, the copyrighted work may be used according to the terms of the license. Schools can legally show copyrighted entertainment movies by obtaining a public performance site license.

Video Program, DVDs and Movies

1. Approved excerpts in video program, DVDs and movies must be part of the instructional program, and they cannot be used for recreation or entertainment purposes.
2. Approved video program, DVDs, and movies are those purchased by the school for instructional uses which carry educational use or video program and movies that have been borrowed from approved sources or licensed by the State such as UEN.
3. The video program, DVD, or movie is age-appropriate.
4. The use is not restricted by the copyright notice on the video program, DVD, or movie.

Copyrighted Print Materials and Sheet Music

Permissible copies of music may be made under the following conditions:

1. Emergency copies may be made to replace purchased copies, which are not available for an imminent performance provided that replacement copies are purchased in due course.
2. Multiple copies of excerpts of works may be made for academic purposes, provided that the excerpts of copies shall not exceed one per student.
3. Printed copies that 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 lyrics added if none exist.

Application to Computer Software

Consistent with individual licensing agreements, the following general rules apply to use of computer software.

1. A copy of a computer program for archival purposes can be made.
2. A software program may be installed onto a network if a network license is obtained for the number of machines used.
3. Clip art from purchased collections may be used within other documents if the other documents are not for resale.

REFERENCES

Copyright Law Sec. 107