



# Huntington Beach Union High School District Board Policies and Administrative Regulations

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## Instruction

### Use of Copyright Materials

Each employee making a reproduction shall first ascertain whether the copying is permitted by law based on the guidelines below. If the employee is not certain, he/she shall contact the principal/designee in order to ascertain whether the copying falls under a "Permitted Use." If the request does not fall under a "Permitted Use," the principal/designee may request permission to reproduce the material from the copyright holders.

Requests for copyright permission shall include the following information:

1. Title, author(s), editor(s), or publisher, producer(s), or distributor.
2. Edition, copyright and/or production year.
3. Exact amount of material to be used (i.e., lines, running time, etc.).
4. Reference to the initial contact individual, by name, in the letter if the initial contact was made by phone.
5. Nature of the use (i.e., how many times, when and with whom the material will be used).
6. Number of copies to be made.
7. How the material will be reproduced.

The following guidelines specify which uses are permitted and which are prohibited in the use of printed material, sheet and recorded music, records, discs and audio tape recordings, films, filmstrips or slide programs, and off-air taping (radio or television).

### Printed Materials

#### Permitted Use:

1. Single copies at the request of an individual teacher of:
  - a. A chapter of a book.

Printed Materials (continued)

- b. An article from a magazine or newspaper.
  - c. A short story, short essay or short poem whether or not from a collective work.
  - d. A chart, graph, diagram, drawing, cartoon or a picture from a book, magazine or newspaper.
2. Multiple copies at the request of a teacher for classroom use (not to exceed one copy per student in a course) of:
- a. A complete poem if less than 250 words.
  - b. An excerpt from a longer poem, but not to exceed 250.
  - c. A complete article, story or essay of less than 2,500 words.
  - d. An excerpt from a larger printed work not to exceed ten percent of the whole or 1,000 words.
  - e. One chart, graph, diagram, cartoon or picture per book or magazine issue.

Prohibited Uses:

1. Copying more than one work or two excerpts from a single author during one class term.
2. Copying more than three works from a collective work or periodical volume during one class term.
3. More than nine sets of multiple copies for distribution to students in one class term.
4. Copying used to create or replace or substitute for anthologies or collective works.
5. Copying of "consumable" works such as workbooks, standardized tests, answer sheets, etc.

Sheet and Recorded Music

Permitted Uses:

1. Emergency copies for an imminent performance are permitted, provided they are replacing purchased copies and replacement is planned.

Sheet and Recorded Music (continued)

2. Multiple copies (one per student) of excerpts not constituting an entire performance unit or more than ten percent of the total work may be made for academic purposes other than performances.
3. Purchased sheet music may be edited or simplified provided the character of the work is not distorted or lyrics added or altered.
4. A single copy of a recorded performance by students may be retained by the institution or individual teacher for evaluation or rehearsal purposes.
5. A single copy of recordings of copyrighted music owned by the institution for constructing exercises or examinations and retained for same.

Prohibited Uses:

1. Copying to replace or substitute for anthologies or collections.
2. Copying from works intended to be "consumable."
3. Copying for purposes of performance except as noted in an emergency.
4. Copying to substitute for purchase of music.
5. Copying without inclusion of copyright notice on the copy.

Records, Disks, and Audio Tape Recordings

Permitted Uses:

1. A single copy of a portion of a sound recording may be made by or for a student; i.e., song from a record, but not the entire recording.
2. The copy can only be used in the educational context in which it was made and may not be sold or performed for profit.
3. A single copy of recordings of performances by students may be made for evaluation or rehearsal purposes and may be retained by the educational institution or individual teachers.

Records, Disks, and Audio Tape Recordings (continued)

4. A single copy of the entire sound recording of copyrighted music or a portion thereof may be made from sound recordings owned by an educational institution or an individual teacher for the purposes of constructing aural exercises or examinations and may be retained by the educational institution or individual teacher.
5. Reproducing selected slides from a series if reproduction does not exceed ten percent of total nor excerpting "the essence."

Prohibited Uses:

1. Duplication of tapes unless reproduction rights were given at time of purchase.
2. Reproduction of music works or conversion to another format; e.g., record to tape.
3. Reproduction of an audiovisual work in its entirety.
4. Conversion of one media format to another; e.g., film to videotape; unless permission is secured.
5. Making multiple copies of a sound recording is questionable and must not create or replace or substitute for anthologies, compilations, or collective works. The criteria for "fair use" must be carefully considered in such a case. Questions pertaining to multiple copies of sound recordings should be referred to the copyright proprietor for permission to copy.

Films, Filmstrips or Slide Programs

Permitted Uses:

1. A single copy of a portion of a copyright film or filmstrip may be made by a student for educational purposes if the material is owned by the school which the student is attending.
2. A single copy of a small portion of a film or filmstrip may be made by or for a teacher for scholarly or teaching purposes.

Films, Filmstrips or Slide Programs (continued)

3. Creating a slide or overhead transparency series from multiple sources as long as creation does not exceed ten percent of photographs in one source (book, magazine, filmstrip, etc.) unless the source forbids photographic reproduction.
4. Creating a single overhead transparency from a single page of a "consumable" workbook.
5. Excerpting sections of a film for a local videotape (not to be shown over cable) if excerpting does not exceed ten percent of the total nor the "essence" of the work.

Prohibited Uses:

1. Reproduction of an audiovisual work in its entirety.
2. Conversion of one media format to another; e.g., film to videotape; unless permission is secured.
3. Extreme care must be exercised in copying a small portion of a film or filmstrip as the small portion may contain the very essence of the material in question.
4. No one is permitted to copy any portion of a film or filmstrip sent to the school for preview or rent or owned by another school or institution without the express written permission of the copyright holder. The copyright of a film 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 via closed-circuit television outside the building is not permitted.

Radio (Off-Air Taping)

Permitted Uses:

1. A single copy of a small portion of a copyrighted radio program may be made by a student for educational purposes. Such a copy may not be sold or performed for profit.
2. Copies of broadcasts by national public radio may be made by district employees and retained for an indefinite period for educational purposes.

Radio (Off-Air Taping) (continued)

Prohibited Uses:

1. Copying broadcasts on commercial radio, except for copyrighted musical selection (see Records, Disks, and Audio Tape Recordings), is governed by the same copyright laws that apply to off air taping of commercial television; however, there is no special provision allowing libraries to tape radio news programs (see Television - Off Air Taping).

Television - Off Air Taping

Permitted Uses:

1. A broadcast program may be recorded off air simultaneously with broadcast transmission (including simultaneous cable retransmission) and retained for a period not to exceed the first 45 consecutive calendar days after the date of recording. Upon 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.
2. Off air recordings may be used once by individual teachers 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 10 consecutive school days in the 45 calendar day retention period.
3. Off air recordings may be made only at the request of and used by individual teachers, and may not be regularly recorded in advance of requests. 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.
4. A limited number of 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.

Television - Off Air Taping (continued)

5. After the first 10 consecutive school days, off air recordings may be used up to the end of the 45 calendar day retention period only for teacher evaluation purposes; i.e., to determine whether or not to include the broadcast program in the teaching curriculum; and may not be used in the recording institution for student exhibition or any other nonevaluation purpose without authorization.
6. All copies of off air recordings shall include the copyright notice on the broadcast programs as recorded.

Prohibited Uses:

1. Off air recording in anticipation of teacher requests.
2. Using the recording for instruction after the 10 day use period.
3. Holding the recording for weeks or indefinitely because:
  - a. Units needing the program concepts are not taught within the 10 day use period.
  - b. An interruption or technical problems delayed its use.
  - c. Another teacher wishes to use it, or any other supposed "legitimate" educational reason.
4. On occasion a special notice is provided with some materials specifically prohibiting reproduction of any kind. Permission to use any part of such works must be secured in writing from the author or producer in accordance with this regulation.
5. Off air recordings need not be used in their entirety, but the recorded programs may not be altered from their original content. Off air recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.