

Henderson ISD
201902

INSTRUCTIONAL RESOURCES
COPYRIGHTED MATERIAL

EFE
(EXHIBIT)

The following exhibits may be used for copyright:

Exhibit A: Agreement on Guidelines for Classroom Copying in Not-For-Profit Educational Institutions — 2 pages

Exhibit B: Guidelines for Educational Uses of Music — 2 pages

Exhibit C: Copyright Warning Notice — 1 page

Exhibit D: Request for Permission to Photocopy Material for Classroom Use — 2 pages

HENDERSON ISD
AGREEMENT ON GUIDELINES FOR CLASSROOM COPYING
IN NOT-FOR-PROFIT EDUCATIONAL INSTITUTIONS

1. Single copying for teachers:

A single copy may be made of any of the following by or for a teacher at the teacher's individual request for use in scholarly research or teaching or preparation to teach a class:

- a. A chapter from a book.
- b. An article from a periodical 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 picture from a book, periodical, or newspaper.

2. Multiple copies for classroom use:

Multiple copies (not to exceed in any event more than one copy per student in a course) may be made by or for the teacher giving the course for classroom use or discussion, provided that:

- a. The copying meets the tests of brevity and spontaneity as defined below.
- b. The copying meets the cumulative effect test as defined below.
- c. Each copy includes a notice of copyright.

DEFINITIONS

Brevity:

1. Poetry:

- a. A complete poem if less than 250 words and if printed on not more than two pages; or
- b. From a longer poem, an excerpt of not more than 250 words.

2. Prose:

- a. Either a complete article, story, or essay of less than 2,500 words; or

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- b. An excerpt from any prose work of not more than 1,000 words or ten percent of the work, whichever is less, but in any event a minimum of 500 words.

[Each of the numerical limits stated in items 1 and 2 above may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.]

3. Illustration: One chart, graph, diagram, drawing, cartoon, or picture per book or per periodical issue.
4. "Special" works: Certain works in poetry, prose, or in "poetic prose" that fall short of 2,500 words in their entirety, that often combine language with illustrations, and that are intended sometimes for children and at other times for a more general audience.

Item number 4 above notwithstanding, such "special works" may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than ten percent of the words found in the text thereof, may be reproduced.

Spontaneity:

1. The copying is at the instance and inspiration of the individual teacher; and
2. The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

Cumulative Effect:

1. The copying of the material is for only one course in the school in which the copies are made.
2. Not more than one short poem, article, story, essay, or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume during one class term.
3. There shall not be more than nine instances of such multiple copying for one course during one class term.

[The limitations stated in items 2 and 3 above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.]

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GUIDELINES FOR EDUCATIONAL USES OF MUSIC

A. Permissible uses:

1. Emergency copying to replace purchased copies that for any reason are not available for an imminent performance provided purchased replacement copies shall be substituted in due course.

2. Multiple copies:

For academic purposes other than performance, multiple copies of excerpts of works may be made, provided that the excerpts do not comprise a part of the whole which would constitute a performable unit such as a section, movement, or aria, but in no case more than ten percent of the whole work. The number of copies shall not exceed one copy per student.

Single copies:

For academic purposes other than performance, a single copy of an entire performable unit (section, movement, aria, etc.) that is, (1) confirmed by the copyright proprietor to be out of print or (2) unavailable except in a larger work, may be made by or for a teacher solely for the purpose of his or her scholarly research or in preparation to teach a class.

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.

4. 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 teacher.

5. A single copy of a sound recording (such as a tape, disc, or cassette) of copyrighted music may be made from sound recordings owned by an educational institution or an individual teacher for the purpose of constructing aural exercises or examinations and may be retained by the educational institution or individual teacher. (This pertains only to the copyright of the music itself and not to any copyright that may exist in the sound recording.)

B. Prohibitions

1. Copying to create or to replace or substitute for anthologies, compilations or collective works.

2. Copying of or from works intended to be "consumable" in the course of study or of teaching such as workbooks, exercises, standardized tests and answer sheets and like material.

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3. Copying for the purpose of performance, except as in A(1) above.
4. Copying for the purpose of substituting for the purchase of music, except as in A.1 and A.2 above.
5. Copying without inclusion of the copyright notice which appears on the printed copy.

17 U.S.C. 107 historical note

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HENDERSON INDEPENDENT SCHOOL DISTRICT
COPYRIGHT WARNING NOTICE

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. The person using this equipment is liable for any infringement. Henderson ISD does not authorize the use of this machine for the reproduction of copyrighted works.

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

For more information regarding "fair use," see policy EFE(LEGAL) and the accompanying EFE(EXHIBIT).

For more information regarding federal copyright laws, contact the United States Copyright Office at (202) 707-3000.

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HENDERSON ISD
REQUEST FOR PERMISSION TO PHOTOCOPY MATERIAL FOR CLASSROOM USE

[Date]

[Name and address of copyright
owner indicated in copyright notice]

Dear _____:

I am an instructor of _____ at Henderson ISD. I would like to
reproduce and distribute the following material to students in my course(s),
_____:

Title of Work _____

Edition or Date _____

Author _____

Portion (s) of work to be used _____

(Describe specifically by pages, sections, chapters, etc.)

This material will be used for [describe purpose]. I anticipate that classes will use this
material _____ times per academic year and that each class will have
approximately _____ students. I intend to have this material copied using
[describe copying process, e.g., photocopiers, offset, etc.]

Copies of this material will be made and distributed only (1) to students in the above
named course(s), (2) on a nonprofit basis, (3) when, for pedagogical or other reasons, it
is not practical to assign the entire work from which this material is taken. I will include
your copyright notice on all copies of this material.

While I believe that copying and distribution of this material as describe above is "fair
use," in the interest of greater certainty I would appreciate your consent. [Delete this
sentence if untrue.]

Please indicate your consent by signing the enclosed copy of this letter and returning it
to me in the enclosed envelope. Also, please use the appropriate spaces at the end of
this letter to indicate the name and address of any other person whose consent might be
required.

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Very truly yours,

[Name of Teacher]
[Title]

Enclosure

Consent granted:
[Legal name of copyright holder]

By _____
[Signature]

Name _____
[Please print]

Title _____

Date _____

Other persons to contact for consent:

Name(s)

Address(es)

Telephone No(s)
