

Administrative Directive Title: Use of Copyrighted Materials	AD Number: 4.404.1	Adopted: November 2024
Policy References: Board Policy 4.404 – Use of Copyrighted Materials	Revised:	

1 *General*

2 The fair use of copyrighted work for teaching is not an infringement of copyright. Before use of
 3 any copyrighted work, the following shall be considered in fair use:

- 4 1. The purpose and character of the use;
- 5 2. The nature of the copyrighted work;
- 6 3. The amount and substantiality of the portion used in relation to the copyrighted work as a
 7 whole; and
- 8 4. The effect of the use upon the potential market for or value of the copyrighted work.

9 If the employee determines that the use does not fall within the “fair use” guidelines of copyright
 10 law, they will obtain written permission to reproduce material from the copyright holder(s). If an
 11 employee has a question as to whether he/she is engaging in the fair use of copyrighted work, they
 12 shall contact the Assistant City Attorney assigned to Murfreesboro City Schools.

13 **INDIVIDUAL SCHOOLS**

14 The principal shall be responsible for providing employee training, as needed, and will ensure that
 15 appropriate warning notices are posted to educate and warn employees of the applicable provisions
 16 of copyright law.

17 The principal will ensure that building computers are used only with proper supervision to help
 18 protect against unauthorized copying.

19 **PHOTOCOPYING**

20 When an employee is making copies for distribution, he/she shall ensure that copies are not to
 21 exceed one (1) copy per student in a course. All permitted copying by employees shall bear an
 22 appropriate reference which includes the author, title, date, and any other pertinent information.

23 Photocopying may not be used to substitute for the purchase of books, periodicals, workbooks,
 24 test booklets, or activity sheets.

25 *Guidelines for Photocopying*

26 A singly copy may be made of any of the following:

- 27 1. A chapter from a book;
- 28 2. An article from a periodical;
- 29 3. A short story, short essay, or short poem; or
- 30 4. A chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or
 31 newspaper.

32 Multiple copies may be made for classroom use provided that:

- 33 1. Photocopying meets the brevity and spontaneity tests;

- 34 2. Photocopying meets the cumulative effect test; and
35 3. The photocopy includes a notice of copyright.

36 *Brevity Test*

37 Photocopying will meet the brevity test if the source material is one of the following:

- 38 1. A complete poem, if less than 250 words and if printed on not more than two (2) pages, or
39 an excerpt of not more than 250 words from a longer poem.
40 2. A complete article, essay, or story of less than 2,500 words or an excerpt from any prose
41 work provided the excerpt is not more than 1,000 words or ten percent (10%) of the work,
42 whichever is less, and a minimum of 500 words.
43 3. One chart, graph, diagram, drawing, cartoon, or picture per book or periodical.
44 4. Works that combine illustrations and literary devices may be copied if the entirety of the
45 work is less than 2,500 words. For longer works, an excerpt may be copied as long as it
46 does not exceed two (2) published pages and containing no more than ten percent (10%)
47 of the words found in the text.

48 *Spontaneity Test*

49 Photocopying will meet the spontaneity test if the following applies to the source material:

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

54 *Cumulative Effect Test*

55 Photocopying will meet the cumulative effect test if the following applies to the source material:

- 56 1. The copying of the material is only for one (1) course in the school;
57 2. No more than one (1) short poem, article, story, essay, or two (2) excerpts may be copied
58 from the same author nor more than three (3) from the same collective work or periodical
59 volume during one (1) class term; and
60 3. There shall not be more than nine (9) instances of multiple copying for one (1) course
61 during one (1) class term.

62 **SHEET AND RECORDED MUSIC**

63 The copying of sheet and recorded music shall not be used to substitute for an actual purpose.

64 There are a few exceptions when copying can be made properly:

- 65 1. In an emergency for an imminent performance with the intention of purchasing
66 replacement copies;
67 2. If the unit is unavailable except in a larger work or if confirmed by the copyright holder
68 that it is out of print; or
69 3. Per one (1) copy per student if no more than 10% of the work and the excerpt is not being
70 used during a performance.