

COPYRIGHT & PERFORMING ARTS: Q&A

- http://esb.k12albemarle.org/Reference_Library/ESB_Policies_and_Regulations/Policies/EGAAA_1009.pdf –ACPS School Board Policy Reproduction and Use of Copyrighted Materials
- Additionally, it was mentioned that MENC provides good guidance to music teachers, so here is the site: MENC Copyright center:
<http://www.menc.org/resources/view/copyright-center>

1. What if a student brings in a CD/DVD and asks for a copy of a performance since we have instructional copies. Is this allowed even if we don't charge for the copy?

No, you cannot duplicate your instructional copy (or copies) for distribution to the student, even if you do not charge for the copy. See p. 12, Section IV, B.2 (“Multiple recordings may not be distributed without a license, either freely or as a fundraiser...”).

2. What if a student brings in a CD and asks for a copy of music to practice at home. Is this allowed?

No, you cannot burn a CD of a copyrighted musical recording and provide it to the student, even if you have lawfully acquired that recording. See p. 11, Section IV, A.2 (“Teachers may make and retain a single copy of a copyrighted musical recording for the sole purpose of constructing aural exercises or examinations. No other duplication or archiving of copyrighted musical recordings is permitted”).

3. Are teachers allowed to post “rehearsal tracks” (students’ vocal parts) on County websites? What if we refer them to rehearsal tracks found on non-county websites?

Assuming that you mean posting copyrighted recordings of different vocal parts, you cannot post them on publicly accessible County websites. This is the same as ripping a track off a CD you purchase and posting it on your Facebook page. You could, however, for assessment or other *in-class* instructional purposes, post copyrighted recordings of “rehearsal tracks” on a *secured, intranet* site, such as SchoolNet. You could not allow the students to download or duplicate those tracks. See p. 9, Section IV, A.1.b (Classroom Playing. Teachers may play complete musical recordings in the classroom to the students enrolled in that course for either instructional or noninstructional purposes, as long as they do not duplicate, archive, or transmit the recording. “Transmit” means to broadcast the music to listeners outside the classroom via PA system, email, amplification equipment, or other means).

4. What if a teacher has a set of IPODS connected to a docking station. Can the teacher download one copy of the song, put it on all IPODS, as long as the IPODS are used only in the classroom and are not sent home?

Yes, as long as the iPods remain school property, are not set to allow library sharing by other users on a wireless network, and students are not permitted to burn songs onto their personal devices. I would suggest you check iTunes licensing terms and conditions to make sure that it is permissible to download copies of the songs from one iPod to another. I believe Apple permits this but am not sure. I would also add that you may not permanently archive these songs on any of the iPods. So, after your need to use these songs ends, you should purge them from the iPods.

5. Can a teacher download rehearsal music on classroom IPODS and send them home for practice?

No, unless the website allowing the downloaded songs expressly permits you to make multiple copies and distribute the music from the site. Unlike the situation described in No. 4, downloading the songs and sending them home with students would be both duplicating and distributing the copyrighted music.

6. Must we monitor parent taping and posting of performances on YouTube?

No, parents are responsible for their own actions. You should not, however, *encourage* them to violate copyright laws.

7. Do we need to write for permission if we want to arrange a copyrighted song (from a recording or from a pre-existing piece of sheet music?)

It depends on the level of arrangement. If you are merely simplifying the music (i.e. taking a high passage down an octave, doubling 1st and 2nd flute parts, etc.) or making a change to suit the number of instruments/vocal parts represented in your classroom (i.e. transposing a part written for a viola for a cello), you do not need the copyright owner's permission. If you are making a true arrangement, such as abridging major parts of a longer piece, adding or changing harmonies, changing or adding lyrics, etc., then you must have the owner's permission. See p. 12, Section IV., C.3. ("A music educator may edit or simplify purchased sheet music, provided that the fundamental character of the work is not distorted, and that any lyrics remain unchanged. Music educators may not add lyrics to instrumental compositions. In order to create a true arrangement of the work, educators must obtain permission from the copyright owner.")