

Copyright and Music in the Classroom

Public Performance

A public performance of a musical work is one that is open to the public or at any place where a “substantial number of people are gathered” or one that is delivered to a number of people either simultaneously or to different people at various times (Section 101). The copyright law allows a number of exemptions to the right of public performance, thereby allowing that some unauthorized public performances are **not** infringements.

A public performance that occurs in a nonprofit educational classroom is exempt (Section 110[1]). For example, if you are in the school choir, singing in a classroom, your performance is **not** an infringement. Or if a physical education class requires students to dance and accompanies the instruction with music.....that would **not** be an infringement. Public performances that occur in the digital classroom are also exempt if they meet the prerequisites of the Technology, Education and Copyright Harmonization (TEACH) Act.

There are other kinds of public performances that frequently occur where music is part of the school’s overall program, such as when music is played to accompany the cheerleading squad or drill team or it is piped over the public-address system during lunch hour, or when the marching band performs during halftime of a football game. To be on the safe side, some schools have obtained “blanket” licenses from societies like ASCAP and BMI to cover these performances. Other schools choose to make decisions on copyright issues on an individual basis. As always, any principal or administrator is welcome to seek assistance from the Department of Information/Technology (715-1227) as to acquiring a “permissions” letter from publishers or copyright owners. We have a file of past permissions granted at the district level and will make every effort to find a suitable answer for your questions or concerns.

Another district tool that will aid in music selections is the Soundzabound website. This subscription site offers royalty free music in 20 different music categories. Students and staff are allowed to download and use all music files from this site. See your teacher librarian for website and password for your school.

See MPS Board Policy Curriculum, Instruction, and Assessment Copyright Compliance 6265