

Policy 6162.6: Use Of Copyrighted Materials

Status: ADOPTED

Original Adopted Date: 06/01/1988 | **Last Revised Date:** 08/01/2013 | **Last Reviewed Date:** 08/01/2013

The Governing Board recognizes that district staff and students may use a variety of copyrighted materials in the educational program and other district operations. When such materials have not been purchased by the district for the intended use, the Board expects staff and students to respect the protections afforded by federal law to the copyright owners of those materials and respect any limitations by the copyright holder to the license of such materials.

Any literary, musical, dramatic, choreographic, pictorial, graphic, sculptural, audiovisual or motion picture, sound, architectural, or other original work shall be assumed to be a copyrighted work, regardless of whether the work appears in print, audio, video, electronic, or other fixed and tangible form.

Before reproducing a copyrighted material for instructional or other district purposes, a staff member shall determine if the material is in the public domain or if the intended use of the material meets the criteria for fair use or another exception pursuant to 17 USC 107-122. If the material is not in the public domain or no recognized exception applies, the staff member shall seek permission of the copyright holder before using the material.

The Superintendent or designee shall inform staff that inclusion of an attribution citing the author and source of a copyrighted material does not absolve the staff member from the responsibility to either obtain permission or satisfy criteria for fair use or another exception.

If a staff member is uncertain as to whether the intended use of the material meets the criteria for fair use or another exception, he/she shall take the safest course and seek permission from the copyright holder to use the material or, if it is impracticable to obtain permission, shall contact the Superintendent or designee for clarification and assistance.

Students shall not copy or distribute copyrighted works to others. Staff members shall take reasonable precautions to prevent copying or the use of unauthorized copies on school equipment.

The Superintendent or designee shall ensure that staff and students receive information and training about copyright laws and the penalties for violating such laws.

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

Ed. Code 35182

Description

[Marketing or licensing noneducational mainframe electronic data-processing software](#)

Federal	Description
17 USC 101-122	Subject matter and scope of copyright
17 USC 102	Definitions
17 USC 106	Copyright protection
17 USC 107	Fair use of copyrighted works
17 USC 110	Limitations on exclusive rights: Exemption of certain performances and displays
17 USC 504	Penalties for copyright infringement
Management Resources	Description
Court Decision	Cambridge University Press et al. v. Becker et al. (N.D. Ga. 2012) 863 F.Supp.2d 1190
Court Decision	Campbell v. Acuff-Rose Music, Inc. (1994) 510 U.S. 569
Court Decision	Marcus v. Rowley (9th Cir., 1982) 695 F.2d 1171
National School Boards Association Publication	Copyright Law: Do Schools Need a License to Show a Movie?, School Law Review, July 2010
U.S. Copyright Office Publication	Circular 21: Reproduction of Copyrighted Works by Educators and Librarians, rev. 2009
U.S. Copyright Office Publication	Circular 22: How to Investigate the Copyright Status of a Work, rev. 2013
U.S. Copyright Office Publication	Circular 23: The Copyright Card Catalog and the Online Files of the Copyright Office, rev. 2012
Website	CSBA District and County Office of Education Legal Services
Website	University of California, Copyright Education
Website	U.S. Copyright Office
Website	Copyright Society of the USA
Website	National School Boards Association

Cross References

Code	Description
0440	District Technology Plan
0440	District Technology Plan
1113	District And School Websites

1113	<u>District And School Websites</u>
1113-E(1)	<u>District And School Websites</u>
1114	<u>District-Sponsored Social Media</u>
1114	<u>District-Sponsored Social Media</u>
3300	<u>Expenditures And Purchases</u>
3312	<u>Contracts</u>
3530	<u>Risk Management/Insurance</u>
3530	<u>Risk Management/Insurance</u>
4040	<u>Employee Use Of Technology</u>
4040-E(1)	<u>Employee Use Of Technology</u>
4119.21	<u>Professional Standards</u>
4119.21-E(1)	<u>Professional Standards</u>
4131	<u>Staff Development</u>
4132	<u>Publication Or Creation Of Materials</u>
4219.21	<u>Professional Standards</u>
4219.21-E(1)	<u>Professional Standards</u>
4231	<u>Staff Development</u>
4232	<u>Publication Or Creation Of Materials</u>
4319.21	<u>Professional Standards</u>
4319.21-E(1)	<u>Professional Standards</u>
4331	<u>Staff Development</u>
4332	<u>Publication Or Creation Of Materials</u>
5131.9	<u>Academic Honesty</u>
6141	<u>Curriculum Development And Evaluation</u>
6141	<u>Curriculum Development And Evaluation</u>
6142.6	<u>Visual And Performing Arts Education</u>
6142.94	<u>History-Social Science Instruction</u>
6161.1	<u>Selection And Evaluation Of Instructional Materials</u>
6161.1	<u>Selection And Evaluation Of Instructional Materials</u>
6161.1-E(1)	<u>Selection And Evaluation Of Instructional Materials</u>

6161.11	<u>Supplementary Instructional Materials</u>
6163.1	<u>Library Media Centers</u>
6163.4	<u>Student Use Of Technology</u>
6163.4-E(1)	<u>Student Use Of Technology</u>