

Instruction

Use of Copyrighted Materials

The Board of Education 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.

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Legal Reference: Education Code Section: 35182  
United States Code, Title 17, Sections: 101-122; 102; 106; 107; 110; 504  
Court Decisions:  
Cambridge University Press et al. v. Becker et al. (N.D. Ga. 2012) 863  
F.Supp.2d 1190  
Campbell v. Acuff-Rose Music, Inc., (1994) 510 U.S. 569  
Marcus v. Rowley, (9th Cir., 1982) 695 F.2d 1171

Policy Adopted: 06/01/1976  
Policy Amended: 07/02/1985; 12/06/1994; 10/15/2002; 03/06/2018

(Formerly BP 3545; 6163)