



## INSTRUCTION

### BOARD POLICY – USE OF COPYRIGHTED MATERIALS

BP 6162.6

The County Board of Education (County Board) and the County Superintendent of Schools (County Superintendent) recognize that Santa Barbara County Education Office (SBCEO) staff and students may use a variety of copyrighted materials in SBCEO county-operated programs. When such materials have not been purchased by SBCEO for the intended use, the County Board and County Superintendent expect 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 copyrighted material for instructional or other purposes, SBCEO staff 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 SBCEO staff member shall seek permission of the copyright holder before using the material.

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

If a SBCEO staff member is uncertain as to whether the intended use of the material meets the criteria for fair use or another exception, they 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 County Superintendent or designee for clarification and assistance.

SBCEO students shall not copy or distribute copyrighted works to others. SBCEO staff members shall take reasonable precautions to prevent copying or the use of unauthorized copies on SBCEO equipment.

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#### **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 County Superintendent of Schools or designee to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

**Federal**

17 USC 101-122  
17 USC 102  
17 USC 106  
17 USC 107  
17 USC 110  
  
17 USC 504

**Description**

Subject matter and scope of copyright  
Definitions  
Copyright protection  
Fair use of copyrighted works  
Limitations on exclusive rights: Exemption of certain performances and displays  
Penalties for copyright infringement

**Management Resources**

Court Decision  
Court Decision  
Court Decision  
  
National School Boards Association  
Publication  
U.S. Copyright Office Publication  
  
U.S. Copyright Office Publication  
  
U.S. Copyright Office Publication  
  
Website  
Website  
Website  
Website

**Description**

Marcus v. Rowley, (9th Cir., 1982) 695 F.2d 1171  
Campbell v. Acuff-Rose Music, Inc., (1994) 510 U.S. 569  
Cambridge University Press et al. v. Becker et al. (N.D. Ga. 2012) 863 F.Supp.2d 1190  
Copyright Law: Do Schools Need a License to Show a Movie?, School Law Review, July 2010  
Circular 23: The Copyright Card Catalog and the Online Files of the Copyright Office, rev. 2012  
Circular 22: How to Investigate the Copyright Status of a Work, rev. 2013  
Circular 21: Reproduction of Copyrighted Works by Educators and Librarians, rev. 2009  
[University of California. Copyright Education](#)  
[U.S. Copyright Office](#)  
[National School Boards Association](#)  
[Copyright Society of the USA](#)

**State**

Ed. Code 35182

**Description**

Marketing or licensing noneducational mainframe electronic data-processing software

ADOPTED BY COUNTY BOARD:  
REVISED:

March 2, 1978  
August 1, 1991  
April 7, 1994  
February 8, 2024