Use of Copyrighted Material

Adopted: 03/17/1992 **| Last Revised:** 03/10/2026 **| Last Reviewed**: 03/10/2026

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 of Education 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, 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 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.

Legal References:

STATE
EDUCATION CODE
35182 Marketing or licensing noneducational mainframe electronic data-processing software
FEDERAL
UNITED STATES CODE
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

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

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 PUBLICATIONS

Circular 21: Reproduction of Copyrighted Works by Educators and Librarians, rev. 2009
Circular 22: How to Investigate the Copyright Status of a Work, rev. 2013
Circular 23: The Copyright Card Catalog and the Online Files of the Copyright Office, rev. 2012

WEBSITES

CSBA District and County Office of Education Legal Services https://legalservices.csba.org/#
University of California, Copyright Education http://www.copyright.gov/
U.S. Copyright Office http://www.copyright.gov/
Copyright Society of the USA http://www.csusa.org/
National School Boards Association http://www.nsba.org/

Policy Adopted:	03/17/1992
Revised:	05/30/1997
Revised:	05/19/2009
Revised:	12/06/2016
Revised:	03/10/2026