

**Policy 6162.6: Use Of Copyrighted Materials**

Status: DRAFT

Original Adopted Date: 09/20/2001 | Last Reviewed Date: 09/20/2001

All district staff shall adhere to the provisions of the federal copyright law and maintain the highest ethical standards in using copyrighted materials. The district shall provide no legal support to any employee who violates the copyright law. Willful infringement of this law by students or staff may result in disciplinary action.

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. Computer software piracy contributes to higher costs and decreases commercial incentives for the development of quality educational computer software. In circumstances where the interpretation of the copyright law is ambiguous, the district shall determine appropriate use of computer software by referring to the license agreement and/or policy statements contained in the software packages used in the district. Computer-related instruction for students and staff shall address the ethical and practical problems caused by software piracy. The Board directs that:

1. Unlawful copies of copyrighted materials may not be used in district-owned facilities, on district-owned equipment or at district-sponsored functions.
2. Unlawful copies of copyrighted materials may not be produced on district-owned equipment.
3. The legal protection of the district will not be extended to employees who willfully copy or use copyrighted materials in an unlawful manner.
4. The Superintendent or designee will provide employees with guidelines which promote compliance with all applicable copyright laws and regulations.
5. The legal, ethical and practical problems caused by copyright violations shall be taught in district schools in all appropriate situations.

The Superintendent or designee shall be the only individual who may sign license agreements for software for district schools. Each school using licensed software shall have a signed copy of the software agreement.

The Superintendent or designee shall maintain regulations to discourage violation of all copyright laws and prevent illegal copying activities.

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 whether the intended use of the material meets the criteria for fair use or another exception, the staff member 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, including work generated by artificial intelligence (AI). 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 Governing 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**

17 USC 101-122

**Description**

[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**

**Description**

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[District And School Websites](#)

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[District And School Websites](#)

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[District-Sponsored Social Media](#)

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[Contracts](#)

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[Risk Management/Insurance](#)

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[Risk Management/Insurance](#)

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[Employee Use Of Technology](#)

**Cross References**

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**Description**

[Employee Use Of Technology](#)  
[Professional Standards](#)  
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[Academic Honesty](#)  
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[Selection And Evaluation Of Instructional Materials](#)  
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[Supplementary Instructional Materials](#)  
[Library Media Centers](#)  
[Student Use Of Technology](#)  
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