

MODESTO CITY SCHOOLS

Board Policy

BP 6162.6

INSTRUCTION

Use of Copyrighted Materials

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.

(cf. 1113 – District, School, Staff and ~~School~~ Student Web Sites)
(cf. 1114 - District-Sponsored Social Media)
(cf. 4040 - Employee Use of Technology)
(cf. 4119.21/4219.21/4319.21 - Professional Standards Code of Ethics)
(cf. 4132/4232/4332 - Publication or Creation of Materials) (N/A)
(cf. 5131.9 - Academic Honesty) (N/A)
(cf. 6141 - Curriculum Development and Evaluation) (N/A)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 6161.11 - Supplementary Instructional Materials)
(cf. 6163.1 - Library Media Centers)

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 The Governing Board recognizes the importance of ensuring that the district complies with federal law and best practices for education regarding copyrights. District staff and students are expected to follow these guidelines in using copyrighted materials.

→ When selecting appropriate supplementary 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

BP 6162.6 (a)INSTRUCTIONUse of Copyrighted Materials

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 materials, it is each staff member's~~ responsibility to ~~either obtain permission or satisfy criteria for fair use or another exception. adhere to the provisions of federal copyright law, fair use guidelines, Board policy, and administrative regulation. The district shall not be responsible for any violation of copyright laws by its staff or students.~~

If a staff member is uncertain as to whether ~~the intended use of the material meets the criteria for fair use or another exception reproducing or using~~

- ~~copyrighted material complies with the law,~~ 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 ~~Information and Technology Services Department~~ for clarification and assistance.

Students shall not copy or distribute copyrighted works to others. At no time shall it be necessary for a district employee to violate copyright laws in order to perform his/her duties. The Information and Technology

- ~~Services Department shall ensure that the district observes all publisher licensing agreements between vendors and the district, including monitoring the number of users permitted by an agreement. Unless the applicable licensing agreement authorizes multiple users of a single program, the district shall not make multiple copies of a computer program or software.~~ Staff members shall take reasonable precautions to prevent copying or the use of unauthorized copies **of software** on school equipment.

(cf. 3300 - Expenditures and Purchases)

(cf. 3312 - Contracts)

(cf. 6163.4 - Student Use of Technology)

BP 6162.6 (b)**INSTRUCTION****Use of Copyrighted Materials**

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

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Legal Reference:**EDUCATION CODE**

35182 Computer software

UNITED STATES CODE, TITLE 17

101-122 Subject matter and scope of copyright, especially:

102 Definitions

106 Copyright protection

107 Fair use of copyrighted works

→ ***107 Fair use***

***110** Limitations on exclusive rights: Exemption of certain performances and displays*

504 Penalties for copyright infringement

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

Management Resources:**NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS**

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~~1995~~***

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

WEB SITES

→ ***Copyright Clearance Center: <http://www.copyright.com>***

Copyright Society of the USA: <http://www.csusa.org>

National School Boards Association: <http://www.nsba.org>

University of California, Copyright Education:

<http://copyright.universityofcalifornia.edu/usingcopyrightedworks.html>

U.S. Copyright Office: <http://www.copyright.gov>

ADOPTED: August 1, 2011