USE OF COPYRIGHTED MATERIALS

The Yolo County Governing Board recognizes that County Office 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 County Office for the intended use, the County 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 and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)
(cf. 4040 - Employee Use of Technology)
(cf. 4119.21/4219.21/4319.21 - Professional Standards)
(cf. 4132/4232/4332 - Publication or Creation of Materials)
(cf. 5131.9 - Academic Honesty)
(cf. 6141 - Curriculum Development and Evaluation)
(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 instructional or other County Office 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 Yolo County Superintendent of Schools 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 County Superintendent or designee for clarification and assistance.
USE OF COPYRIGHTED MATERIALS (continued)

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.

(cf. 3300 - Expenditures and Purchases)
(cf. 3312 - Contracts)
(cf. 6163.4 - Student Use of Technology)

The County 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
110     Limitations on exclusive rights: Exemption of certain performances and displays
504     Penalties for copyright infringement
COURT DECISIONS
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 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 Society of the USA:  http://www.csusa.org
National School Boards Association: http://www.nsba.org
USE OF COPYRIGHTED MATERIALS (continued)

University of California, Copyright Education:  http://copyright.universityofcalifornia.edu/usingcopyrightedworks.html
U.S. Copyright Office:  http://www.copyright.gov

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YOLO COUNTY OFFICE OF EDUCATION

Woodland, CA