

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.

It is the intent of the Governing Board of the Chula Vista Elementary School District to adhere to the provisions of all copyright laws and to maintain the highest ethical standards in the use of copyrighted materials. Willful infringement of copyright laws by District employees is prohibited. The District shall provide no legal support to any employee who violates the copyright law. Infringement of the law by staff may result in disciplinary action.

(cf. 6162.7 - Use of Technology in Instruction)
(cf. 4132/4232/4332 - Publication or Creation of Materials)
(cf. 6141 - Curriculum Development and Design)
(cf. 6161.1 - Selection and Evaluation of 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 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.

Copyrighted materials, whether they be print or nonprint, may not be duplicated without first receiving written permission from the copyright holder.

Employees who willfully violate the District's copyright position do so at their own risk and may be required to reimburse the District in the event of a loss due to litigation.

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USE OF COPYRIGHTED MATERIALS (continued)

The Superintendent/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 Superintendent/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.

All requests for permission to copy or duplicate copyrighted materials will be approved by the site administrator.

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

(cf. 4131 - Professional 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

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USE OF COPYRIGHTED MATERIALS (continued)

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

Policy

Adopted: 11/13/90

Revised: 02/10/04

Revised: 08/14/19

CHULA VISTA ELEMENTARY SCHOOL DISTRICT
Chula Vista, California