

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**Instruction**  
**USE OF COPYRIGHTED MATERIALS**

The County Superintendent and County Board recognize that County Superintendent staff and students may use a variety of copyrighted materials in the educational program and other County Superintendent operations. When such materials have not been purchased for the intended use, the County Superintendent and County Board expect 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 County Superintendent 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 County 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, 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.

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

Adopted: 06/15/1995

Amended: 10/20/2011, 11/19/2020

**Legal Reference**Education Code

35182 Computer software

United States Code, Title 17

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

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- 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

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  
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

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>