

PUBLICATION OR CREATION OF MATERIALS

The School Board recognizes the importance of creating a work environment that encourages employee innovation in creating and developing high-quality materials to improve student achievement and the efficiency of district operations. ~~that district employees may create copyrightable materials either at work, at home, or both at work and at home. The development of copyrightable materials during, or in part during, the work day must be approved by the Superintendent or designee. However, the Superintendent or designee's approval or lack of approval shall not affect the district's ownership of copyrights for materials developed during work hours.~~

(cf. 4119.21/4219.21/4319.21 – Code of Ethics)

(cf. 6162.6 - Use of Copyrighted Materials)

The Superintendent or designee shall oversee the development of instructional materials, computer programs, and other copyrightable materials by employees, independent contractors, and consultants. An employee, independent contractor, or consultant shall notify the Superintendent or designee of his/her intent to publish or register a work developed in whole or in part within the scope of his/her employment.

Instructional materials, computer programs, and other copyrightable materials developed by an employee within the scope of his/her employment shall be the property of the district.

(cf. 3523 – E-mail)

(cf. 4040 - Employee Use of District Information Technology)

(cf. 6161.11 - Supplementary Instructional Materials)

(cf. 6163.1 – Library/Media Centers)

If an employee has developed copyrightable material during both work and non-working hours, and the work was within the scope of his/her employment, the Superintendent or designee shall negotiate a contract with the employee to protect the district's right as to the ownership or partial ownership of the copyright.

(cf. 3312 - Contracts)

The Superintendent or designee shall ensure that any contract with an independent contractor or consultant contains a provision specifying the district's right to ownership of the copyright of any work produced by the contractor or consultant for the district.

~~Materials written or developed by an employee during the normal school day are considered district property. (17 United States Code 201)~~

~~Materials developed during both school and leisure hours are owned jointly by the employee and the district. In such cases, the Superintendent or designee shall ensure that a contractual agreement is made, clarifying the joint ownership. A partnership entity may be created to hold the copyright on behalf of both parties.~~

All Personnel

BP 4132(b)
4232(b)
4332(b)

PUBLICATION OR CREATION OF MATERIALS

The Superintendent or designee ~~The Board~~ may secure copyrights in the name of the district for all copyrightable works developed by the district. All royalties or revenues from these copyrights shall be used for the benefit of the district.

~~(cf. 6162.6—Use of Copyrighted Materials)~~

Legal Reference:

UNITED STATES CODE

17 U.S.C. 101-122 Subject matter and scope of copyright

17 U.S.C. 201 Copyright ownership and transfer

FEDERAL COPYRIGHT LAW

~~17 U.S.C., 201 and 201(a)~~

Reviewed 03/26/08