All Personnel

BP 4132(a)
4232
4332

PUBLICATION OR CREATION OF MATERIALS

The Board of Education 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.

(cf. 4119.21/4219.21/419.21 – Professional Standards)
(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.

(cf. 3600 - Consultants)

The name of the school district may not be exploited for personal gain by any district employee or group of employees in connection with the public use, promotion, or sale of a copyrighted or patented item unless the district has given written permission. The rights and privileges of the employee(s) and the district are defined under current United States copyright and patent laws.

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. 1113 – District and School Web Sites)
(cf. 4040 – Employee Use of Technology)
(cf. 4119.1/4219.1 – Civil and Legal Rights)
(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.
The Superintendent or designee 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. (Education Code 35170)

Legal Reference:
Education Code
32360 Copyrights; use of funds
32361 Copyrights; use of employee work time
35170 Authority to secure copyrights
35182 Marketing or licensing noneducational mainframe electronic data-processing software
60076 Royalties or other compensation
Labor Code
2870-2872 Inventions made by an employee
United States Code, Title 17
101-122 Subject matter and scope of copyright
201 Copyright ownership and transfer
Court Decisions

Management Resources:
Web Sites:
Copyright Clearance Center: http://www.copyright.com
Copyright Society of the USA: http://www.cusa.org
U.S. Copyright Office: http://www.copyright.gov