

Policy 4232: Publication Or Creation Of Materials **Status: ADOPTED**

Original Adopted Date: 01/01/1985 | **Last Revised Date:**
07/01/2008 | **Last Reviewed Date:** 07/01/2008

The Governing 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.

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.

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.

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)

State	Description
Ed. Code 32360	<u>Copyrights; use of funds</u>
Ed. Code 32361	<u>Copyrights; use of employee work time</u>
Ed. Code 35170	<u>Authority to secure copyrights</u>
Ed. Code 35182	<u>Marketing or licensing noneducational mainframe electronic data-processing software</u>
Ed. Code 60076	<u>Royalties or other compensation</u>
Lab. Code 2870-2872	<u>Inventions made by an employee</u>
Federal	Description
17 USC 101-122	Subject matter and scope of copyright
17 USC 201	Copyright ownership and transfer
Management Resources	Description
Court Decision	Community for Creative Non-Violence v. Reid (1989) 490 U.S. 730

Website
Website
Website
Website

CSBA District and County Office of Education Legal Services
Copyright Clearance Center
Copyright Society of the USA
U.S. Copyright Office

Code

1113
1113
1113-E(1)
1114
1114
3312
3600
4040
4040-E(1)
4119.1
4119.21
4119.21-E(1)
4136
4219.1
4219.21
4219.21-E(1)
4236
4319.1
4319.21
4319.21-E(1)
4336
6161.11
6162.6
6162.6
6163.1

Description

District And School Websites
District And School Websites
District And School Websites
District-Sponsored Social Media
District-Sponsored Social Media
Contracts
Consultants
Employee Use Of Technology
Employee Use Of Technology
Civil And Legal Rights
Professional Standards
Professional Standards
Nonschool Employment
Civil And Legal Rights
Professional Standards
Professional Standards
Nonschool Employment
Civil And Legal Rights
Professional Standards
Professional Standards
Nonschool Employment
Supplementary Instructional Materials
Use Of Copyrighted Materials
Use Of Copyrighted Materials
Library Media Centers