

OFFICE OF THE SOLANO COUNTY SUPERINTENDENT OF SCHOOLS

Series 4000 – PERSONNEL

Policy 4132

**Publication or Creation of Materials**

The Solano County Office of Education (SCOE) 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 SCOE 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 SCOE.

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 SCOE'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 SCOE's right to ownership of the copyright of any work produced by the contractor or consultant for SCOE.

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

Legal Reference:

EDUCATION CODE

32360-32361 Copyrights; use of funds and employee worktime

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 Federal copyright law

201a Federal copyright law

COURT DECISIONS

Community for Creative Non-Violence v. Reid, (1989) 490 U.S. 730

Policy Cross-Reference:

1113 District and School Web Sites

3312 Contracts

3600 Consultants

4040 Employee Use of Technology

4119.1 Civil and Legal Rights

4119.21 Professional Standards

6161 Equipment, Books and Materials

6161.11 Supplementary Instructional Materials

6162.6 Use of Copyrighted Materials

6163.1 Library Media Centers