

**DEVELOPMENT AND SALE OF CURRICULUM MATERIALS/
COPYRIGHT-OWNERSHIP**

Members of the professional staff are urged to develop, implement and review curriculum and instructional materials related to their professional assignment. Professional and instructional materials, including but not limited to, computer software, activity packets and evaluation materials which are created by an individual staff member, are subject to the following guidelines regarding ownership and copyright provisions:

- 1) If the material or software is produced by school staff during school time, with compensation by the Board of Education or as part of the staff member's assignment (within the scope of his/her employment), then the rights to ownership and copyright belong to the District. If the material or software is produced as part of a federally funded program and as part of the staff member's assignment, then the material or software is considered to be in the public domain and the applicable federal guidelines prevail.
- 2) If an individual plans to produce materials or software on his/her own time, but with the use of District property, facilities, or materials, a written agreement is necessary prior to beginning such production. The written agreement will spell out use of such property, facilities or materials and any accompanying costs as well as indicating rights of ownership, copyright and distribution of any potential profits.
- 3) If the material or software is produced outside of school time without expense, involvement, or direction on the part of the District or its administrators or use of school facilities, then the material or software rights belong to the individual for copyrighting and sale.
- 4) No copyrightable materials will be created by non-employee third parties for the use by the District, except pursuant to a written agreement with the District. The agreement shall be executed prior to commencement of any work on copyrightable materials for the District, and shall provide that all ownership and copyright interest in the materials will be retained by the District.

Legal Ref: PL 94-553 Federal Copyright Law Sections 19.35 (1)(g)/118.12
Cross Ref.: 335-Rule, Sale and Distribution Cost of District-Owned Curricula Material
771, Printing and Duplicating Services (Copyright)
823, Access to Public Records
Adopted: 4/22/91
Revised: March 1994
January 2002