

Personnel**PUBLICATION OR CREATION OF MATERIALS**

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.

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:**State**

Ed. Code 32360

Ed. Code 32361

Ed. Code 35170

Ed. Code 35182

Ed. Code 60076

Lab. Code 2870-2872

Federal

17 USC 101-122

17 USC 201

Description[Copyrights; use of funds](#)[Copyrights; use of employee work time](#)[Authority to secure copyrights](#)[Marketing or licensing noneducational mainframe electronic data-processing software](#)[Royalties or other compensation](#)[Inventions made by an employee](#)**Description**

Subject matter and scope of copyright

Copyright ownership and transfer

Personnel

PUBLICATION OR CREATION OF MATERIALS

Legal Reference:

Management Resources

Description

Court Decision	Community for Creative Non-Violence v. Reid (1989) 490 U.S. 730
Website	CSBA District and County Office of Education Legal Services
Website	Copyright Clearance Center
Website	Copyright Society of the USA
Website	U.S. Copyright Office

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Policy Adopted: January 17, 1991

Revised: April 18, 2024