

VENTURA COUNTY OFFICE OF EDUCATION

SUPERINTENDENT POLICY NO. 4132 and 4232

ADOPTED: 2/14/96

CLASSIFICATION: Personnel

SP4132 REVISED: 02/11/07

**SP3598 REVISED: 05/05/08
01/05/15
10/12/15**

MERGED w/ 3598: 05/28/19

SUBJECT: Publication or Creation of Materials

VCOE recognizes that employees may create copyrightable materials at work, at home, or both at work and at home. The development of such materials during, or in part during, the workday shall be approved by the VCOE. However, VCOE's approval or lack of approval shall not affect the Superintendent's ownership of copyrights for materials developed during work hours. Materials written or developed by an employee during the normal workday are considered the property of the Superintendent.

While salaried employees will normally be at work during regular business hours, certain professional responsibilities will be performed during other than regular business hours, such as in the evening or on weekends. Consequently, all materials developed by salaried employees, as an outgrowth of their employment with the VCOE are the sole property of the Superintendent.

Copyrights in the name of the Superintendent, as Superintendent, may be secured for all copyrightable works developed by or for the Superintendent. All royalties or revenues from these copyrights shall be used for the benefit of the VCOE.

The VCOE may, with the approval of the Superintendent, provide for the publication and sale of materials that are necessary in connection with curricular and other services that the VCOE is authorized to perform. The VCOE may, also for cost recovery purposes, fix the price not to exceed the estimated total cost of development and production for the sale of any publication produced by the VCOE.

The VCOE may use, sell, give away, exchange or otherwise make available in the public domain the published materials with any person, political subdivision, public officer or agency, or educational institution for educational use. Any electronic software developed by the VCOE may be marketed or licensed, with proceeds to be used exclusively for educational purposes.

Employees are not permitted to use VCOE-owned materials for any profit-making enterprise without written permission from the Superintendent.

The VCOE may publish and market various publications and other media throughout the year. A listing of such products may be brought periodically to the Superintendent upon request.

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 non-educational mainframe electronic data-
processing software
60076 Royalties or other compensation

LABOR CODE

2870-2872 Inventions made by an employee

Federal Copyright Law

17 U.S.C., 201 and 201(a) Copyright ownership and transfer