

VENTURA COUNTY OFFICE OF EDUCATION

SUPERINTENDENT POLICY NO. 4132 and 4232

ADOPTED: 2/14/96

CLASSIFICATION: Personnel

REVISED: 02/11/07

SUBJECT: Publication or Creation of Materials

The Superintendent recognizes that VCOE employees may create copyrightable materials at work, at home, or both at work and at home. The development of copyrightable materials during, or in part during, the work day shall be approved by the Superintendent or designee. However, the Superintendent's approval or lack of approval shall not affect VCOE's ownership of copyrights for materials developed during work hours.

Materials written or developed by an employee during the normal school day are considered VCOE property. (Education Code 60076, 17 United States Code 201)

Materials developed during both school and leisure hours are owned jointly by the employee and VCOE. In such cases, the Superintendent or designee shall ensure that a contractual agreement is made, clarifying the joint ownership. A partnership entity may be created to hold the copyright on behalf of both parties.

The VCOE may secure copyrights in the name of VCOE 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)

The outside use of any VCOE developed, owned and/or copyrighted material for which the presenter or provider receives financial gain must be approved in advance by the Superintendent or designee.

The Superintendent may market or license any non-educational mainframe electronic software developed by VCOE. Proceeds from this marketing or licensing shall be used exclusively for educational purposes. (Education Code 35182)

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)