

STAFF RESEARCH AND PUBLISHING

~~In order to encourage employee creativity and to protect the rights of both the creative employee and the public, the administration shall establish procedures to clearly assign the rights of ownership of employee-produced instructional materials.~~

Ownership of Materials

~~The Board adopts the "work made for hire doctrine,"* and shall own the copyright to all employees' work produced at the instance and expense of the Board and/or any of its administrative staff, or as otherwise provided by federal copyright law.~~

~~Employees own the copyright to all work authored during their own time, without expense to the Board, and without instruction, direction, or control of the employee's superior, or as otherwise provided by federal copyright law.~~

~~Ownership of instructional materials produced by an employee during hours that the employee was paid by federal funds and/or in which the use of federally funded supplies or equipment played a dominant role may be governed by applicable federal grants or regulations.~~

Waiver and Assignment of Proprietary Rights

~~Copyrights of the Board may be waived in favor of or assigned to the author by the Board upon application submitted to the Board through the Superintendent.~~

~~The Board authorizes the Superintendent to review materials prepared by employees for which the Board has no copyright, and to waive or assign all or part of any interest or proprietary rights therein which the Board may have, in favor of the employees producing such works.~~

~~Any materials copyrighted pursuant to the Board's waiver shall be made available to Albemarle County Public Schools at no charge to the division.~~

~~* Work made for hire refers to the doctrine as recognized by federal copyright law and includes, but is not limited to, all materials prepared by an employee in connection with his/her job duties, such as instructional texts, tests, answer sheets, and material specifically commissioned.~~

~~The Albemarle County School Board encourages employee innovation in creating and developing high-quality materials to improve student achievement and the efficiency of division operations. The superintendent shall establish regulations pursuant to which the ownership rights to works produced by employees within the scope of their employment may be assigned.~~

~~Employees who develop materials, including instructional materials and computer programs, outside the scope of their employment that have a connection to or are related to the division shall inform the superintendent in writing of their intent to develop such materials prior to commencing work.~~

Adopted: July 1, 1993
Amended: December 8, 1997; January 28, 2010
Reviewed: July 8, 2004

Legal Ref.: ~~Copyright Act of 1976, as amended, 17 U.S.C. §§101, 102, and 201-et seq.~~
Code of Virginia, 1950, as amended, §§22.1-70, 22.1-78

Cross Ref.: EGAAA, Reproduction and Use of Copyrighted Materials