



## **POLICY 8.1215**

**4-D** I recommend that the Board adopt the proposed new Policy 8.1215, entitled "Ownership of Works."

[Contact: Meezie Pierce, PX 45114.]

### **Adoption**

### **CONSENT ITEM**

- The Board approved development of this new Policy at the development reading on January 7, 2009.
- This proposed new policy provides for the ownership of such works which come within the subject matter of the copyright or patent laws, as books, dramas, computer generated slides, motion pictures, video tapes, educational software, radio scripts, television productions, printed lessons, bulletins, guides, art work, machinery and apparatus.
  - The Board owns the copyright on works developed by employees in the normal course of their regularly prescribed duties and within the time period that the School District requires such persons to be duty, or which are developed from the use of School District's equipment and other resources.
  - District students shall own the copyright in the works that they create, except for the copyright in photographs taken by students for school publications with equipment, supplies and resources provided by the School District shall be the property of the School District.
- The proposed policy permits the Superintendent to:
  - Obtain copyrights of works developed for and by the School District.
  - Grant the right to others to reproduce the District copyrighted work under such terms as appropriate.
  - Market works of the School District at a cost to cover printing, mailing and royalty.
  - Enter into agreements to produce a work for the School Board.
- The policy further outlines the circumstances parental permission is required for the works of students.
- Language is provided for the copyright inscription of any works of the School District.

POLICY 8.1215

OWNERSHIP OF WORKS

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3 1. **Purpose.** The School Board recognizes the need for the Superintendent to assign  
4 persons to positions which entail full or partial job responsibilities to develop  
5 educational materials, schedules, data processing programs, curriculum bulletins,  
6 and other products of creative effort (hereinafter works) which assist the basic  
7 instructional program or the various systems supporting that instructional program  
8 in the School District. This policy is to provide for the ownership of such works  
9 which come within the subject matter of the copyright or patent laws, as books,  
10 dramas, computer generated slides, motion pictures, video tapes, educational  
11 software, radio scripts, television productions, printed lessons, bulletins, guides, art  
12 work, machinery and apparatus, now known or later developed, and others not  
13 mentioned but not to be construed as omitted.
  
- 14 2. **Rights of Ownership of Materials Developed During Employment.**  
15 The Board owns the copyright on works developed by employees in the normal  
16 course of their regularly prescribed duties and within the time period that the  
17 School District requires such persons to be on duty, or which are developed from  
18 the use of School District's equipment and other resources. Any such works shall  
19 remain the property of the School Board, and the School Board shall retain all  
20 rights, privileges and responsibilities pertaining to the ownership thereof, subject to  
21 Florida's Public Records Law.
  
- 22 a. Some programs, computer software, web pages and materials thus developed  
23 are wholly owned by the School Board and/or are eligible for copyright. In  
24 regards to such works,
  - 25 i. The Superintendent shall, when appropriate, take whatever action is  
26 necessary to obtain copyrights for such works developed by and for the  
27 Palm Beach County Public Schools.
  
  - 28 ii. The Superintendent may grant others the right to reproduce work  
29 copyrighted by the Board under such terms as may be appropriate. The  
30 reproduction must include the copyright and give acknowledgment to the  
31 authors.
  
  - 32 iii. The Superintendent may enter into an agreement with others to produce,  
33 in part or in whole, a work for the Board. Such persons are "workers for  
34 hire", and the work produced is "work made for hire". For products  
35 developed by such persons, the products shall remain the property of the  
36 School Board, and the School Board retains all rights, privileges, and  
37 responsibilities pertaining to the ownership of the product or work. The  
38 School Board shall be considered the author for the purposes of

39                   ownership of copyright, owning all rights comprised in the copyright,  
40                   unless all parties have expressly agreed otherwise in a written instrument  
41                   signed by them.

42                   iv.   The Board authorizes the Superintendent to market any such works at a  
43                   cost that shall cover printing, mailing and royalty.

44                   v.   The Board may enter into an agreement with a private publisher to  
45                   publish Board material for sale and distribution; and

46                   vi. If the Board markets a resource profitably, it may compensate the  
47                   creative employee.

48   3.   **Copyright Inscription.** At the time of the initial publication of a document, a  
49                   copyright inscription is included on the title page or cover, or the reverse side of  
50                   those pages. In the case of audiovisual works, the notice can be inscribed by any  
51                   means as long as it appears whenever the work is performed in its entirety, such  
52                   as with or near the title, with the credits, immediately following the beginning of the  
53                   works, or immediately preceding the end of the works. The copyright inscription of  
54                   works of the School District shall read as follows:

55                                   Copyright (year)

56                                   By the

57                                   School Board of Palm Beach County

58                                   West Palm Beach, Florida

59   4.   **Rights of Students.** Students shall own the copyright in the works that they  
60                   create, except for the copyright in photographs taken by students for school  
61                   publications with equipment, supplies and resources provided by the School  
62                   District shall be the property of the School District.

63                   a.   Parental Permission Required. Parental permission is required:

64                   i.   To reproduce works of students who are not of legal age. If the student is  
65                   of legal age, the student may grant permission for the use of his or her  
66                   works.

67                   ii. To display any student work outside the school at such sites as teachers'  
68                   conventions, conferences, public libraries, central office or shopping  
69                   centers.

70                   b.   When Parental Permission Is Not Required. Permission is not required to  
71                   display a student's work within the school.

72 c. Securing Annual Parental Permission for Recording or Taping Students. Each  
73 school will request and file permissions from parents/guardians at the  
74 beginning of each school year to record and/or tape their child(ren) for  
75 possible performance.

76 5. **Administrative Guidelines.** The Superintendent shall be responsible for ensuring  
77 that administrative guidelines for this policy are effectively implemented throughout  
78 the system.

79 STATUTORY AUTHORITY: Fla. Stat. §§ 1001.42; 1001.43

80 LAWS IMPLEMENTED: Fla. Stat. §§ 119.07, 119.084, 1006.39

81 HISTORY: \_\_/\_\_/2009

Legal Signoff:

The Legal Department has reviewed proposed Policy 8.1215 and finds it legally sufficient for development by the Board.

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Attorney

\_\_\_\_\_  
Date

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