

1 **SCHOOL DISTRICT INTELLECTUAL PROPRIETARY OWNERSHIP POLICY**

2
3 **Mountain Home School District No. 193 (hereinafter “District,” “MHSD,” or “Owner”)**
4 **respects the intellectual property of others, including students and employees as long as**
5 **District equipment, supplies and resources, technology and textbooks, course materials and**
6 **such, facilities, etc., aren’t used in any way. The purpose of this policy is to provide the**
7 **necessary protections and incentives to encourage both the discovery and development of**
8 **new knowledge and its transfer for public benefit; a secondary purpose is to guide the**
9 **generation of revenue for the District and its Author(s). The ownership rights to intellectual**
10 **property that is created in whole or part at the District or with the use of District resources**
11 **shall be determined generally as set forth in this policy.**

12
13 **DEFINITIONS**

14 **For the purposes of this Policy, the following definitions apply:**

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16 **“Author” is defined as the individual or as part of a group of other “authors” invents,**
17 **authors, discovers, or otherwise creates intellectual property.**

18
19 **“Course materials” are defined as any and all materials prepared for use in teaching, fixed**
20 **or unfixd, in any form, including, but not limited to, digital, print, audio, visual, or any**
21 **combination thereof. Course materials include, but are not limited to, lectures, lecture notes,**
22 **textbooks and materials, syllabi, study guides, bibliographies, visual aids, images, diagrams,**
23 **multimedia presentation, and educational software.**

24
25 **“Creator” is defined as being synonymous with and can be used interchangeably with**
26 **“author” as used in this policy.**

27
28 **“District facilities” is defined to include, but is not limited to, buildings, equipment, and other**
29 **facilities under the control of the District.**

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31 **“District funds” are defined as funds under the control and responsibility, or authority of**
32 **the District, regardless of source.**

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34 **“District resources” are defined as all tangible resources including, but not limited to,**
35 **buildings, equipment, facilities, computers, software, materials, personnel, and funding.**

36

37 **“Employee” is an individual employed by the District in a full-time or part-time position,**
38 **including classified staff, student employees, appointed personnel, persons with “no salary”**
39 **appointments, volunteers, contractors, persons on a supplemental contract, and certificated**
40 **staff, unless there is an agreement providing otherwise.**

41

42 **“Intellectual property” is defined as any works, products, processes, tangible research**
43 **property, copyrightable subject matter, works of art, trade secrets, know how, inventions**
44 **and other creations the ownership which are recognized and protected from unauthorized**
45 **exploitation by law. Examples of intellectual property include scholarly, artistic, technical,**
46 **and instructional materials.**

47

48 **“Student” is defined as any individual who is attending or who has attended any schools**
49 **within the District.**

50

51 **“Work” is defined as any “original work of authorship fixed in a tangible medium” as used**
52 **in the federal Copyright Act.**

53

54 **INTELLECTUAL PROPERTY RIGHTS**

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56 **Intellectual Property** is a legal concept, which refers to creations for which exclusive rights are
57 recognized. Under intellectual property law, Mountain Home School District No. 193 (owner) is
58 granted certain exclusive rights to a variety of intangible assets, such as musical, literary, and
59 artistic works; discoveries and inventions; and words, phrases, symbols, and designs. Common

60 types of intellectual property rights include, but not limited to, copyright, trademarks, patents,
61 industrial design rights, trade dress, and in some jurisdictions trade secrets.

62
63 **MHSD Intellectual Property** includes, but is not limited to, MHSD and school district employees
64 designed/created educational materials, designed/created curricular material, designed/created
65 forms/spreadsheets, designed/created computer programs, designed/created Website/web pages;
66 MHSD and school district employees designed/created musical materials, designed/created
67 literary materials, designed/created artistic works materials; MHSD and school district employees
68 designed/created discoveries and inventions, designed/created words/phrases, designed/created
69 symbols, and designed/created designs.

70
71 All works of any kind that an employee of the district creates on the network or district computers
72 shall be the Intellectual Property of the district, as such property shall be deemed “work for hire”
73 as defined in 17 USC Section 1001(1). Student works prepared pursuant to an assignment for any
74 class, project, school-sponsored activity or club shall be the property of the student, if it represent
75 original work.

- 76
- 77 a. All web pages hosted by the District are the property of the Mountain Home School District.
 - 78
 - 79 b. Students may create and publish web pages to be hosted on the District's Website for
80 educational purposes directly related to a course that the student is currently enrolled. It is the
81 responsibility of the instructor to ensure that student Websites are in total compliance with
82 District rules and procedures before the material is published.
 - 83
 - 84 c. Only active files that are required for the proper operation of a Website will be stored on the
85 District's site. It is the responsibility of the page's author to maintain and/or delete files.
 - 86
 - 87
 - Staff web pages will be deleted when the staff member leaves the District.
 - 88
 - 89 d. Staff web pages will be moved when the staff member changes locations due to an assignment
90 change.

91 The District's technology administrator or District Webmaster will have the authority to remove
92 any content deemed inappropriate. All works on the network, computers, or storage devices are
93 subject to the monitoring/scrutiny of district and building administrators, information system
94 personnel, and/or designees of administrators. All files, materials, or documents may be reviewed
95 and may be deleted by designated technology staff.

96
97 The Superintendent will have final authority for issues related to the content of all pages on the
98 District's Website.

99
100 For the purpose of this policy, “works” shall mean “an original expression, in fixed and tangible
101 form, that may be entitled to common-law or statutory copyright protection. Works may take
102 different forms and include, but are not limited to, art, literature, music, software, and
103 photography.”

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105 **EMPLOYEE INTELLECTUAL PROPERTY RIGHTS**

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107 **Absent an agreement to the contrary, any and all works created by a District employee**
108 **within the scope of employment are owned by the District.**

109
110 **Academic works include textbooks, lecture notes and other course materials, literary works,**
111 **artistic works, musical works, architectural works, and software produced with nominal or**
112 **incidental use of the District’s resources.**

113
114 **The definition of Nominal and incidental is at the discretion of the Director of Technology**
115 **and the Superintendent**

116
117 **Employees may not use District resources to commercialize or publish a work without**
118 **written approval from the District Board.**

119
120 Intellectual property unrelated to an individual's employment responsibilities with the District, that
121 is developed on an individual's own time and without the District’s support or use of District

122 resources or facilities is the exclusive property of the creator and the District has no interest in any
123 such property and holds no claim to any profits resulting from such intellectual property.

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125 **STUDENT INTELLECTUAL PROPERTY RIGHTS**

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127 **District students have no intellectual property rights of their work and should have no**
128 **expectation of such.**

129

130 **The District owns the intellectual property rights in the following works created while using**
131 **District equipment, supplies, facilities, etc.: (1) intellectual property created to meet course**
132 **requirements using District resources, and (2) intellectual property created using resources**
133 **available to the public.**

134

135 **Students may not use District resources to commercialize or publish a work without written**
136 **approval from the District Board.**

137

138 **Intellectual property unrelated to a student’s enrollment or employment responsibilities with**
139 **the District, that is developed on a student’s own time and without the District’s support or**
140 **use of District resources or facilities is the exclusive property of the creator and the District**
141 **has no interest in any such property and holds no claim to any profits resulting from such**
142 **intellectual property.**

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144 **AUTHORITY TO REFERENCE DISTRICT**

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146 **The District shall have the right and sole authority to determine whether or not to put its**
147 **name on a work.**

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151 **LEGAL REFERENCE:**

152 Idaho Code Section 33-506

153 17 USC Section 1001(1), *et seq.*

154 MSBT & EMT, P.A.

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157 **ADOPTED:** April 15, 2014

REVISE