

R277. Education, Administration.

~~[R277-115. Material Developed with State Public Education Funds.~~

~~R277-115-1. Definitions.~~

~~_____ A. "Board" means the Utah State board of Education.~~

~~_____ B. "LEA" means a local education agency, including local school boards/public school districts, charter schools, and, for purposes of this rule, the Utah Schools for the Deaf and the Blind.~~

~~_____ C. "Material" means all copyrightable works, including writings, lectures, musical or dramatic compositions, sound recordings, films, videotapes and other pictorial reproductions, computer programs, listings, flow charts, manuals, codes, instructions, and software.~~

~~_____ D. "Utah Public Employees Ethics Act" means the provisions established in Section 67-16-1-14.~~

~~_____ E. "USOE" means the Utah State Office of Education.~~

~~R277-115-2. Authority and Purpose.~~

~~_____ A. This rule is authorized by Article X, Section 3 of the Utah Constitution which vests general control and supervision of public education in the Board and by Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.~~

~~_____ B. The purpose of this rule is to provide that education materials developed by LEAs or a public education employee using state public education funds are available to Utah educators, that educators licensed by the Board are not personally enriched, consistent with the Utah Public Employees Ethics Act, by developing education materials as part of their public education employment and that the Board receives appropriate and accurate acknowledgment for materials produced or provided or both by the Board for LEAs.~~

~~R277-115-3. Reprint or Reproduction of Materials Funded or Provided by the Board.~~

~~_____ A. The Board or its designee may grant permission to a requester to reprint or reproduce material that was developed or provided for use by public educators with funds controlled by the Board.~~

~~_____ (1) Requests for permission to reprint or reproduce materials shall be submitted to the Board in writing or electronically and shall describe:~~

~~_____ (a) the specific material to be reproduced or reprinted;~~

~~_____ (b) the number of copies requested;~~

~~_____ (c) the purpose and intended recipient of the materials;~~

~~_____ (d) any proposed cost to recipients.~~

~~_____ (2) Requests shall be reviewed and granted on a case-by-case basis.~~

~~_____ (3) Any authorized use of Board materials shall require the materials to state in a conspicuous place that the materials were produced or distributed or both using public State Board of Education funds and that the material is reprinted or reproduced with permission from the Board.~~

~~_____ (4) The Board may request a copy of the reproduction or reprinted material to be sent to the Board.~~

~~_____ B. An individual, entity or organization may not expressly assert or imply Board~~

~~authorization, including use of the Board seal, of the use of materials reprinted or reproduced with Board funds without express authorization by the Board or its designee.~~

~~R277-115-4. Materials Developed or Distributed by LEAs Using Public Education Funds.~~

~~——— A. If an LEA develops education materials with public education funds, the LEA shall make the materials available to Utah educators upon request at a cost not to exceed the LEA's actual cost.~~

~~——— B. An LEA may request that the materials are attributed to the LEA that developed the materials.~~

~~——— C. If a public education employee creates or develops education materials as part of the employee's public education employment, the materials are the property of the employer. Sale or other use of the materials may not personally enrich the public employee, consistent with Section 67-16-4(1)(c).~~

~~KEY: copyright, materials~~

~~Date of Enactment or Last Substantive Amendment: September 21, 2012~~

~~Notice of Continuation: August 1, 2012~~

~~Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3)]~~