

1 **R277. Education, Administration.**

2 **R277-111. Sharing of Curriculum Materials by Public School**
3 **Educators.**

4 **R277-111-1. Definitions.**

5 A. "Board" means the Utah State Board of Education.

6 B. "Creative Commons License" means copyright licenses
7 that grant certain rights such as the right to distribute the
8 copyrighted work without changes, at no charge. Works
9 licensed under a Creative Commons License is protected by
10 copyright applicable law. Creative Commons Licenses are
11 non-exclusive and non-revocable.

12 C. "District/LEA materials" means materials purchased or
13 developed by a school district/charter school using district
14 funds or resources, including materials, resources or
15 activities which the district requested employees to create,
16 develop or compile during the employees' contract time.

17 D. "Material(s)" means all copyrightable works, including
18 writings, lectures, musical or dramatic compositions, sound
19 recordings, films, videotapes and other pictorial or
20 technological reproductions, computer programs, listings,
21 charts, manuals, codes, instructions and software.

22 E. "Non-commercial use" means use or exchange without
23 payment or compensation of any kind.

24 F. "Teacher curriculum materials" means lesson plans,
25 educator research materials, activities, teaching strategies
26 or other printed or electronic materials developed by the
27 public educator.

28 **R277-111-2. Authority and Purpose.**

29 A. This rule is authorized by Utah Constitution Article
30 X, Section 3 which vests general control and supervision of
31 Public Education in the Board, Section 53A-1-401(3) which
32 allows the Board to adopt rules in accordance with its
33 responsibilities, and by Section 53A-1-402(1)(e) which direct s

34 the Board to encourage school productivity and cost
35 effectiveness measures.

36 B. The purpose of this rule is to provide information and
37 assurance to public school educators about sharing materials
38 created or developed by educators primarily for use in their
39 own classes or assignments. The intent of this rule is to
40 allow or encourage educators to use valuable time and
41 resources to improve instruction and instructional practices
42 with assistance from appropriate materials developed by other
43 educators.

44 **R277-111-3. Educators Sharing Materials.**

45 A. Utah educators may share materials for noncommercial
46 use that educators have developed primarily for use in their
47 own classes, courses or assignments.

48 B. Utah educators may only share materials that they
49 developed personally and may not unilaterally share materials
50 that were purchased or developed by or on behalf of their
51 public employer or the State.

52 C. Utah educators may only share materials that are
53 consistent with R277-515 Utah Educator Professional Standards.
54 For example, educators may not share materials that advocate
55 illegal activities or that are inconsistent with their legal
56 and role model responsibilities as public employees and
57 licensed educators.

58 D. Utah educators may share materials under a Creative
59 Commons License and shall be personally responsible for
60 understanding and satisfying the requirements of a Creative
61 Commons License.

62 E. Utah educators need not seek permission from their
63 employers to share personally-developed materials. Public
64 school employers may provide notice to employees that
65 materials developed with public school funds or during public
66 school employment must be reviewed by the employer prior to

67 sharing or distribution.

68 F. Public educators may not sell teacher curriculum
69 materials developed in whole or in part with public education
70 funds or developed within the employee's scope of employment.

71 **R277-111-4. School District/Charter School Rights.**

72 A. Utah school districts or charter schools may develop
73 and make available a policy that directs employees to seek
74 review and approval before employees share materials that were
75 developed on contract time, developed partially or jointly
76 with school district/charter school funding, as part of a
77 district/charter school assignment or if materials reference
78 or imply school district/charter school use or endorsement.

79 B. Utah school districts/charter schools may prohibit
80 their employees from sharing materials that were purchased
81 with school district funds or which are licensed specifically
82 for school district/charter school use.

83 **KEY: curriculum materials, sharing**

84 **Date of Enactment or Last Substantive Amendment: 2009**

85 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3;**

86 **53A-1-401(3); 53A-1-402(1)(e)**

