

SB 667 A STAFF MEASURE SUMMARY

House Committee On Education

Prepared By: Matt Perreault, LPRO Analyst

Meeting Dates: 5/25, 5/27

WHAT THE MEASURE DOES:

Requires each school district board to adopt and implement a policy concerning the ownership rights to intellectual property created by teachers. Specifies that teachers retain ownership rights and district cannot claim ownership unless otherwise provided for in written agreement. Prohibits school district from requiring teachers to enter into agreement to release ownership rights as a condition of employment. Requires board of each community college district to adopt and implement a policy concerning the ownership rights to intellectual property created by faculty members. Specifies that faculty members retain ownership rights and district cannot claim ownership unless otherwise provided for in written agreement. Prohibits community college district from requiring faculty member to enter into agreement to release ownership rights as a condition of employment.

Senate vote: Passed. Ayes, 16; Nays, 12--Anderson, Boquist, Findley, Girod, Hansell, Johnson, Kennemer, Knopp, Linthicum, Robinson, Thatcher, Thomsen; Excused, 2--Frederick, Heard.

FISCAL: Has minimal fiscal impact

REVENUE: No revenue impact

ISSUES DISCUSSED:

- Challenges faced by teachers during COVID-19 pandemic
- Current status of ownership rights to teacher-created materials
- Distinction between patents and copyright in private market
- Fluidity between personal and professional spaces and items
- Relationship to collective bargaining and employment relations

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Teachers in K-12 schools and faculty members at institutions of higher education often create instructional materials of their own design, such as videos, study guides, and illustrations, to supplement the standard materials in a curriculum. There is ambiguity as to the ownership rights to the intellectual property of teacher-created materials, as well as their commercial value, as the materials are created by teachers as part of their professional duties. Many employers have policies that specify ownership rights to intellectual property for materials created on the job.

Senate Bill 667 A requires school districts and community college districts to adopt and implement a policy at each school and community college that provides ownership rights to intellectual property created by teachers and faculty members, unless otherwise provided by written agreement, and prohibits districts from requiring teachers and faculty members to release ownership rights of intellectual property as a condition of employment.