

ASSEMBLY BILL NO. 400—ASSEMBLYWOMAN
NEAL (BY REQUEST)

MARCH 20, 2017

Referred to Committee on Education

SUMMARY—Revises provisions relating to instructional materials.
(BDR 34-446)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to education; requiring the board of trustees of a school district or governing body of a charter school to transfer the copyright for certain instructional materials or tools to an employee of the school district or charter school; requiring the Department of Education to establish a database of instructional materials and tools created by employees of school districts and charter schools in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law provides that the employer owns the copyright of a work produced by an employee within the scope of his or her employment. (17 U.S.C. § 201) This bill requires the board of trustees of a school district or the governing body of a charter school to transfer to an employee of the school district or charter school the copyright for any instructional materials or tools created by the employee.

This bill also requires the Department of Education to establish a database of instructional materials and tools created by employees of school districts and charter schools in this State and provide access to the database to any employee of a school district or charter school in this State upon request. This bill authorizes any person to suggest to the Department the inclusion of instructional materials or tools in the database. This bill provides that instructional materials or tools suggested for inclusion will be included in the database if: (1) use of the instructional materials or tools is approved by the regional training program established for the region in which the employee who created the instructional materials or tools is employed; and (2) the Department enters into a contract with the employee who created the instructional materials or tools authorizing the Department to include the instructional materials or tools in the database.



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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of a school district or the governing body of a charter school shall transfer to an employee of the school district or charter school, as applicable, free of charge, the copyright for any instructional materials or tools created by the employee.

2. The Department shall establish a database of instructional materials or tools created by employees of school districts and charter schools in this State. Any person, including, without limitation, an employee of a school district or charter school, may suggest to the Department the inclusion of such instructional materials or tools in the database. The suggested instructional materials or tools must be included in the database if:

(a) The inclusion of the instructional materials or tools in the database is approved by the regional training program established pursuant to NRS 391A.120 for the region in which the employee who created the instructional materials or tools is employed; and

(b) The Department enters into a contract with the employee who created the instructional materials or tools authorizing the Department to include the instructional materials or tools in the database.

3. The Department shall provide access to the database established pursuant to subsection 2 to any employee of a school district or charter school in this State upon request.

4. The State Board may adopt any regulations necessary to carry out the provisions of this section.

Sec. 2. Insofar as they conflict with the provisions of such an agreement, the amendatory provisions of this act do not apply during the current term of any contract of employment or collective bargaining agreement entered into before January 1, 2018, but do apply to any extension or renewal of such an agreement and to any agreement entered into on or after January 1, 2018.

Sec. 3. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act and on January 1, 2018, for all other purposes.

