

**Hawthorn Academy**  
**Policy: Public Education Materials Development Policy**  
**Approved: May 10, 2023**



**Purpose**

The purpose of this policy is to establish rules related to the sharing of public education materials developed by employees with Hawthorn Academy (the “School”) funds or on contract time. The School intends for this policy to comply with the applicable requirements in Utah Administrative Code Rule R277-120.

**Policy**

Definitions

For purposes of this policy, “public education materials” means courseware and materials developed with School funds or on contract time and includes, but is not limited to:

- (a) syllabi;
- (b) instructional materials;
- (c) modules;
- (d) textbooks, including teacher’s editions;
- (e) student guides;
- (f) supplemental materials;
- (g) formative and summative assessment supports;
- (h) laboratory activities;
- (i) simulations;
- (j) musical or dramatic compositions;
- (k) audio, video, or photographic material;
- (l) manuals;
- (m) codes; and
- (n) software.

For purposes of this policy, “sensitive materials” means the same as that term is defined in Utah Code § 53G-10-103.

Public Education Materials Developed with School Funds or on Contract Time

All public education materials developed by School employees with School funds or on contract time shall, upon review and approval of the School’s Lead Director, be eligible to be shared with third parties under a Creative Commons attribution license (“CC-BY license”). Public education materials developed by School employees with School funds or on contract time that have not been reviewed and approved for sharing by the Lead Director shall not be shared with third parties for their personal use.

The CC-BY license covering public education materials developed by School employees with School funds or on contract time shall include the name of the School and the author(s). Third parties who use the public education materials shall (1) provide proper attribution to the School and author(s); (2) provide a link to the CC-BY license; and (3) indicate if any changes were made to the materials.

All public education materials developed by School employees with School funds or on contract time shall be the property of the School, subject to the CC-BY licensing described above. With the exception of other educators in Utah public schools, the School may charge third parties for using public education materials developed by School employees with School funds or on contract time. The School shall not charge other educators in Utah public schools for using public education materials developed by School employees with School funds or on contract time.

Consistent with R277-120, no School employee shall sell for personal gain public education materials developed with School funds, with funds from the Utah State Board of Education, or on contract time. School employees who violate this provision may be in violation of the Utah Public Officers' and Employees' Ethics Act.

School employees are prohibited from developing sensitive materials with School funds.

#### Public Education Materials Developed Without School Funds

School employees may develop public education materials using their own personal time and resources, and they may share such materials through a CC-BY license or otherwise share (or sell) the materials without permission from the School. However, Utah licensed educators (1) may only share public education materials that are consistent with the Utah Professional Educator Standards contained in Utah Administrative Code Rule R277-217; and (2) may not share materials that advocate illegal activities or materials that are inconsistent with the educator's legal and role model responsibilities.