



THE SCHOOL DISTRICT
OF PALM BEACH COUNTY, FLORIDA

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CHIEF

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Contact Person:

Mark Howard, Director
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**ACTION BY:
Information Only**

TO: All Principals

FROM: Judith Klinek, Chief Academic Officer *JK*

**SUBJECT: Using Proprietary Written Materials Owned by the
School Board of Miami-Dade County, Florida**

The School Board of Miami-Dade County, Florida ("SBMD") has notified the School District of Palm Beach County (SDPBC) that there may be instructional staff within the SDPBC using proprietary written materials owned by SBMD without SBMD's consent and that such use does not constitute "fair use." The copyrighted materials include test preparation materials (Work) with the footer "Miami Dade County Public Schools Student Assessment Office, Grade, and Administration Period."

The SBMD has not granted permission to you or to your school to reproduce or distribute the Work; thus, your use may constitute copyright infringement. Acknowledging the source of the copyrighted material does not substitute for obtaining permission.

Please note that School Board Policy 8.121 provides,

"...the School Board expects all employees, volunteers and students to adhere to all pertinent copyright laws and "fair use" guidelines which cover the reproduction, distribution, and use of print resources, music, recordings, theatrical performances, computer software, television and video resources, and online and electronic resources and licensing. Employees and students are prohibited from the use or duplication of any copyrighted materials not allowed by copyright law, "fair use" guidelines, licenses or contractual agreements. Where there is reason to believe the material does not fall within the fair use guidelines, there is no license agreement, or there is no contractual agreement, prior permission shall be obtained. At no time shall it be necessary for an employee to violate copyright laws in order to properly perform his or her duties.

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www.palmbeachschools.org

The School District of Palm Beach County is an Equal Education Opportunity Provider and Employer

Employees who violate copyright laws and who fail to obtain prior written permission for said reproduction or use from the copyright holder or who fail to abide by the "fair use" guidelines may be liable for copyright infringement.

In the event of litigation resulting from copyright violation, the School Board will not assume responsibility for actions of an employee or student who has willfully contravened this policy. A finding of willful infringement will preclude the School Board paying any judgment rendered against the employee and the paying of attorneys' fees or costs which the employee would incur in conjunction with a lawsuit and may render the employee liable to the School Board for any damages which the School Board is liable to pay.

Employees who willfully infringe upon copyright laws may be subject to disciplinary action by the Board."

Accordingly, you must immediately cease and desist using the Work. Your failure to comply with copyright laws or Policy 8.121 may result in legal action against you by the copyright owner and/or disciplinary action by the School Board. Your prompt attention to this matter is appreciated.

WFM:JK:MB:bls

Approved: _____



E. Wayne Gent, Superintendent