

Office of Superintendent of Schools
Board Meeting of August 22, 2001

August 10, 2001

Education
Joseph H. Mathos, Deputy Superintendent

**SUBJECT: PROPOSED PROMULGATION OF NEW SCHOOL BOARD RULE:
FINAL READING 6Gx13- 4C-1.063, COMPLIANCE WITH COPYRIGHT
LAWS AND "FAIR USE" GUIDELINES**

The School Board of Miami-Dade County, Florida announced on July 11, 2001, its intention to promulgate a new School Board Rule 6Gx13- 4C-1.063, Compliance with Copyright Laws and "Fair Use" Guidelines, at the meeting of August 22, 2001.

The Notice of Intended Action was published in the *Miami Daily Business Review* on July 16, 2001, posted in various places for public information, and mailed to various organizations representing persons affected by the proposed new rule and to individuals requesting notification.

The time to request a hearing or protest the adoption of this rule has elapsed.

In accordance with the provisions of the Administrative Procedure Act, this proposed new rule is presented to The School Board of Miami-Dade County, Florida, for adoption and authorization to file the rule in the official records of The School Board of Miami-Dade County, Florida.

Attached are the Notice of Intended Action and the proposed rule.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, adopt new Board Rule 6Gx13- 4C-1.063, Compliance with Copyright Laws and "Fair Use" Guidelines, and authorize the Superintendent to file the rule with The School Board of Miami-Dade County, Florida, to be effective August 22, 2001.

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NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on July 11, 2001, its intention to promulgate new Board Rule 6Gx13- 4C-1.063, Compliance with Copyright Laws and "Fair Use" Guidelines, at its meeting of August 22, 2001.

PURPOSE AND EFFECT: To advise employees and students of Miami-Dade County Public Schools that they are expected to comply with all pertinent copyright laws and "fair use" guidelines, whenever school district employees and students are using copyrighted materials.

SUMMARY: To promulgate a new Board Rule which provides for employees and students to comply with the Copyright Act of the United States, Title 17, U.S.C. § 101, *et seq.*

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 230.22(2); 230.23(22) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 230.22(1); 230.23(5) and (6); 230.23005(6); 231.001, F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF August 22, 2001, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so in writing by August 6, 2001, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

A COPY OF THE PROPOSED RULE is available for inspection and copying at cost by the public in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Ms. Christine Master
Supervisor: Mr. Joseph H. Mathos
Date: June 27, 2001

Activities**COMPLIANCE WITH COPYRIGHT LAWS AND "FAIR USE" GUIDELINES**

In accordance with the Copyright Laws of the United States as codified under Title 17, U.S.C. § 101 *et seq.*, The School Board of Miami-Dade County, Florida, hereby advises its employees and students that they are expected to comply with all pertinent copyright laws and "fair use" guidelines, whenever school district employees and students are using copyrighted materials.

This rule applies to all types of materials or media that may be covered by the Copyright Act, including, but not limited to, original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated. This rule also applies to copyrighted computer software (17 U.S.C. § 117) and to materials that are copied, recorded, or transmitted via electronic means, such as the Internet or by e-mail.

When working with or using copyrighted materials, school district employees and students are expected to adhere to the following guidelines:

- I. Employees of Miami-Dade County Public Schools (M-DCPS) may reproduce and utilize copyrighted materials in accordance with the provisions of the Copyright Act, Title 17, U.S.C. § 101, *et seq.*
- II. Any reproduction or use of copyrighted materials by school district employees and students will be done, either with the written permission of the copyright holder or in conformity with the "fair use" guidelines under Title 17, U.S.C. § 107. Employees that reproduce or use copyrighted materials 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.
- III. The School Board, in recognizing the importance of complying with all of the provisions of the Copyright Act of the United States, hereby notifies all of its employees that a willful or intentional copyright infringement may result in disciplinary action, up to and including dismissal from further employment with M-DCPS. Additionally, employees who demonstrate, through their conduct or actions, a disregard of copyright laws will be subject to disciplinary action, up to and including dismissal.

- IV. Students who disregard copyright laws or who willfully and intentionally violate the copyright laws, will be subject to discipline pursuant to the Elementary, Secondary, and Adult Code of Student Conduct.

Specific Authority: 230.22(2); 230.23(22)

Law Implemented, Interpreted, or Made Specific: 230.22(1); 230.23(5) and (6); 230.23005(6); 231.001 F.S.

History
New:

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA