

Technology Hardware and Software Copyright Management

A. Software Management

1. Duplicate Restrictions

Users¹ of ISD 361 technology may not duplicate any licensed software or related documentation for use on either ISD 361 premises or elsewhere unless ISD 361 is expressly authorized to do so by agreement with the licensor. Unauthorized duplication of software may subject users and/or ISD 361 to both civil and criminal penalties under the United States Copyright Act

Users may not give ISD 361 purchased/managed software to any non-ISD 361 employees unless specially authorized by ISD 361 and the software copyright holder. This will include parents, contractors, and/or students. ISD 361 users may use software on local area networks or on multiple machines only in accordance with applicable license agreements.

2. User Education

At the start of each school year, the Technology Department will provide District technology updates and, when possible, training for employees. The program will cover, as a minimum, the District technology goals and objectives, Internet use, software purchasing policies, Technology Help Desk procedures, and other issues that help employees' better use technology.

3. Budgeting for Software

When acquiring computer hardware and/or software, training, if required, must be budgeted at the same time. When purchasing software for existing computers, purchases will be charged to the appropriate department's/school's account.

4. Approval for Purchase of Software

To purchase software, users must obtain the approval of their supervisor or principal and then follow the **Acquisition of Software from School Funds** procedures. To assure software compatibility with hardware and network equipment, all software purchases must be coordinated through the Technology Department. Software specific to curriculum adoptions will be approved/coordinated through any appropriate curriculum committees. Software related to the curriculum will be approved/coordinated through the site or department.

5. Software Testing Procedures

Prior to use on any district computer, software needs to be verified and sometimes tested by the Technology Department. This is to assure the new software will not interfere with other software already installed. For large purchases, the Technology Director and curriculum selection manager will agree on a testing schedule for the next school year. This schedule will include a process that includes curriculum software selection standards, technical testing, and teacher evaluation. Software used for student use must be supported by curriculum and integrated into Minnesota Graduation Standards or a teacher's lesson plan. Supplemental teaching software must resolve a student-learning problem.

¹ A user for the purpose of this regulation is defined as the employee primarily assigned to a computer or computers under his or her control. However, no other employee, student, parent or other person shall violate copyright laws, regulations or policies within ISD 361.

6. Acquisition of Software from School Funds

Software acquired by ISD 361 must be purchased through normal purchasing channels in coordination with the Technology Department and include the appropriate accounting fund code. Software acquisition channels are restricted to ensure that ISD 361 has a complete record of all software that has been purchased for ISD 361 computers and can register, support, and upgrade such software accordingly. Staff wishing to purchase software or technology will submit a **Software Purchase Request** or a **Technology Purchase Request** to the Technology Director prior to **Purchase Order** approval.

Upon arrival, software will be installed on the staff member's computer by the Technology Department.

7. Acquisition of Software by individuals/companies or non-school District Organizations

The District recognizes that a school has many sources for receiving software, but must still limit District and individual liability. Therefore, individuals/companies or non-school District organizations that desire to purchase or donate software for a school **must donate the money to the school and allow the school to purchase the software through the Acquisition of Software from School Funds process.**

8. Registration of Software

When software is purchased/received, it will first be delivered to the District Software Manager so he/she can complete registration and inventory requirements. The software manager is responsible for completing the registration card and returning it to the software publisher or otherwise properly registers the software.

Software purchased with school/District funds must be registered in the name of ISD 361 (as the user's name) and the School/Department (as the company name) in which it will be used. Due to personnel turnover, software will never be registered in the name of the individual user. The District Software Manager shall maintain a register of all International Falls Public Schools software and will keep a library of software licenses, Master Disks/CDs² and backup disks. All software used on District computers will have the master disks/CDs and any backups stored in a district software library³.

9. Installation of Software⁴

All software will be verified for ownership through the District Software Manager before installation takes place. Software installation sheets will be filled out for all installation of software for recording on the district system. This record will be included in the Software Managers permanent records. After the registration requirements above have been met, personnel from the Technology will install the software. Manuals, tutorials, and other user materials will be provided to the user. Once installed on server(s) or hard drive(s), the original diskettes/CDs⁵ will be kept in the Software Library of the District Technology Department⁶ and

² There are cases where it is productive to store software packages on site to rapidly resolve software maintenance issues. In this case, the Director of Technology may approve this exception.

³ Software that requires the user to have the media to run the application can be stored at the school.

⁴ In cases that backup copies of the software is not practical, it is not required. The Software Manager will have the authority to make this determination.

⁵ When a disk or CD is needed to run the software program, the user will be given a copy of the media.

⁶ Site may request to maintain the software at their site. Since legal responsibility for copyright issues would be at the site, the principal must request this in writing from the Technology Director.

maintained by the District Software Manager. If a program requires the CD or other disks to operate properly, backup copies of the CD or disks will be created without the program installer. The backup disks will be given to the user for normal operation.

10. Personally Owned Software

International Falls Public Schools computers are organization-owned assets and must be kept both software legal and virus free. Only software purchased and/or registered through the procedures outlined above may be used on International Falls Public Schools machines. Software cannot be taken home or other non-District sources and loaded on ISD 361 equipment.

11. Donated Computers and Software

Because ISD 361 cannot validate the original software configuration on donated computers, the International Falls Public Schools can accept donated computers under the following conditions: (a) All software⁷ including the operating system is removed. This will require a reformat of the hard drive and the purchase of an operating system or use of an unused District operating system license. (b) No software disks/CDs or software documentation will be given with the computer. (c) It is District policy that non-ISD 361 Organizations and individuals who desire to purchase software for a school donate the money to the school, and the school should purchase the software through the software purchasing process.

12. Shareware/Freeware⁸

Shareware software is copyrighted software that is distributed openly through bulletin boards, online services, disks and CDs. However, shareware cannot be legally acquired without paying a fee and properly registering the software. Freeware is software a programmer or company has authorized individuals to use at no cost. In addition, freeware can have restrictions in its licensing agreement. It is the policy of ISD 361 to pay shareware authors the fee they specify for use of their products. Registration of shareware/freeware products will be handled the same as commercial software products and must be obtained through standard software acquisition procedures. The user, school or department will pay costs related to shareware fees.

13. Software Retirement

The District Software Manager will develop a system that will track software from purchase to retirement. When software has been determined not to meet educational or administrative needs, the software will be deleted from all computers and all manuals, disks/CDs will be destroyed. As district hardware is retired it will be audited for software to be retired or released as appropriate.

14. Computer Desktop Security

Because schools and District offices are open to the public, and without a desktop security program installed on District computers, there is no realistic way to manage software installation. For this reason, all District computers will either have a desktop security program installed or have network client policies in place to restrict unauthorized software installations. The Technology Department is responsible for budgeting and purchasing desktop security software.

⁷ There are cases where the OEM will allow the District to accept software with a donated computer. Unless the District can validate this is the case, all software, including the operating system will be removed.

⁸ This includes any software downloaded from the Internet, received through the mail as a promotion, or demo software provided by publishers or distributors.

15. Penalties and Reprimands

According to the US Copyright Act, (as of the date of adoption of this regulation) illegal reproduction of software is subject to civil damages of as much as US \$100,000 per title infringed, and criminal penalties, including fines of as much as US \$250,000 per title infringed and imprisonment of up to five years. An International Falls Public School - ISD 361 user who makes, distributes, or uses unauthorized copies of software will be in violation of these copyright laws. These regulations are subject to the requirements of the US Copyright Act and all other applicable laws and regulations as they may be enacted and amended and all users shall abide by all applicable laws as they may then apply.

B. Technology Hardware Management

1. Non ISD 361 Hardware

Because of the technical issues involved in connecting non ISD 361 owned computers to the District network, the District will not normally allow non ISD 361 owned computers on the network. The exception is when there is an agreement between the owner of non-ISD 361 equipment and the Technology Department.

2. New Equipment

The District Software manager shall record any OEM software shipped or bundled with new equipment.

3. Hardware Retirement

It is recognized the technology hardware has a "normal" useful life. In an effort to reduce maintenance costs and maintain a quality environment for students, the life cycle for computers and related technology hardware is based on three years. The Technology Department will engage in a 36-month warranty period that covers all repair costs. In cases where it is not economically feasible to repair equipment beyond its warranty period, the equipment will not be retired instead of repaired.

All hardware with software, including operating systems that are scheduled for removal from service, will have the hard disk drive disabled by Technology Department personnel. The District cannot sell through bid or give away any computer hardware with application or operating system software installed on it, and the Technology Department shall reformat the hard drives before sale. No software disks/CDs or manuals can be sold or given away. All Master Disks/CDs, backup, disks and manuals will be treated as retired software or re-installed on another District asset. The only exception is Windows XP, which is the only operating system Microsoft allows to change ownership.

Reference:

1. Duluth Public Schools Policy 3187
2. 17 USC § 501-506 – Difference between civil and criminal violations
3. 17 USC § 117 – All parties for making and receiving illegal software
4. 18 USC § 2319 – Criminal Sanctions
5. Software Publishers Associations- Software Manager Manual

Approved: 05-20-02

Revised: