

# 3189R TECHNOLOGY SOFTWARE COPYRIGHT AND HARDWARE MANAGEMENT

## A. Software Management

### 1. Duplicate Restrictions

Users 1 of ISD 709 technology may not duplicate any licensed software or related documentation for use on either ISD 709 premises or elsewhere unless ISD 709 is expressly authorized to do so by agreement with the licensor. Unauthorized duplication of software may subject ISD 709 and/or the user to both civil and criminal penalties under the United States Copyright Act.

Users may not give ISD 709 purchased/managed software to any non-ISD 709 employees unless specially authorized by ISD 709 and the software copyright holder. This will include parents, contractors, and/or students. ISD 709 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 Division will design a District technology education program 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 Director and then follow the same procedures ISD 709 uses for the acquisition of other ISD 709 assets. To assure software compatibility with hardware and network equipment, all software purchases must be coordinated through the Technology Division. Software specific to curriculum adoptions will be approved/coordinated through the appropriate curriculum committee. Software related to the curriculum will be approved/ coordinated through the site or department.

### 5. Software Testing Procedures

To maintain curriculum integration and a stable and reliable technical environment, instructional/administrative software will be tested before use on any district computer. Individuals requesting software will use the Computer Software Request/Evaluation form and send it to the Curriculum Division.

Unless required to comply with Federal or State law, or a Student's IEP, software testing and evaluation will be from April 15 to May 31. Software installation will normally be from June 1 to August 15. Software for student use must be supported by curriculum and integrated into Minnesota Graduation Standards or the teacher's lesson plan. Before software testing and deployment, the Technology Division will review the software licensing.

### 6. Acquisition of Software from School Funds

Software acquired by ISD 709 must be purchased through the Purchasing Department in coordination with the Technology Division with the appropriate accounting software code. If alternative school funds are to be used, the funds must be deposited into a District account code and proper purchasing procedures followed. Software acquisition channels are restricted to ensure that ISD 709 has a complete record of all software that has been purchased for ISD 709 computers and

can register, support, and upgrade such software accordingly.

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

In order to limit District and individual liability and still recognize that a school has many sources for receiving software, individuals/companies or non-school District organizations that desire to purchase software for a school must donate the money to the school and allow the school to purchase the software through the software purchasing process.

8. **Registration of Software**

When software is purchased/received, it must 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 register the software. Software purchased with school/District funds must be registered in the name of ISD 709 (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 Duluth Public Schools software and will keep a library of software licenses, Master Disks/CDs 2 and backup disks. All software used on District computers will have the master disks/CDs and any backups stored in the Software Library of the District Media Center Resource Library 3 . Software licensing will be reviewed prior to the purchase of any software.

9. **Installation of Software**

Prior to installation of any software, the license will be reviewed by the Director of Technology or designated person. Any restrictions will be noted on the installation sheet. The minimum allowable documentation for proof of ownership is the Purchase order and the master cd's. Software without proper documentation will not be installed on District equipment. All software will be verified for ownership through the software manager before installation takes place. Software installation sheets will be filled out for all installation of software for recording on the District system. After the registration requirements above have been met, personnel from the Technology Division will install the software. Manuals, tutorials, and other user materials will be provided to the user. If available, a copy of the applicable license agreement will be provided to the user. Once installed on server(s) or hard drive(s), the original diskettes/CDs 5 will be kept in the Software Library of the District Technology Division 6 and maintained by the District Software Manager. If a program requires the CD or other disks to operate properly, the District Software Manager will create backup copies of the CD or disks without the program installer. The backup disks will be given to the user.

10. **Home Computers (Non District Assets) and District Licensed Software**

Duluth 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 Duluth Public Schools machines. Organization-owned software cannot be taken home and loaded on a user's home computer without written authorization from ISD 709. Because of limited human resources required to load/install software on home computers, a user that desires to use a District licensed software package at home may be required to purchase a separate licensed package. In addition to limited human resources, there is a potential of program conflicts with the owner's home computer. For this reason, the Technology Division/School Technology Coordinators' personnel are prohibited from working with non-District owned assets at this time. The Director of Technology will evaluate the technology resources each school year and may recommend supporting non-district assets with district-licensed software.

**11. Donated Computers and Software**

Because ISD 709 cannot validate the original software configuration on donated computers, the Duluth Public Schools can accept donated computers under the following conditions: (a) All software 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 recommended that non-ISD 709 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. (d) Donated computers must meet District Minimum Equipment Standards (manufacturer, processor, speed, RAM, etc.)

**12. Shareware/Freeware**

Shareware software is copyrighted software that is distributed freely through bulletin boards, online services, disk and CD. Freeware is software a programmer or company has authorized individual to use free. Freeware can have restrictions in the licensing agreement. It is the policy of ISD 709 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. The user, school or department will pay costs related for 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, all manuals, and disks/CDs will be destroyed. As District hardware is retired, it will be audited for software to be retired or released as appropriate.

**14. Random Quarterly Audits**

The District Software Manager or designated representative will conduct a random quarterly audit of selected Duluth Public Schools computers, including portables, to aid in determining that Duluth Public School - ISD 709 complies with all software licenses. This audit will be conducted when systems are in for servicing and/or repair. The District will make an effort to audit. It is desired that every computer owned by the Duluth Public Schools should have had an audit every 18 months. Audits will be conducted using SIIA Freeware auditing software. On-site surprise audits may be conducted as well. In addition, during the quarterly audit, ISD 709 will search for computer viruses and eliminate any that are found. If software is found not in accordance with this policy, the user will be given two options:

1. The user has 3 workdays to comply with the software registration process in this policy.
2. The Technology Division Help Desk staff or the authorized school Technology Coordinator will delete the software from the computer and any master disks/CDs and manuals removed from school/district property.

**15. 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 have a desktop security program installed. The Technology Division is responsible for budgeting and purchasing for a desktop security program.

**16. 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. A Duluth Public

School - ISD 709 user who makes, distributes, or uses unauthorized copies of software will be disciplined as appropriate under the Internet Use Regulation - 3187R and/or School Discipline Policy 5085. Such discipline may include termination of employment. ISD 709 does not condone the illegal duplication of software. 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 709 Hardware**

Because of the technical issues involved in connecting non ISD 709 owned computers to the District network, the District will not normally allow non ISD 709 owned computers on the network. The exception is when there is a formal agreement between a non ISD 709 organization and the Technology Division. This agreement will clearly delineate responsibilities for computer servicing, virus protection, desktop security, and network protocols to be used. Because this can impact network resources, the Director of Technology will notify the Superintendent of Schools and the School Board.

### **2. New Equipment**

A record of the OEM software used by the District will be recorded.

### **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 five years. The Technology Division will budget for repairs (not replacement cost) based on a 5-year life cycle. In cases where it is not economically feasible to repair equipment less than 5 years old, the equipment will not be repaired. The Technology Division will budget for labor costs when repairing equipment between 5 and 6 years of age. The site will be responsible for all part costs. Equipment older than six years can be repaired (if economically feasible), but costs for parts and labor will be paid by the department/site.

All hardware with software, including operating systems that are scheduled for removal from service, will have the hard disk drive disabled by Technology Division 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 Division shall reformat the hard drives before sale. The Technology Division Hardware Repair Branch will audit retiring systems. The audit information will be given to the Software Manager and the records will be updated. 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.

#### Reference:

1. 17 USC ' 501-506 - Difference between civil and criminal violations
2. 17 USC ' 117 - All parties for making and receiving illegal software
3. 18 USC ' 2319 - Criminal Sanctions
4. Software Publishers Associations- Software Manager Manual
5. Duluth School District Policy 3187
6. Duluth School District Regulation 3187
7. Duluth School District Policy 3090
8. Duluth School District Policy 5085

Approved: 02-23-1999 ISD709

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**3189R - Technology Software Copyright and Hardware Management**

Computer Software Evaluation/Request

Purpose: This process is to insure that computer software for ISD709 students meets the highest possible curriculum standards and the minimal technical operational standards. With limited dollars available to support student learning, software purchases must be aligned with district learner outcomes, state and national standards .

Instructions: Software evaluator completes Section 1 and forwards it to the curriculum department.

Section 1:

Software evaluator's name(s)\_\_\_\_\_

Building(s): \_\_\_\_\_

Grade/Subject area \_\_\_\_\_

Software Titles for review: Please list vendor, cost, amount of time spent previewing:

1. Identify content area and learner outcomes/standards(s) this software will support:

2. How will this software support your implementation of the learner outcome(s)/standard(s): \_\_\_\_\_

3. Attach copies of relevant software reviews.

4. Would you recommend this software for District-wide adoption for grade/subject covered?  
Yes No (circle one) If no, why not?

5. Funding source: (circle one) Site District Grant

Section 2: (Curriculum Department)

Curriculum Department review: This software can be used as a resource to support implementation of content area learner outcome(s)/standard(s) as identified.

Circle one: yes no

\_\_\_\_\_ Signature

Date \_\_\_\_\_

If no, rationale: \_\_\_\_\_

Section 3:

1. Agreed Testing/Evaluation Schedule:

2. Technical Testing Date: \_\_\_\_\_ Teacher/User  
Testing Date: \_\_\_\_\_

3. Licensing Review:

4. Comments: \_\_\_\_\_

Technical review:

Comments:

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\_\_\_\_\_  
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Teacher or User Evaluation: (after sections 1 and 2 are completed)

Comments: \_\_\_\_\_

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

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.

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.