

Superseded  
by  
1/22/93

TITLE 126  
PROCEDURAL RULE  
BOARD OF EDUCATION

SERIES 153  
COPYRIGHT PROTECTED COMPUTER SOFTWARE (5711)

**§126-153-1. General.**

1.1. Scope. -- This legislative rule states that copyright laws protecting computer software should be adhered to by the West Virginia Department of Education, county boards of education, and all public school employees.

1.2. Authority. -- W.Va. Code §18-2-5

1.3. Filing Date. -- December 27, 1983

1.4. Effective Date. -- February 27, 1984

**§126-153-2. Applicability.**

This policy applies to Department of Education personnel and to county boards and personnel that receive and use microcomputer software programs available through the statewide computer network.

**§126-153-3. Compliance Requirements.**

To discourage violation of copyright laws, the following compliance requirements are specified for those that receive and use microcomputer software programs available through the statewide computer network:

3.1. Students enrolled in programs of study using the statewide educational computer network are to be taught the ethical and practical problems and consequences of software piracy.

3.2. Employees are expected to adhere to the provisions of P.L. 96-517 which allow the making of a backup copy of computer programs. ". . . It is not an in-

fringement for the owner of a copy of a computer program to make or authorize the making of another copy or adaption of that computer program provided":

a. Such a new copy or adaption is created as an essential step in the utilization of the computer program.

b. That such a new copy and adaption is for archival purposes only and that all archival copies are destroyed in the event that continued possession should cease to be rightful.

3.3. When software is to be used on a disk serving system, efforts will be made to secure this software from copying.

3.4. Illegal copies of copyright programs shall not be made or used on school equipment.

3.5. Under federal law, employees violating the copyright laws may be subject to fines, confiscation of material, and other criminal prosecution (e.g., confinement to prison, revocation of a license, etc.). Violations may also result in the employee's suspension and/or dismissal for insubordination under West Virginia Code §18A-2-8.

3.6. County boards of education affected by this policy will provide their employees with yearly reminders of their responsibility to adhere to and enforce the copyright laws and provide in-service if appropriate.

3.7. The school principal should establish practices to implement this policy at the school level.