

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #5

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DEC 22 9 14 AM '92

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

AGENCY: WEST VIRGINIA BOARD OF EDUCATION TITLE NUMBER: 126

CITE AUTHORITY: WV Const. Art. XII, §2, WV Code 18-2-5

RULE TYPE: PROCEDURAL INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE _____

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES , NO _____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 153 (policy 5711)

TITLE OF RULE BEING AMENDED: Copyright Protected Computer Software,
Print and Non-print Media

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: _____

TITLE OF RULE BEING ADOPTED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS January 22, 1993

Barbara L. Foy

December 17, 1992

3.20

SECRET

DEC 22 2 14 PM '81

OFFICE OF THE SECRETARY
DEFENSE

FISCAL NOTE WORKSHEET

HD NO _____ DRAFT NO _____ BILL NO _____ RESOLUTION NO _____
 Copyright Protected Computer Software,
 SUBJECT Print and Non-print Media FUND _____ General _____

SOURCE OF REVENUE: GENERAL SPECIAL OTHER (SPECIFY) _____

COST ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

INCOME ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2 AND ITEM 3 GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT

EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
1. ESTIMATED TOTAL COST	\$	\$	\$ 0	\$ 0	\$ 0
PERSONAL SERVICES	\$	\$			
CURRENT EXPENSES					
REPAIRS AND ALTERATIONS					
EQUIPMENT					
OTHER					
2. ESTIMATED TOTAL REVENUES	\$	\$	\$	\$	\$

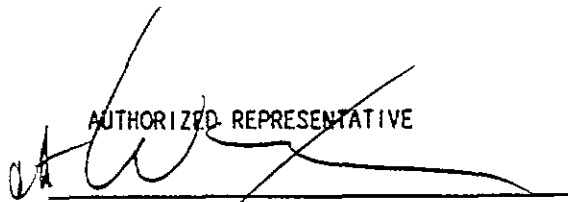
3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

IMPACTS
FISCAL:

STATE
STAFF:

DATE
11-5-92
36774/6

AGENCY
West Virginia Department of Education

AUTHORIZED REPRESENTATIVE


EXECUTIVE SUMMARY
WEST VIRGINIA BOARD OF EDUCATION

POLICY NUMBER AND TITLE: Revision to Policy 5711: Copyright Protected
Computer Software, Print and Non-print Media

PUBLIC COMMENT PERIOD ENDING: October 13, 1992 ADOPTED: December 11, 1992

BACKGROUND:

Policy 5711 was initially approved by the West Virginia Board of Education in December 1983, with an effective date of February 1984. As a continuation of Policy 5711, changes and additions are being forwarded and recommended.

PURPOSE:

Policy 5711 describes the purpose of copyright protected computer software and compliance requirements. The revision to Policy 5711 adds other media to the old policy and defines the intent and procedures in these areas.

CONTENT:

Policy 5711 adds print and non-print media for inclusion in the ethical and practical problems of copyright violation and consequences of piracy. It requires appropriate software licenses for multi-access use software. The policy adds RESA personnel to applicability and purpose sections and calls for yearly reminders of copyright laws. Five comments were received and no changes were made to the policy as a result of the review of the comments.

IMPACT:

Knowledge of copyright laws should be broadened when including additional media and will enable staff in guiding others in obeying copyright laws.

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Revision to Policy 5711: Copyright Protected Computer Software, Print and Non-print Media

The West Virginia Board of Education is committed to ensuring adherence to Public Laws 96-517 and 94-553.

Policy 5711 summarizes these public laws on copyright infringements of computer software, print and non-print media as they apply to the education sector. It also provides guidelines on awareness training for staff and education of students on copyright laws.

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TITLE 126
PROCEDURAL RULE
WEST VIRGINIA BOARD OF EDUCATION
CHAPTER 18-2
SERIES 153
POLICY 5711

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Title: Copyright Protected Computer Software, Print and Non-print Media

SECTION 1. GENERAL

1-1A. SCOPE - This legislative rule states requires that copyright laws protecting computer software, print and non-print media should be adhered to by the West Virginia Department of Education, county boards of education, and all public school employees. This includes books, periodicals, videodiscs, compact discs, videotapes, 16 mm films, filmstrips, software, videoconferences, television programs, and any other media affected by copyright laws.

1-2B. Authority - West Virginia Constitution Article XII, §2, West Virginia Code §18-2-5

1-3C. Filing Date - ~~December 27, 1983~~ December 18, 1992

1-4D. Effective Date - ~~February 27, 1984~~ January , 1993

E. Repeal of Former Rule - None. This is a revision.

SECTION 2. APPLICABILITY

This policy applies to West Virginia Department of Education personnel, Regional Education Service Agency personnel, and to employees of county boards and personnel that students receive and use microcomputer software programs available through the statewide computer network using any of the media mentioned in Section 1.

SECTION 3. COMPLIANCE REQUIREMENTS

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

3-2A. 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 infringement 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-1. such a new copy or adaption is created as an essential step in the utilization of the computer program.

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OFFICE OF THE SECRETARY OF STATE

WV Board of Education
Pro. Rule, Chapter 18-2
Series (School Personnel)
Section 3

b-2. 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.

3-3B. When software is to be used on in a disk--serving network/server system, ~~efforts will be made to secure this software from copying~~ appropriate software licenses will be obtained for multi-access use.

C. Programs available through the statewide computer network must comply with stipulations of the various purchase agreements.

3-4 D. Illegal copies of copyrighted programs shall not be made or used on school equipment.

3-5E. 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). Violations may also result in the employee's suspension and/or dismissal for insubordination under West Virginia Code 18A-2-8.

3-1F. ~~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 and media piracy.

3-6G. The Department, county boards of education, affected by this policy and RESAS will provide their employees with yearly reminders of their responsibility to adhere to and enforce the copyright laws and will provide inservice if appropriate.

3-7H. The school principal ~~should~~ shall establish practices to implement this policy at the school level. Examples of such practices would include arranging staff meetings on copyright laws and placing compliance postings on equipment.

3780v



KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

A. RENEE COE
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

Telephone: (304) 558-6000
Corporations: (304) 558-8000

WILLIAM H. HARRINGTON
Chief of Staff

JUDY COOPER
Director, Administrative Law

DONALD R. WILKES
Director, Corporations

(Plus all the volunteer
help we can get)

FAX: (304) 558-0900

STATE OF WEST VIRGINIA

SECRETARY OF STATE

Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

STATE OF WEST VIRGINIA
SECRETARY OF STATE
JUN 23 1993
FILED

TO: Barbara Fox

AGENCY: Board of Education

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: June 11, 1993

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 153 TITLE: 126 Board of Education

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: Barbara L. Fox

TITLE OF PERSON SIGNING: Executive Secretary

DATE: June 23, 1993

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.

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INDEXED