

Davis School District Policy and Procedures

Subject: 4I-201 Audiovisual Support Materials

Index: Instructional Programs

Revised: July 17, 2017

1. PURPOSE AND PHILOSOPHY

The Board of Education of Davis School District (Board) recognizes that audiovisual materials can be important tools in the educational process. Therefore, it is the Board's purpose to have a policy identifying the appropriate educational use of audiovisual support materials in schools

2. POLICY

All use of audiovisual support materials in an instructional setting must comply with applicable laws; be selected and authorized as outlined in this policy; used in furtherance of legitimate educational objectives; comply with applicable parental notification and permission requirements; and not be used solely for reward or entertainment.

3. LEGAL COMPLIANCE

3.1. Copyright

The federal Copyright Act generally gives the author of an original work the exclusive right to control the reproduction, distribution, copying, performance, or display of the work; and preparation of derivative works. It is illegal for anyone to violate any of the rights provided by copyright law to the owner of the copyright.

3.2. Fair Use

The exclusive rights protected under copyright law are not unlimited in scope. One exception is the doctrine of fair use, which allows the limited use of a copyrighted work without permission of the owner for educational purposes. The use of audiovisual support materials under the fair use exception MUST:

- 3.2.1. be directly related and of material assistance to the curriculum and lesson objectives;
- 3.2.2. be for the purpose of illustration in the course of face-to-face teaching activities in a classroom or similar place devoted to instruction; and
- 3.2.3. use only as much material as necessary to fulfill the educator's pedagogical purpose.

3.3. Educational Relevance

- 3.3.1. In addition to the other requirements of this policy, a full-length movie, video, or clip thereof, shall not be shown in school unless it is a productive use of class time and will not cause classroom disruption.
- 3.3.2. The use of audiovisual materials in the instructional setting for entertainment or reward purposes violates this policy as well as federal copyright law.

3.4. Violations

Educators and other school officials who violate this policy may face appropriate disciplinary action.

4. MATERIAL SELECTION

4.1. Safari Montage

Safari Montage audiovisual support materials are designed to be used in an instructional setting with performance rights paid as a yearly subscription fee. Safari Montage

constitutes the primary resource of audiovisual support materials and should be considered first by educators who want to use audiovisual clips in the classroom.

4.2. Rented or Privately Owned Movies and Videos

A rented or privately owned movie or video clip may only be shown in the classroom provided the Fair Use Guidelines identified in Section 3.2 are satisfied; the original source has been approved through the District or school level process; and applicable rating and parental notification restrictions are followed.

4.3. Recorded Programs from Network and Cable Television

Recorded television programs or clips from recorded television programs may be shown in the classroom provided the original source has been approved through the District or school level process; the Fair Use Guidelines identified in Section 3.2 are met; and the following recording and retention limitations are met:

4.3.1. Educators desiring to show television programs for instructional purposes shall record or download the program at school.

4.3.2. A television program recorded off-air may be retained for forty-five (45) calendar days after the date of the recording. At the conclusion of this forty-five (45) day retention period, the recording must be destroyed or erased.

4.3.3. During the first ten (10) school days of the forty-five (45) day period the recording may be used once by individual educators in classrooms in the course of relevant teaching activities. The educator may show the program one additional time within the ten (10) day period when instructional reinforcement is necessary.

4.3.4. After the first ten (10) school days, off-air recordings may be retained until the end of the forty-five-day period for educator evaluation purposes, i.e., to determine whether or not to include the program in the teaching curriculum.

4.3.5. Copies may be made from an off-air recording as necessary to meet the legitimate needs of educators. However, all copies are subject to the provisions of this policy and must include the copyright notice on the program as recorded.

4.3.6. Off-air recordings need not be used in their entirety, but may not be altered from their original content nor be physically or electronically merged to create teaching anthologies or compilations.

4.4. Sound Recordings

Legally obtained copyrighted music may be used for classroom instruction or multimedia class presentations or student projects provided the Fair Use Guidelines identified in Section 3.2 are met and the original source does not carry a Parental Advisory rating.

4.5. Internet

Images, sound recordings, and videos may be downloaded for classroom instruction and student projects from sites that have legitimately acquired or own copyright of the resources subject to portion restrictions, content restrictions, and Fair Use guidelines applicable to the media type.

4.5.1 Commercial streaming services including but not limited to Hulu or Netflix are not appropriate for school use. Their use in a school setting constitutes a violation of this policy.

4.5.2 Subject to review and approval by administration, free video streaming websites including but not limited to YouTube or Vimeo may be used at the educator's

discretion when the content serves an educational purpose and does not otherwise violate law or other sections of this policy.

5. REVIEW AND APPROVAL

5.1. District Level Approval

Materials contained on Safari Montage have been approved for use in the instructional setting. Professional educators bear responsibility to ensure that audiovisual support materials are relevant to the curriculum, appropriate for the age and maturity of students, and consistent with specific educational objectives. Media found on Safari Montage approved for secondary schools shall not be shown in elementary classrooms. Educators must preview content prior to using any audiovisual clips in the classroom.

5.2. School-Level Review and Approval

With the exception of network and cable news programs as defined in this policy, all educator requests to use audiovisual materials **not on** Safari Montage or school-approved lists shall be approved at the school level under the direction of the school administrator.

5.2.1. An educator seeking school-level approval must submit the material to the school administrator at least ten (10) school days prior to the date of the intended showing.

5.2.2. Upon receiving a request for review, the school administrator shall use the school-level review process to review the media in its entirety using the following criteria:

- [a] age, maturity, and sophistication of the group of students;
- [b] media's applicable rating system and assigned rating;
- [c] presence of profanity, nudity, sexual content, mature themes, prejudicial stereotypes, or violence in the media's original source;
- [d] course curriculum and educational benefit of the media;
- [e] availability of alternative sources to accomplish educational objectives.

5.2.3. The school administrator shall inform the educator of decision. Media that is approved by the school-level review process may be used subsequently in the same school for students similarly situated, without renewing the review process.

5.2.4. An educator who is not satisfied with the school-level decision may seek review by submitting a timely written appeal to the appropriate School Director. The School Director may consult with the appropriate Curriculum Supervisor. The School Director will inform the educator and school administrator of the decision in a timely manner. This decision is the final administrative decision regarding use of this media.

6. CONTENT RATING AND PARENTAL NOTIFICATION

6.1. Parental Guidance Rating

6.1.1. If the media clip comes from an original source with a G, TV-Y, or TV-G rating it may be shown in any grade (K-12) without parental notification.

6.1.2. If the media clip comes from an original source that carries an MPAA rating of PG, PG-13, if it carries any television parental guidelines rating of TV-Y-7, TV-PG, or TV-14, or if media is unrated but contains kinds of material that may be found in media carrying the above mentioned ratings, even if the media clip does

not contain inappropriate material, the educator must notify the parents or legal guardians in accordance with this policy's notification procedure.

- [a] Media with a PG or TV-PG rating or unrated media with similar kinds of content may be used in any grades (K-12) with parent notification.
- [b] Media with a TV-Y-7 rating or unrated media with similar kinds of content may only be used in grades 2-12 with parent notification.
- [c] Media with a PG-13 or TV-14 rating or unrated media with similar kinds of content may only be used in grades 9-12 with parent notification.
- [d] Media with an R, NC-17, TV-M, or sound recordings with Parental Advisory rating or unrated media with similar kinds of content are prohibited in Davis School District classrooms.

6.2. Parental Notification and Waiver of Participation

- 6.2.1. If parental notification is required to use a media clip, parents shall receive written notification of the proposed use at least five (5) school days prior to the media clip's use.
- 6.2.2. Notification to parents can be published in course disclosures that are reviewed and signed by parents at the beginning of each school year or semester. Educators may also choose to send separate notification to parents for each media clip that is to be used.
- 6.2.3. If a parent objects to a student's observing of an approved media clip and personally communicates such objection to the educator or administrator, the educator shall not allow the student to observe the media clip. The educator shall provide the student alternate assignments or course work similar to that done by students who observe the media clip.
- 6.2.4. Parents who do not object within the five (5) school day notice period shall be deemed to grant consent for their child's observing of a media clip.
- 6.2.5. Nothing in this policy grants parents, students, or school staff the authority to prohibit the use of an approved audiovisual clip based solely on individual objections. At the same time, while waivers are available, educators should be sensitive to individual complaints and take all reasonable steps to resolve complaints equitably in a manner that would allow the student full participation in the curriculum.

DEFINITIONS

“**Audiovisual**” – means any material that conveys information primarily by sound and/or image rather than printed text such as sound recordings and motion pictures, regardless of the nature of the materials such as films, tapes, or digital files, in which the material is embodied.

“**Broadcast television**” means any program shown on a broadcast or public television network; i.e., CBS, ABC, NBC, PBS.

“**Cable television**” means any program shown on cable or satellite channel; i.e., any television program on non-network channels.

“**Curriculum**” means course curriculum as established by the District Curriculum Department.

“**Digital transmission**” means a transmission in whole or in part in a digital or other non-analog format.

“**Movie/video**” means any commercially produced feature-length film, movie, program, or clip thereof, regardless of the format; i.e., DVD, digital recording or download, live streaming, etc.

“**News program**” means any full-length network or cable news program, or videotaped portion thereof, produced for the primary purpose of objectively reporting the news; i.e., daily or nightly news shows such as those broadcast by KSL, KTVX, KUTV, Fox, PBS, Channel One or CNN.

“**Rating**” means the rating given a movie by the Motion Picture Association of America (MPAA); i.e., G, PG, PG-13, R, NC-17, or the rating given a television program by networks/producers; i.e., TV-Y, TV-Y-&, TV-PG, TV-14, TV-M, or the rating given a sound recording by the Record Industry Association of America.

REFERENCES

17 U.S.C. §101 et seq. – Copyright Act of 1976

U.S. House of Representatives Report 97-495 (1979) – Guidelines for Off-Air Recording of Broadcast Programming for Educational Purposes.

[Utah Code Ann. §53G-10-205](#) – Waivers of participation.

OTHER LINKS

Performance Rights Licensing – [movlic.com](#)

Provides public performance site licensing to K-12 schools. This license ensures that entertainment movies, outside of school hours, are use legally.

DOCUMENT HISTORY:

Adopted: February 4, 1997

Revised: May 2, 2000 - Change in review process.

Revised: September 1, 2009 – No content change, renumbered from 4I-002 to 4I-201 with reorganization of Policy Manual Table of Contents.

Revised: July 17, 2017 – Five-year review. Policy reorganized and terminology updated.

March 8, 2018 – Education code references updated in accordance with 2018 recodification.