

Use of Commercially Produced Video Recordings

Purpose

The Board believes movies, videos, and other audiovisual materials are important tools in the educational process. At the same time, the Board believes the use of movies and videos should be limited to ensure they are used legally and appropriately in achieving legitimate educational objectives. Therefore, it is the Board's purpose to have a policy promoting the appropriate educational use of movies and videos in schools by maximizing classroom instructional time, encouraging parental participation in the education process, and fostering community values.

Policy

It is Board policy to establish course curriculum and work in partnership with parents to promote an appropriate learning environment reflecting community values. Therefore, the following guidelines represent Board policy regarding how and when movies and videos may be used as an instructional strategy to supplement approved course curriculum.

Educational Relevance

The showing of movies and videos must be limited to a specific educational purpose. General selection criteria should include quality of the overall work; fair and accurate representation of the facts; the reputation and significance of the writer(s), director(s), and performer(s); and critical acclaim of the work itself.

Age Appropriate Movies

**Elementary Level:** Only G-rated movies may be shown without parental permission. However, parents must be notified the movie will be shown in class. All PG-rated movies to be shown at the elementary level requires a signed, written consent from a parent/guardian kept on file with the student's class records before the student may view the video. All movies must be reviewed and approved by a school administrator in advance.

**Middle School:** Only G-rated movies may be shown without parental permission. However, parents must be notified the movie will be shown in class. Any movie with a PG-rating to be

shown at the middle school requires parent/guardian notification. Any movie with a PG-13 rating to be shown at the middle school requires a signed, written consent from a parent/guardian kept on file with the student's class record before the student may view the video. All movies must be reviewed and approved by a school administrator in advance

**High School:** Only G, PG, and PG-13 rated movies may be shown without parental permission. However, parents must be notified the movie will be shown in class. Only certain segments having a valid educational purpose of any R-rated movie may be shown. Any segment of an R-rated movie to be shown at the high school requires a signed written consent from a parent/guardian kept on file with the student's class record before the student may view the video. All movies, and R-rated movie segments, must be reviewed and approved by a school administrator in advance.

The Board discourages the showing of R-rated movies in school. However, the Board recognizes some segments of certain R-rated movies may have a valid educational purpose. Therefore, R-rated movies are not to be shown in their entirety, and segments may be shown only if no other means of instruction can present the information. Signed, written permission must be granted by a parent/guardian before the student may view the excerpt. and a building administrator must have reviewed and approved the movie's segments.

#### Administrator's Authorization

At least five (5) days prior to the showing, the instructor or teacher shall submit to the principal, in writing, the following information on the particular film:

1. Title and brief description;
2. Purpose for showing the movie or video;
3. Match with course objectives;
4. Proposed date(s) of viewing;
5. When and how parents will be notified, and if necessary, grant consent; and
6. Audience rating (G, PG, PG-13, R).

#### Copyright

All District employees must comply with federal copyright laws as well as publisher licensing agreements. The legal requirements apply regardless of:

1. Whether an admission fee is charged;
2. Whether the institute or organization is commercial or non-profit; and
3. Whether a federal, State, or local agency is involved.

An educational exemption, also called the face-to-face teaching exemption, is a precise activity which allows the legal use of movies in certain types of teaching. In order for a movie showing to be considered an educational exemption, all of the following criteria must be met:

1. A teacher or instructor is present, and the movie/video is shown in the course of face-to-face teaching activities;
2. The showing takes place in a classroom setting with only the enrolled students attending;
3. The movie is used as an essential part of the current adopted curriculum being taught;
4. The showing of the movie or video is directly related and of material assistance to the curriculum and lesson objectives;
5. The movie being used is a legitimate copy, not taped from a legitimate copy or taped from television;
6. Recorded Programs from Network and Cable Television: Teachers may only show programs recorded off-air from network and cable television channels, according to the following guidelines:
  - A. Educators desiring to show television programs for instructional purposes should request the school library/media specialist record the program at school with school recording facilities;
  - B. A television program recorded off-air may be retained for 45 consecutive calendar days after the date of the recording. At the conclusion of this 45 day retention period, the recording must be destroyed or erased;
  - C. During the first ten (10) consecutive school days of the 45-day period, the recording may be used once by individual teachers in classrooms or similar places devoted to instruction, in the course of relevant teaching activities. The teacher may show the program again only once within this ten (10) school day period when instructional reinforcement is necessary;
  - D. Teachers and other school officials who show television programs for entertainment purposes violate this policy as well as federal copyright law;
  - E. After the first ten (10) consecutive days, off-air recordings may be used up to the end of the 45 calendar day retention period only for teacher evaluation purposes, such as to determine whether or not to include a broadcast program in the teaching curriculum, and may not be shown in the schools to students or for other non-evaluation purposes;
  - F. Copies may be made from an off-air recording, as necessary, to meet the legitimate needs of teachers. However, all copies are subject to the provisions of this policy and must include the copyright notice on the broadcast program as recorded; and

- G. Off-air recordings need not be used in their entirety, but recorded programs may not be altered from their original content nor may they be physically or electronically merged to constitute teaching anthologies.

Other Organizations Using School Facilities

In the event any outside organizations use a school facility and wish to show movies, videos, or other audiovisual materials, it is only legally permitted if the District itself has a Public Performance Site License from Movie Licensing USA. School districts without such a license can be held liable if an outside organization involves them in copyright infringement by permitting movies, videos, or audiovisual materials to be used in a District facility. Once licensed, the District may exhibit movies copyrighted by the studios so long as they are secured from a legal source such as a video rental store, school library, or a personal collection.

Legal Reference: Pub. L. 94-553

The Copyright Act of 1976

Policy History:

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