

Use of Commercially Produced Video Recordings

Purpose

The Board believes that movies, videos and other audiovisual materials are important tools in the educational process. At the same time, the Board believes that the use of movies and videos should be limited so that they are used legally and appropriately in achieving legitimate educational objectives. Therefore, it is the Board's purpose to have a policy that promotes 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 that reflects 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, director and/or performer and critical acclaim of the work itself.

Administrator's Authorization

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

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

Age Appropriate Movies

Elementary Level: Only G-rated movies may be shown without parental permission. However, parents must be notified that the movie will be shown in class. Any PG-rated movie to be shown

at the elementary level requires a signed, written consent from a parent/guardian that must be kept on file before the student may view the video.

Junior High Level/Middle School: Only G-rated movies may be shown without parental permission. Any movie with a PG-rating to be shown at the junior high/middle school requires parent/guardian notification. Any movie with a PG-13 rating to be shown at the junior/middle school requires a signed, written consent from a parent/guardian that must be kept on file before the student may view the video.

High School: Only G and PG rated movies may be shown without parental permission. Any movie with a PG-13 rating to be shown at the high school requires a signed, written consent from a parent/guardian that must be kept on file before the student may view the video. The Board discourages the showing of an R-rated movie in school. However, the Board also recognizes that some segments of certain R-rated movies may have a valid educational purpose. Therefore, with Board approval portions of R-rated movies may be shown. 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.

High School: Only G and PG rated movies may be shown without parental permission. Any movie with a PG-13 rating to be shown at the high school requires a signed, written consent from a parent/guardian that must be kept on file before the student may view the video. 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 that must be kept on file before the student may view the video.

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Copyright

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

- Regardless of whether an admission fee is charged
- Whether the institute or organization is commercial or non-profit
- 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 to be considered an Educational Exemption, all criteria must be met:

1. A teacher or instructor is present and the movie or 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 core, current 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 to record the program at school with school recording facilities.
 - b. A television program that is 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 forty-five (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 forty-five (45) calendar day retention period only for teacher evaluation purposes, i.e., 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.
 - 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 school 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:

The Copyright Act of 1976, Public Law 94-553, 90 stat. 2541: Title 17; Section 110(i)

Policy History:

Adopted on: November 9, 2009

Revised on: March 8, 2010