

**INSTRUCTION**

**2570**

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 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 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.

### Administrator's Authorization

At least five days prior to the showing, the instructor or teacher shall submit to the School Administrator, in writing, the following information on the particular film:

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

### Copyright

All Charter School 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 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 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 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 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 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 Village Charter School itself has a Public Performance Site License from Movie Licensing USA. Charter Schools 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 School facility. Once licensed, the School 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: 17 U.S.C. § 110

Limitations on Exclusive Rights: Exemption of Certain Performances and Displays

Policy History:

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Reviewed on: