

## TECHNOLOGY RESOURCES (Movies/Videos/Software Programs)

In *elementary schools*, teachers *must* notify parents in advance when they plan to show movies/videos with a rating of PG. Form IJND-E must be completed by the teacher and used to inform parents of the proposed viewing. Movies/videos with ratings above PG (PG-13, R, or NC-17) are not to be shown. This includes movies/videos shown in the classroom or any District facility (this includes buses and motels where students are present). Parents have the right to deny permission for their children to view a particular movie/video (see permission on form IJND-E).

In *middle schools*, teachers *must* notify parents in advance when they plan to show movies/videos with a rating of PG-13. Form IJND-E must be completed by the teacher and used to inform parents of the proposed viewing. Movies/videos with ratings above PG-13 (R and NC-17) are not to be shown. This includes movies/videos shown in the classroom or any District facility (this includes buses and motels where students are present). Parents have the right to deny permission for their children to view a particular movie/video (see permission on form IJND-E).

In *high schools*, teachers *must* notify parents in advance when they plan to show movies/videos with a rating of R. Form IJND-E must be completed by the teacher and used to inform parents of the proposed viewing. Movies/videos with ratings above R (NC-17) are not to be shown. This includes movies/videos shown in the classroom or any District facility (this includes buses and motels where students are present). Parents have the right to deny permission for their children to view a particular movie/video (see permission on form IJND-E).

### Use of Media in Schools

It is the responsibility of Amphitheater Public Schools employees to use sound professional judgment in the selection of media to be used with students. With regard to the use of video/films and computer software, the following issues must be considered:

#### *General Guidelines*

- School personnel must preview all media before showing to students.
- Every video, film, and computer software program used in a school must be used to **add value** to the instructional program; there shall be specific rationale designating the selection's instructional benefits.
- The content of any media shall be selected with the age and maturity of the students in mind.
- If a video, film, and computer software program selected to be shown in school has potential for controversy or contains any element listed on form IJND-E (on file in the principal's office), then form IJND-E shall be completed and sent to parents to obtain approval in writing for their child to view it.

- By law, when a teacher shows any video that does not include “public performance rights” he or she must comply with the “Fair Use” provisions and Chapter 1, Section 110, Title 17 of the United States Code as part of the *Copyright Law Revision of 1976*. The following is a summary of the guidelines from those documents. Videos shown in school must:
  - be used with students in “face to face” instruction with the teacher present.
  - be directly related to the curriculum and current instruction.
  - be a legally obtained copy.
  - not be used for extra-curricular, reward or recreation.
- A video can be distributed via a closed-circuit system for multi-classroom use within one school, as long as it complies with the “Fair Use” provisions described above and the broadcast does not leave the school grounds. *The House of Representatives Report No. 94-1476* that accompanied the passage of the Copyright Law supports this interpretation. This report states, “...as long as the instructor and pupils are in the same building or general area, the exemption would extend to the use of devices for amplifying or reproducing sound and projected visual images.”
- Showing a video outside the curricular setting (a club, parent group, or for a special event like “Movie Night”) constitutes a “public performance” and only the copyright holder can authorize this showing. To show a video in this instance, one of three criteria must be met:
  - the video must have been purchased with “public performance rights” included in purchase price.
  - the group showing the video must obtain “public performance rights.” Purchasing a “Movie Copyright Compliance Site License” can provide these rights.
  - the group showing the video must get a signed affidavit from the copyright holder giving permission for the video to be used.
- The use of live television programming, other than for specific instructional purposes, is inappropriate. Having televisions tuned to broadcasts of general programming while students are working independently is an unacceptable practice, which diminishes quality work habits. Live broadcasts of historical events including live speeches, space exploration, or state funerals are permissible.
- According to the “Fair Use Guidelines,” a broadcast program (a television program transmitted by television stations for reception by the general public without charge) may be recorded and shown once and there may be a repeated showing (for instructional reinforcement) once within ten consecutive school days of the broadcast. For the following 35 days, teachers may keep the tape for evaluation purposes only. The tape may **not** be used in school after the forty-five day period and must be destroyed after forty-five days. Special permission must be obtained for taping from cable or “paid programming.” Rules vary by copyright holder.

## **Copyright for Audiovisuals (AV) : Frequently Asked Questions**

### **1. Can I rent an AV item from a store like *Blockbuster* or the public library and show it to my class?**

Yes, if you follow **all** guidelines for “Fair Use,” and you follow **all** District guidelines regarding “Rated” AV items with a potential for controversy.

“Fair Use” requires:

- “Face to face” instruction.
- Direct relationship to the curriculum.
- A legally obtained, lawfully made copy.
- That media not be used for extra-curricular, reward, or recreation.

District guidelines state:

- Media must be previewed.
- Media must add value to instruction.
- Media must be appropriate for maturity of students.
- Administrator approval and permission slips are obtained *when applicable*.

### **2. Can I show an AV item as a reward?**

**No.** This use of media violates District policy and “Fair Use” guidelines.

### **3. When do I need parent permission slips for showing an AV item?**

When an item has a potential for controversy, or when an item is “Rated,” you must have parent permission for showing:

“PG” in elementary (and nothing above “PG” can be shown in elementary schools)

“PG-13” for middle school (and nothing above “PG-13” in middle schools)

“R” in high schools (and nothing above “R” can be shown in high schools)

### **4. When do I need an administrator’s approval for showing an AV item?**

An administrator’s approval is needed when an item has a potential for controversy, or it is “Rated” and falls into the categories listed in question three.

Additionally, some sites may require an administrator’s approval for all media, and some sites may require an administrator’s approval for all media that was originally produced as “entertainment.” Check with your site’s administrator.

## **5. Can I show an entire AV item in my classroom?**

It depends on the type of item. First, you must follow all guidelines for “Fair Use,” and follow all District guidelines regarding “Rated” AV items and items with a potential for controversy. In addition, according to the *TEACH Act* passed into law in 2002, the use of “**dramatic literary** works (those works with a dramatic element like an opera, play, or dramatic motion pictures) and any other work (including audiovisual works) is limited to smaller, discrete portions of the work unless performing or displaying the entire work is **essential to the course.**” Non-dramatic literary works can be shown in their entirety in the course of face-to-face teaching activities directly related to the curriculum.

## **6. Can I copy an AV item to have my own copy in my classroom? Isn't this “Fair Use”?**

No. “Fair Use” allows teachers to show AV items in their classrooms in the course of face-to-face instruction that is directly related to the curriculum without getting permission from the copyright holder. This provision does not give teachers the right to copy AV items.

## **7. What are “bootleg” copies?**

“Bootleg” copies are copies of AV items made in violation of *Copyright Law* and without permission of the copyright holder. “Bootleg” copies are unlawfully made copies and are illegal. “Bootleg” copies of AV items cannot be shown in schools and should be destroyed.

## **8. Is it okay to show an AV item over the “closed-circuit system” for multiple classes?**

Yes, as long “Fair Use” and District guidelines are followed, and it does not leave school grounds.

## **9. Can I put an AV item on the school’s “closed-circuit system” for students to watch when they are done testing?**

No. This would be considered using media as “filler” and would not meet the standard for being “directly related to the curriculum and current instruction, with face-to-face instruction by the teacher.”

## **10. During the holidays, can I play a holiday video or holiday music in the background during a class party?**

No, this would be considered “recreational” use of media, and would not comply with District or “Fair Use” guidelines.

### **11. Can I show something relevant to my classes that I taped off the T.V., and how long can I keep it before I have to erase it?**

According to the “Fair Use Guidelines,” a broadcast program (a television program transmitted by television stations for reception by the general public without charge) may be recorded and shown once, and there may be a repeated showing (for instructional reinforcement) once within ten consecutive school days of the broadcast. For the following 35 days, teachers may keep the tape for evaluation purposes only. The tape may **not** be used in school after the forty-five day period and must be destroyed after forty-five days.

### **12. Can I tape off cable or satellite T.V. and show that in my classroom?**

It depends. All cable participants have different copyright policies. You will need to check with the individual networks for permission. A good source is *Cable in the Classroom* <http://www.ciconline.org/>.

### **13. If the library owns an AV item, can I show it in my classroom, and are there any restrictions besides rating?**

Any AV item the library owns can be shown if you follow all guidelines for “Fair Use,” and you follow all District guidelines regarding “Rated” videos and items with a potential for controversy.

“Fair Use” requires:

- “Face to face” instruction.
- Direct relationship to the curriculum.
- A legally obtained copy.
- That media not be used for extra-curricular, reward, or recreation.

District guidelines state:

- Media must be previewed.
- Media must add value to instruction.
- Media must be appropriate for maturity of students.
- Administrator approval and permission slips are obtained *when applicable*.

### **14. Can AV items donated to a teacher or the library be used in the classroom?**

Yes, as long as they are used in compliance with all “Fair Use” and District

guidelines, including the standard that they are “legally obtained.

**15. How would I get information on a “public display license” if I want to show an AV item at a school fund-raiser or school-wide activity such as a “family video night?”**

Some AV items purchased by the school may come with public performance rights included in the purchase price. Ask your librarian or call the item’s copyright holder. If the item does not come with public performance rights, you must obtain these rights. You can contact the motion picture distributor directly to get permission, or you can purchase a license from a company like *Movie Licensing USA* at [www.movlic.com](http://www.movlic.com).

**16. Can teachers or coaches show AV items on a bus during a school-sponsored fieldtrip?**

This use of media is not considered “Fair Use,” so public performance rights must be obtained. AV items rented from stores do not come with public performance rights included in the rental price. Some AV items purchased by the school may come with public performance rights included in the purchase price. Ask your librarian or call the item’s copyright holder. If the item does not come with public performance rights, you must obtain these rights. You can contact the motion picture distributor directly to get permission, or you can purchase a license from a company like *Movie Licensing USA* at [www.movlic.com](http://www.movlic.com).

**17. Can I show an AV item to an after school club or parent group?**

This use of media is not considered “Fair Use,” so public performance rights must be obtained. AV items rented from stores do not come with public performance rights included in the rental price. Some AV items purchased by the school may come with public performance rights included in the purchase price. Ask your librarian or call the item’s copyright holder. If the item does not come with public performance rights, you must obtain these rights. You can contact the motion picture distributor directly to get permission, or you can purchase a license from a company like *Movie Licensing USA* at [www.movlic.com](http://www.movlic.com).

**18. Can I make an audio version of a book for my students?**

Some teachers like to have volunteers read books into tape recorders and make audio versions to help students who have difficulty reading. Certain books that are now in the public domain are free to be made into audio copies without having to get permission from the copyright holder. Copyright law has changed over the years and varies greatly

by country, so check with your librarian. The only items that are safely in the public domain without conditions are works published in the U.S. before 1923. The current term of copyright in the U. S. is life of the author plus 70 years. For works for hire, the term is 95 years from the date of first publication or 120 years from the date of creation (whichever comes first.) If the book is not in the public domain, you must get written permission from the copyright holder to make an audio version. This can usually be accomplished by writing a letter to the publisher. It is easier to get permission for textbooks, rather than novels. There is protection in the *Copyright Law* (Chapter 1, Section 121) for those with the following conditions: Visual Handicap (not able to read print with corrective lenses); Legally Blind; Physical Handicap (not able to hold book/turn pages); Reading Disability Caused From Organic Dysfunction (a medical doctor must certify this disability). Students who qualify can get books on tape and a special player sent to them from the Arizona State Library at [www.lib.az.us/](http://www.lib.az.us/).

### **19. Can students show video items to the class as part of a multi-media classroom presentation? What about music?**

Yes, as long as several guidelines are followed. These guidelines must be followed according to the Conference on Educational and Library Fair Use (CONFU):

- The content must be directly related to the curriculum.
- “Up to 10% or 3 minutes, whichever is less, in the aggregate of a copyrighted motion media work may be reproduced or otherwise incorporated as part of a multimedia project...” (video)
- Up to 10% but no more than 30 seconds of a song (audio)
- Video and music must be legally purchased or downloaded (not pirated) from a legitimate source.
- Students must credit the source.
- Students must include an opening screen of their presentation that explains that certain materials are included under the fair use exemption of the *U. S. Copyright Law*.

### **20. Do all AV items shown need to be closed-captioned for the hearing impaired?**

Yes, but the reality is that older items don't have this capability. A good resource is *Captioned Media Program*, a program that is supported by the U.S. Department of Education, provides FREE close-captioned AV items, delivered to your home/school, etc. Even the postage both ways is paid for. The captioning is burned onto the actual tape so if you have an older TV, without captioning capabilities, it doesn't matter. The organization also has something called streaming, where you can download the movie and watch it on your computer. Their website is <http://www.cfv.org>. If the video is not available in close captioning and you have a hearing impaired student, an interpreter must be provided.