FAIR USE GUIDELINES FOR
INSTRUCTIONAL USE OF VIDEOTAPES

What is Fair Use?

Fair Use may allow others to use portions of the author’s work, with proper credit for displays, public performance, copies and distribution when the work is being used in news reporting, parodies, comments, criticism, education and certain works of media.

There are four factors that determine Fair Use:

- How is the work being used
- What type of work is it
- What amount of work is being used
- Will the use of this work effect the author/creator’s ability to make a profit

Video Copyright

If all of the conditions of the Educational Exemption are met, it is permissible to show a legally obtained video or DVD in a U.S. classroom or school library without obtaining permission from the copyright owner even if labels like “For Home Use Only” appear on the outside of the video cassette. The “Educational Exemption” supersedes these written warnings of the copyright holder.

Under the Educational Exemption, copyrighted entertainment movies may be shown in a school without copyright permission only if all criteria are met:

- A teacher or instructor is present.
- The showing takes place in a face to face classroom setting with ONLY the enrolled students attending. Broadcasted video may only be viewed by the class for which it was originally scheduled.
- The movie is used as an essential part of the core, current curriculum being taught. (The instructor should be able to show how the use of the motion picture contributes to the overall course study and syllabus.)
- The movie may not be used for entertainment or reward.
- If the movie is not an educational film but a commercial/entertainment movie it must be a legitimate copy, not taped from a legitimate copy or taped from TV.
Can I use a video from a rental store if a video store says it is okay to publicly exhibit rented or purchased entertainment movies?
No, these stores rent or sell entertainment movies for “Home Use Only” and cannot provide legal permission for use outside the home. Ownership of the movies and the right to use them publicly are two separate issues. The copyright holder retains exclusive public performance rights. You can, for instance, buy a copyrighted movie, but you do not have the right to use it for public performances in non-teaching activities without permission.

If I borrow movies from a public library can I use them legally for entertainment in a school?
Absolutely not, a public library cannot pass on copyright compliance to anyone, nor can anyone else except Movie Licensing USA or the studios themselves do so. If you borrow movies from a public library for student entertainment, such as After School programs in an unlicensed school, you are not only violating copyright law but you are also involving the public library in non-compliance.

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 clean tape obtained from media personnel is used to record the program.
- The program must be recorded in its entirety, the instructor can choose to show clips.
- The program 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.
- 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.
- After the first ten (10) consecutive school 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.
- 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.

Teachers and other school officials who show television programs for entertainment purposes violate this policy as well as federal copyright law.
What is the procedure for using video that is not part of the school/county video collection?

5 days prior to using a video in the classroom that is not part of the school/county video collection; the instructor must submit the proper paperwork to administration showing it has received approval from the school-level review process.

See Teacher Evaluation forms at:
http://sarasotacountyschools.net/departments/instructionalmedia/default.aspx?id=10172

This evaluation addresses the following:

- The age, maturity and sophistication of the group of students;
- The movie or video's MPAA rating or television parental guideline rating;
- The movie or video's place of production (i.e., United States or foreign);
- The presence of profanity, sexual content, prejudicial stereotypes, or violence in the movie or video;
- The course curriculum and educational benefit of the movie or video;
- The availability of alternate sources to accomplish educational objectives;
- The feasibility of using a lawfully edited version or specific portions of the movie or video rather than in its entirety without seriously weakening the movie or video's educational value; and
- The student, teacher, and community interest in viewing the particular movie or video.

Note: “An evaluation must be on file in the principal’s office for any instructional print or non-print materials to be purchased that has not been previously used in the district.” (School Board Policy 4.21(11)).

Upon receiving approval from the school-level review process, teachers may show a movie or video in a classroom according to the following audience guidelines:

- A movie or video with a G, TV-Y, or TV-G rating may be shown to any grade (K-12) with teacher discretion.

- A movie or video with a PG or TV-PG rating may be shown in grades K-12 with school approval and parent notification as outlined in this policy.

- A movie or video with a PG-13 or TV-14 rating may only be shown to students in grades 6-12 with school approval and parent notification as outlined in this policy.

- A movie or video with an R rating may only be shown to students in grades 11 and 12 with school approval and parent notification as outlined in this policy.
The educator must notify the parents or legal guardian if the movie or video carries a PG, PG-13 or R rating, if it carries any television parental guideline rating of TV-14, or if it is unrated but contains material that a reasonable parent would consider inappropriate for students of the intended audience.

No student will be allowed to view this material without a signed parent form granting permission to view the movie.

Teachers will arrange supervised comparable instruction/assignments/materials during the viewing time for students who do not have parental permission.

See Parental Consent form for PG, PG13, and R. (This form may be found online http://www.sarasota.k12.fl.us/purchasing/library_media.htm)

PARENT NOTIFICATION AND WAIVER OF PARTICIPATION REGARDING MOVIES AND VIDEOS

For all movies, videos, and clips thereof carrying a TV-Y-7, PG, TV-PG, PG-13, R or TV-14 rating, or television warning of parental discretion, parents shall receive written notification of the proposed showing at least five (5) school days prior to the movie or video's showing.

Notification to parents can be published in course descriptions and syllabi that are reviewed and signed by parents at the beginning of each school year or semester. Teachers may also send separate notification to parents for each movie and video that is to be shown.

If a parent objects to a student's viewing of an approved movie or video and personally communicates such objection in writing to the teacher or administrator, the teacher shall not allow the student to view the movie or video. The teacher shall provide the student alternate assignments or course work similar to that done by students who view the movie or video.

Parents who do not object within the five (5) school day notice period shall be deemed to grant consent for their child's viewing of a movie or video.

Nothing in this policy grants parents, students, or school staff the authority to prohibit an approved movie's showing 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 child full participation in the curriculum.
DEFINITIONS

**Broadcast television:** Any program shown on a broadcast or public television network; i.e., CBS, ABC, NBC, PBS.

**Cable television:** Any program shown on a cable or satellite channel; i.e., any television program on non-network channels.

**Instructional television:** Any television program produced by or shown on public or instructional television networks

**Movie/video:** Any commercially produced feature-length film, movie, program, or clip thereof, or any videotape, or videotaped portion, of a television program.

**News program:** 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 broadcast on local, cable, satellite, or digital channel

**Rating:** 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-7, TV-G, TV-PG, TV-14, TV-M.