

## **Vallivue School District 139**

### **POLICY RATIONALE**

This policy, which sets guidelines for the use of copyrighted audio/visual resources in the classrooms of the Vallivue School District, is based on a firm belief that parents must be guaranteed the opportunity of letting their values be known and that teachers must be guaranteed the flexibility of using copyrighted audio/visual resources in the instruction of students. This policy is designed to keep avenues of communication open; parent to teacher, teacher to parent. There is no substitute for the exercise of the professional judgment of teachers and for the power of providing correct, timely information to parents.

Teachers are encouraged to include, in their course outlines or descriptions, the titles of copyrighted audio/visual resources which are routinely used as part of their classes and, where required by policy, to solicit signatures for parent permission before using.

### **GENERAL GUIDELINES**

Copyrighted audio/visual resources are powerful tools when used in the instructional process. If the material contained in the lesson is selected by the teacher as a direct enhancement to the content of the curriculum, it can expand the classroom beyond its four physical walls. Professional judgment needs to be exercised to ensure that the amount of class time devoted to the use of such resources are in proportion to its educational benefit. The teacher and principal will share responsibility in determining the suitability of the content.

Copyrighted audio/visual resources shown during instructional time, must have a direct connection to the course content and curriculum of the class.

### **“HOME USE ONLY” DESIGNATION (PRIVATELY PURCHASED COPYRIGHTED AUDIO/VISUAL RESOURCES)**

Unless copyrighted audio/visual resources are sold or rented with public performance rights or are licensed for public performance, they should be considered “home use only” and should be restricted to private showings in the home to a “normal circle of a family and its social acquaintances.” The only exception to this is the “face-to-face teaching exemption.” Outlined in Title 17 of the Federal Copyright Law.

The “face-to-face teaching exemption” allows the lawful use of “home use only” video recordings for public performance or display without the permission of the copyright owner if, and only if, the performance or display is in the course of direct teaching activities and devoted to instruction (not entertainment, incentive or reward\*). Only the teacher who has directly linked the video recording/live streaming to the classroom instruction is exempt. Other classrooms who want to view the video recording and do not have a direct link to their curriculum cannot share in the viewing.

The principal is responsible to ensure public performance licensing has been purchased annually.

**Note:** Any home use designated copyrighted audio/visual resources (this includes paid online streaming resources and DVD/BluRay) being used for entertainment, incentive or reward, must have a current public performance license agreement. Without the license agreement the showing of unlicensed copyrighted audio/visual resources, strictly as entertainment, is in violation of copyright law and is prohibited

## **RATINGS AND PARENTAL NOTIFICATION/PERMISSION**

The rating assigned to copyrighted audio/visual resources, regardless of the content, should be a guide as to whether student viewing is appropriate. Therefore, based on the Motion Picture Association of America Film Ratings (<http://www.mpa.org/film-ratings/#>) it is the policy of the Vallivue School District that:

**G General Audiences.** “Nothing that would offend parents for viewing by children.”

G-rated may be shown at **all grade levels**. No parent/guardian notification or permission required.

**PG Parental Guidance Suggested.** “Parents urged to give “parental guidance.” May contain some material parents might not like for their young children.”

PG-rated may be shown at all grade levels with the following conditions:

- **Grades K-5** - must have prior written parental permission
- **Grades 6-8** -parental notification is required, but written parental permission is not necessary.

**PG-13 Parents Strongly Cautioned.** “Parents are urged to be cautious. Some material may be inappropriate for pre-teenagers.”

PG-13 rated may be shown in grades 6-12 with the following conditions:

- **Grades 6-8** must have prior written parental permission.
- **Grades 9-12** parental notification is required, but written parental permission is not necessary.

Any movies with a Rating of R, NC-17, or NR (or with any other rating not mentioned above) are not allowed to be shown with or without parent permission.

Audio/visual clips include anything found on the Internet. Audio/visual clips must be age/grade level appropriate. Principal must be aware of the clips being used.

Parents/guardians must be notified copyrighted audio/visual resources in the classroom. Signed written permission (Permission Form 615) is required depending on the grade and rating on the copyrighted audio/visual resources (see above). Students cannot participate without a returned form signed by the parent/guardian when required. The teacher shall provide an equitable alternative for those students not participating. All notification must make it clear that parents are welcomed guests to any presentation in the classroom.

### **TEACHER GUIDELINES**

1. Teachers shall select copyrighted audio/visual resources which are appropriate to the age and grade level of the students.
2. Teachers shall select copyrighted audio/visual resources which are congruent with the curriculum of the course.
3. When using an audio/visual resource, primary responsibility for the instruction and supervision of students is retained by the teacher.
4. Staff members of the Vallivue School District are expected to observe the copyright laws of the United States and Policy #661 Copyrighted Materials in their use of copyrighted audio/visual resources.

### **Patron Complaint**

If a parent/guardian or patron has a grievance following any use of copyrighted audio/visual resources, a conference may be scheduled with the teacher and building principal. In the event the issue is not satisfactorily resolved as a result of this review at the building level, a meeting with district administration, may be requested in writing as per Policy 1012 Patron Complaint. This meeting shall be held no later than five (5) school days from the date the written request for the meeting is received by the district office. In the event that the findings of the district administrator are not accepted, a review by the Board of Trustees may be requested in writing. The review by the Board of Trustees will take place no later than the next regularly scheduled board meeting. The final determination will be made by the Board of Trustees.



### **Legal Reference**

**United States Code Title 17-Copy Right Laws**

**ADOPTED: 07/12/16**

**REVISED:**

**Form 615F1 Request Form**