

Site Based Decisions

1. **Video request procedures** prior to use of the media encourage instructional planning, ensure access to necessary equipment, and serve as a legal safeguard. Such record-keeping strategies should be site-based decisions.
2. **School-owned** videos are purchased with the written understanding that they will be used in instructional settings even if the labeling reads “for home use only.” Site-based decisions may limit use of instructional media by grade level or department. In such instances, permission to digress from procedure should be obtained from the school administrator.
3. **Privately purchased** videos are sold with a home use only agreement, not with audience rights. However, a 1985 interpretation by the NC Attorney General reaffirms that such an application would be permissible for educators under copyright law. Teachers wishing to use videos from outside the school collection should comply with site-based decisions regarding approval. *Use of parent-owned or student-owned commercial videos in classrooms is discouraged.*
4. **Other educational agency** videos (i.e. public library, state library, Department of Public Instruction) are acquired through predetermined selection procedures. These titles would be permissible and appropriate for the audiences specified. Site-based decisions govern their level of use.
5. **Rental** videos are circulated under a contractual agreement for home use only; however, the NC Attorney General’s interpretation reaffirms permissible use for educators. Videos to be shown at school should be rented in the school’s name.

Key Points to Remember:

Teachers have permission to use (perform) videos without a public performance license if all of the following conditions are satisfied:

1. use must be in a nonprofit educational institution
2. use must be in a classroom or similar place devoted to instruction
3. use must be part of the regular instructional process, thus ruling out extracurricular or recreational uses
4. teacher, students, and video must all be in the same place, thus ruling out transmissions from outside of that building
5. a lawfully made copy must be used



Copyright Guidelines for Classroom Use of Videos



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Rated Videos

Rated videotapes or DVD's used in the instructional setting **must** be preceded by permission from the principal and the parent-signed approval forms for the class if any student in the class does not meet the age requirement.



If all students meet the age requirement, but the content is controversial, permission slips are recommended. Permission slips must be kept on file.

Rated media in the school collection must be clearly marked with precautions including the reasons for restriction (i.e. language, sex, violence).

If a student does not have permission to view a rated video, the teacher must give that student a non-penalized alternative.



R videos should be approached with caution and are permitted on a **limited** basis if all of the following conditions are met:

1. Only clips that are relevant to the area of study will be shown
2. Administration at the school will preview the clips before approving use
3. Scenes of extreme violence, sexual situations, nudity, or vulgarity will not be permitted
4. Parental permission is obtained

School Television

Off-air recording of School Television series has copyright clearance for public schools in North Carolina. The limitations on recording of commercial and PBS programs vary; however, the 10-day fair use guidelines are applicable to most commercial broadcasts, and the 7-Day School Rerecord Rights are applicable to PBS. The series fall into one of two copyright categories:



1. "Unlimited use" designates a series that is owned by the Department of Public Instruction. The programs may be taped off-air, duplicated, and shared by schools, or purchased from a private company and retained on tape for as long as the users want to use the series.
2. "Designated time period use" designates a series that may be taped off-air and retained on tape for as long as that series airs on the school television schedule. School personnel are notified when the tapes are to be erased.

Non-School Television programs/videos

A broadcast may be recorded simultaneously with the broadcast transmission and retained for a period of 45 calendar days. At the end of this period, it must be erased or destroyed. See cable or satellite program guides for taping rights.

The recording may be used once in the course of relevant teaching activities, and may be repeated once for reinforcement in the first 10 school days after the recording. After this, the recording may be used only for teacher evaluation to determine its merit for purchase or further interest in programs in the series.

All copies of the off-air recording must include the copyright notice on the broadcast program as recorded.

Off-air recordings may not be regularly recorded in anticipation of requests.

No program may be recorded more than one time regardless of the number of times it is broadcast.