Instructional Use of Videos

As a general rule, it is not appropriate to show motion pictures made for entertainment. Attorneys for the major motion picture studios have notified TDCJ that they are not permitted to show videotapes of motion pictures to prison inmates without authorization from the copyright owner (the motion picture production and distribution company). While WSD is a separate educational entity, it is not like a public school district. WSD schools are located inside prison facilities. Therefore, WSD must be sensitive to the issue and ensure that we do not cause a legal problem for TDCJ.

Off-Air Recording

For school use, programs may be taped from regular broadcast channels. Broadcast channels are those VHF and UHF channels one can ordinarily receive via a regular television antenna. However, there are no fair use rights for cable or satellite channels. *Programs broadcast by cable or satellite may not be taped for school use without specific permission of the copyright holder.*

Copies taped off-air must include all copyright information, usually included in the credits at the end of the program. The program itself must not be edited or altered from its original content. The same teacher may not tape, or request to be taped, the same program multiple times; no matter how many times the program is broadcast.

A taped program may be kept for a maximum of 45 consecutive days. Of those 45 days, students may view the program only during the first 10 school days. Even those first 10 days are prescribed: once for instruction, once for reinforcement. No other viewings are possible under the fair use guidelines. During the remaining 35 days of the 45-day period, the program may be used only for evaluation of the program by teachers. The program may be retained beyond the 45-day period only if explicit, written permission has been received from the copyright holders. Lacking such permission, the tape must be erased or destroyed at the end of the 45-day period.

What affects school use of taped television programming is the source of the broadcast (broadcast, cable, or satellite) and the date of the taping. The 10/45-day rules apply, no matter who makes the tape or where it is taped. If a teacher tapes a program in December, but wants to show it in May, such a showing would not be permitted under fair use without specific, written permission from the copyright holder.

If a principal allows a teacher to show an off-air recording, he/she is responsible for:

- Previewing the taped program to ensure that it is educationally appropriate;
- Ensuring that no inappropriate commercials are on the tape and that no additional programs have been recorded on the tape;
- Ensuring that it ties directly to an appropriate lesson; and
- Ensuring that the teacher understands and agrees to abide by the 10/45-day rule.
Instructional Use of Videos

The use of videotapes and other film media can be used effectively to supplement instruction in the classroom. The selection and use of videos will be guided by the following criteria:

1. The film media is directly related to attainment of specific instructional objectives/goals.

2. The film media is appropriate for use in a secure, correctional environment (e.g., does not attempt to stimulate sexual response; does not glorify crime or violence; is not provocative or inflammatory, etc.)

3. The film media is appropriate in length, taking into account both class schedule and instructional environment (e.g., typically no more than 45 minutes).

4. The use of film media must comply with guidelines required by law.

The principal, as the instructional leader of the school, must approve all film media prior to instructional use in the classroom. The principal may develop and require the use of an approval form for film/video use by the teacher and may require the form to be visible during showing.

Educational Fair Use Exemption

The law provides a type of “fair use” exemption for performance or display of a work in schools; however, four requirements must be met before a performance is considered acceptable under this education exemption to the public performance restriction:

- The performance must take place in a classroom or other place of instruction in a non-profit education institution; and
- The performance must be directed by teachers or students of the institution; and
- The performance must occur in the course of face-to-face teaching activities; and
- The performance must be of a legally acquired copy of the work.

All four conditions must be met in order for the showing to be exempt from the copyright holder’s right of performance or display. “Teachers” and “students” refer to those teachers and students enrolled in that particular class.

The face-to-face teaching restriction requires that the showing be directly related to the curriculum. The display of the work must be related to the lesson at hand, not simply related to some type of lesson past or a lesson to come. It is not appropriate to show a video based on loose or questionable links from audiovisual materials to lessons. For example, showing *The Lion King* during a study of Africa is not a reasonable tie-in.

Classroom use of audiovisuals for entertainment or reward is specifically prohibited under fair use. *Videos may not be used to reward students for attendance, good behavior, days before holidays, etc., without a license for public performance.*

Despite the fact that a video may have cultural value, showing it to a class without a direct link to a specific curricular objective is not permitted under the face-to-face rule.