

Roll tape? Recommendations regarding video viewing in public school classrooms

As educationally meaningful television and film viewing options for teachers have become increasingly plentiful in recent years, I thought it would be beneficial to provide some guidelines and a review of the laws regarding TV/film viewing in public schools. Please note that with technology, TV/film can be used to describe video viewing from not only television or videocassettes or DVDs, but also streaming video or other web-based or computer-based applications.

Above all, any video used in classes should directly support course content and be used only for educational purposes. Not only should video use support good instruction, it is *legally required* to do so to be considered exempt from federal copyright law. Therefore, using a video not related to your instruction as a reward or for recreational purposes, for example, violates federal law and is a felony that may carry a penalty of up to five years and/or \$150,000 fine for willful infringement.

A review of federal copyright law

The Federal Copyright Act of 1984 (Title 17 of the United States Code, Section 110.1) provides an exemption to the licensing requirements of what is deemed to be a public performance (classroom showings have been determined to fall under the public performance definition) when the purpose of that performance is “face-to-face teaching.”

To qualify for the exemption, the showing must occur in a nonprofit institution of education in a face-to-face teaching setting, and all six of the following criteria must be met:

Roxanne Greitz Miller (rgmiller@chapman.edu) is assistant professor of secondary and science education at Chapman University in Orange, California, and a former middle school and senior high school science teacher in the public schools of Florida.



1. Showings must occur from legitimate copies of the video, including prerecorded videocassettes and DVDs. They may not come from copies of legitimate copies, or from self-made copies of publicly broadcast material unless the provider of the program has provided a written waiver (some, but surprisingly few, TV shows allow teachers to record them at home and show them in class). This is a major factor that public school teachers must recognize and adhere to—almost no videos recorded directly from TV can be legally shown in class.

2. Showings must be a part of instruction and the teacher must be able to demonstrate how the showing contributes

to the overall course and to students' knowledge. Showings may not be used for entertainment, recreation, or cultural value for any part of the audience.

3. Showings must be given (i.e., controlled) by the instructor or pupils with no broadcasting from outside sources.
4. Showings must be given in classrooms and other places of instruction. Cafeterias and outdoor spaces do not qualify unless they are normally used for instruction.
5. Showings must be a part of the teaching activities of a nonprofit educational institution. For-profit institutions (such as some private schools or for-profit tutoring or after school care programs that may be held in a public school) do not qualify.
6. Attendance is limited to the instructor, pupils, and other school personnel. Parents of pupils viewing the film may be allowed if the school permits them to regularly observe instruction during other activities. No fees may be charged to any persons viewing the film.

In addition to these federal regulations, teachers must also remember that your school or school district may have a

policy on video viewing and that policy must be followed. The second rule to remember is that federal law supersedes any local law or policy, and must also be followed.

Recommended viewing policy guidelines

Given these stipulations, here are some generally recognized trends in and suggested guidelines for video viewing policies in American public schools, as gathered through an informal survey of districts around the country (remember, your district policy supersedes any of these recommendations).

- Videos are required to be tied directly to the content area standards of your state or district.
- Videos must be previewed in their entirety by the teacher prior to their showing and any objectionable content (language, nudity, or violence) should be noted.
- At the elementary level, G-rated films and segments may be used without parent consent or notification.
- At the middle school level, G- and PG-rated films and segments may be used without parent consent or notification. PG-13 films and film segments may be used if the content is deemed appropriate for the middle grades students in the grade where the film will be shown. However, it is recommended that parents be notified in writing of the showing of any PG-13 film, of the nature of any objectionable content, and that they be given at least the opportunity to refuse permission for their student to view the film. In the case of students who do not view the film, appropriate and meaningful alternative activities should be provided to the student with no penalty to their grade.
- At the high school level, G-, PG-, and PG-13 rated films and segments may be used without parent notification. R-rated films should only be used at the high school level if they are of exceptional merit, enhance the curriculum, and are approved by the principal or school-level designee (or district if required). If an R-rated film is to be shown, parents of students under the age of 17 must be notified in writing at least one week prior to the film's showing and their *written consent* obtained for students to view the film. In addition, students who wish to not view the film should be given the option to do so, without penalty to their grade. In the case of students who do not view the film, for any reason, appropriate and meaningful alternative activities should be provided.
- No NC-17 films should be shown under any circumstances.
- If the video presentation is aimed at educating students on any of the following health-related issues at any grade

level, parents must be notified at least one week in advance and given the opportunity to refuse permission for their student to view the film, with appropriate alternatives provided. The health topics may include, but are not limited to, sex education, puberty, alcohol or substance abuse, and mental health issues.

- Parents should be given the opportunity to view the film, at their request, prior to its showing.

Common questions

Can you use videos/DVDs rented from a video store? Yes, you may. However, the copyright license that comes with these rentals—just like all videos purchased rather than rented—is the same and is limited to *home-viewing only* unless it qualifies under the six stipulations for waiver from the federal copyright act (see above) and conforms to your district policy.

What about unrated films, such as those made for TV networks or specifically for premium cable channels? In these cases, it is recommended that you judge the film based on its content, and notify parents of any objectionable material and use the same procedures as outlined above. For example, even an old ABC *Afterschool Special* on drug abuse should still involve parent notification.

How do I obtain legal copies of videos from television sources? Fortunately, there are many places now to get legal copies. A web search using a good search engine will usually turn up a source for you. Try searching using the title of the film, actor's names, and the name of the channel or broadcasting company. If you have a homemade copy already, check the title credits at the end of the program; many times there is contact information that you can use to facilitate this process. I have been amazed at how easy it has been recently to find instructional films and television broadcasts at extremely low prices on the web.

Closing points

The final summary of all of these regulations and guidelines is fairly simple. If you want to use a video in your class, it should be tied to instruction and parents should be notified if the nature of the video might be construed as objectionable in any way to a reasonable observer. Parental consent should be obtained in such cases, and only legal copies of videos be used. The \$20 you spend on a legal copy of a NOVA video from PBS rather than using the cassette you recorded at home is well worth the peace of mind it brings—and if you use it from year-to-year or share the cost with some colleagues, you're likely to get it for less than it would have cost to rent once from a video store.