

Fair Use and Video in the Classroom

Please consult **ECASD School Board Policies 361.1** and **771** regarding the use of films, videos, etc. in school.

Legally purchased video may be used in face-to-face, curricular activities in instructional settings.

Note that there are four parts in this test for Fair Use of Copyrighted Video:

1. The physical media was legally acquired.
2. An instructor is present with the students.
3. The presentation takes place in an instructional setting.
4. The video is part of the curricular program.

To clarify,

1. Video on physical media used in class must be legally purchased or rented. Use of streaming media such as Netflix, Hulu, etc. falls under the individual license held between the vendor and the individual, and therefore does not offer Fair Use protection. At this time, there is no model for legal, licensed use of Netflix in the classroom.
2. The instructor may be a substitute teacher. Note that video hosted for online classes falls under a separate set of Copyright laws. For more information, research the TEACH Act, or consult with the Library Media Coordinator.
3. The definition of “instructional setting” may be expanded to meet the need of the activity (classroom, gymnasium, auditorium, etc.) as long as the audience includes only those intended for the learning activity.
4. The video needs to be part of the educational program. Ideally, the title should be identified in the adopted curriculum, although educators may use relevant, appropriate, educational media to supplement the curriculum. Please consider the high value of classroom instructional time, and strongly consider using segments of video rather than showing an entire film.

Use of copyrighted materials for reward or entertainment does not fall under Fair Use and is not allowed without a separate license.

Use of Video for Reward or Entertainment

Video presented outside of the curricular program or setting needs to be licensed prior to the event. Note that there are no “blanket licenses” to cover all films, because different licensing organizations cover different studios and copyright holders; however, the most commonly used vendor for movie licensing is Movie Licensing USA (<http://k12.movlic.com/>). Schools may purchase single event licenses or a site license for all films covered by Movie Licensing USA.

For more information on copyright and Fair Use, please speak with your building library media specialist or the ECASD Library Media Coordinator.