




STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

OFFICE OF THE SUPERINTENDENT

February 28, 2006

TO: Complex Area Superintendents and Principals
FROM:  Patricia Hamamoto, Superintendent
SUBJECT: USE OF VIDEO/TECHNOLOGY MATERIALS

While the Department of Education recognizes the value of using a wide variety of instructional methods and multi-media/video resources, we do have a professional responsibility to follow the copyright law, the intent of fair-use guidelines, and to utilize resources that appropriately support instructional objectives and individual learning needs. Videos and computer programs should be used as part of a standards-based lesson ensuring that the content is appropriate for classroom instruction and abides by current copyright laws.

This memorandum supersedes Dr. LeMahieu's April 3, 2001, on "Use of Video/Technology Materials" and all preceding memos pertaining to this topic.

Materials covered by this memorandum include videos, computer programs, music (including CDs, records, and tapes) and any others covered by the copyright law.

The following are guidelines that all educators must know. Please share this information with your staff and your A+ coordinators annually. Schools are asked to include these guidelines in their faculty handbook.

1. Materials, including computer software, and content shall be part of a standards-based lesson and appropriate for the particular lesson/unit of study. This includes currency, accuracy, and relationship to instructional objectives and strategies. Instructional time is not to be used for viewing/using materials primarily for reward or recreation.
2. X-rated materials shall not be shown.

3. Materials that have a PG, PG-13, or R rating may be shown only to students who have the signed consent of their parent/guardian.
4. Materials rented from video stores or borrowed from the public libraries are intended for home viewing only, unless so specified.
5. For materials purchased from educational distributors or retail stores, it is important to verify that the copyright clearance is for classroom use.
6. Copyrighted programs cannot be transmitted through closed-circuit transmission systems without a license or appropriate permission from the distributor. While many educational distributors will grant permission free upon request, others may charge a transmission fee.
7. Recordings duplicated at home for instructional use may be shown on a one-time basis in a classroom setting, but any subsequent showings must have written permission from the producer. Refer to copyright fair-use guidelines for additional clarification. The following are two websites that provide useful information on Intellectual Property and fair-use guidelines:
<http://www.utsystem.edu/ogc/intellectualproperty/ccmcguid.htm> and
<http://sls.k12.hi.us/IP2002>. In order to abide by copyright law, schools can obtain site licenses to cover public and classroom showings of copyrighted materials (i.e., Movie Licensing USA at <http://www.movlic.com>).
8. Computer software (i.e., games or edutainment programs) should be utilized only if they meet the instructional criteria highlighted in #1 (above), and if their use is not in violation of copyright law.

For questions related to copyright, contact Donna Shiroma, Advanced Technology Research Branch, via Lotus Notes or at 733-9150 and for those regarding video transmission, contact Faith Ishihara, Teleschool Branch, via Lotus Notes or at 837-8004 .

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c: Assistant Superintendents
Superintendent's Branch Directors
Charter School Administrative Office
Office of Curriculum, Instruction and Student Support