

DIGITAL CITIZENSHIP IN THE HATBORO-HORSHAM SCHOOL DISTRICT

Mindful Approach to the Use of Public Domain Resources

We live in a time of unprecedented access to educational resources. The vast array of media available through the Internet means that today's educators have the ease of access to materials to suit any classroom need in a way that teachers even 15 years ago never dreamed of having. Streaming video, online educational games, and an entire planet's worth of news articles are just a few examples of the kinds of resources available now that bring to each teacher the ability to craft truly unique learning experiences for students. This proliferation of resources routinely presents teachers with the responsibility to make determinations about the suitability of such materials; at times circumventing long established processes for materials review that entail more substantial building- and district-level reviews.

HHSD educators do a great job managing this responsibility, but sometimes errors in judgment do occur. These tend to fall into two general categories: copyright infringement, such as when a teacher or student posts copyrighted material to a webpage and we are contacted and asked to remove it; and controversial materials, or materials that cause students or community members to question their appropriateness on the basis of the suitability of material given the maturity of students or the subject matter, perceived bias in the materials, or some conflict with individual or community values. It's important to note that simply causing controversy doesn't make materials unfit for use, but when they do, it is important for the educator to be able to demonstrate diligence and sound judgment with regard to the guidelines presented herein.

Remember: Just because you can access it, doesn't mean you should use it!

Guiding questions:

a. Can I use this?

What are the conditions that govern use of free content?

"Copyright law governs the use of materials you might find on the Internet, just as it governs the use of books, video or music in the analog world. Many people consider copyright law inadequate to deal with the realities of electronic communication today, but it takes time to change the law...Many people assume that everything posted on the Internet is public domain, probably because our law used to protect published works only if they displayed the proper copyright notice upon publication. The law, however, has changed: neither publication nor a notice of any kind is required to protect works today. Simply putting the pen to the paper or in the electronic medium, putting the fingers to the save key creates a copyrighted work." (Harper, 2007)

In understanding copyright laws and how they apply to classrooms, it's important to understand the term "fair use:" The rules that govern the use of copyrighted material that do not require the consent of the copyright holder. By legal definition, such use must be "transformative" in that the public reaps benefits from your review of a copyrighted work (Stim, n.d.). Education is broadly considered such a public benefit. Generally, fair use means that the use of copyrighted material fits one of two broad categories: commentary and criticism, or parody. The former category, commentary and criticism, is the condition most likely to impact fair use of copyrighted material in a classroom. It's OK to quote a few lines from a song, summarize and directly quote another existing work, or even copy parts of an existing work for use as a lesson as long as there's an argument to be made that this use is transformative, but fair use is not intended to permit the use of an entire copyrighted work. So if you want to use an entire song, movie, documentary, article, or book which has not been purchased explicitly for classroom use, fair use is

unlikely to apply. By our district guidelines, such material becomes an educational resource and subject to approval (see resource approval guidelines below).

The United States Copyright Office further defines the reproduction of copyrighted works by educators and librarians as needing to meet certain conditions. A single copy of some types of documents, or copies of parts of larger documents, are permissible for educational use. Examples given include one chapter of a book, an article from the newspaper or periodical, a short poem or essay, and graphics such as a chart, diagram, cartoon, picture, photo, or graph, can be copied to be used in “teaching or preparing for teaching.” Conditions of brevity and spontaneity apply; for example, copying cannot be substituted for the use of an anthology or consumable material. A full description of the guidelines for educators can be found in Circular 21, *Reproduction of Copyrighted Works by Educators and Librarian* (U.S. Copyright Office, 2014).

Anytime you copy material from another source, the potential for violation of copyright and “fair use” exists, whether this is a physical paper copy or a digital copy stored online, posted to a webpage, or embedded as a video. You have a responsibility to understand these rules *and monitor your students’ use of material to ensure fair use.*

Common types of copyright violation in online resources include reproducing or copying images (even ones found through Google search), curriculum documents such as handouts (posting digital copies of paid resources, and available to an audience beyond the intended users), text copied from other websites, and music (such as an mp3 embedded in a multimedia presentation). (Burt, 2012)

When does an educational resource need to be board-approved or administratively approved? What conditions make it acceptable to use non-board approved resources?

In Pennsylvania, the authority to determine instructional materials for use rests with the locally elected school board. The HHSD Board of School Directors have several policies that outline the processes for selecting materials. Any time you introduce material into your classroom, you should feel satisfied that you have done diligence to meet the parameters of HHSD School Board policy for selecting classroom resources.

District Policies that govern the selection of classroom resources:

- **[108 \(under review\): ADOPTION OF TEXTBOOKS](#)** defines a textbook as “those books which are used as the basic source of information in any class.” Basic source implies the textbook is used as the primary resource for instruction. This policy stipulates that all textbooks must be both a) recommended by the superintendent to the school board for consideration, and b) adopted by 2/3 vote of the board. This is the formal process for resourcing approved courses in HHSD. This policy governs those materials which are used extensively and are the primary resources for instruction throughout the scope of a course. Textbooks are typically reviewed and voted on for approval during the March-April time frame. If you wish to bring forward a textbook for consideration for adoption by the board, notify and work with the Curriculum Directors well in advance of March during the school year prior to when you plan to begin using it.
- **[109 \(under review\): BOOKS AND MATERIALS \(EXCLUSIVE OF TEXTBOOKS\)](#)** delegates to administrators and teachers the selection of other materials. This is generalized to include all classroom resources that do not fit the description of “textbook,” and will be used over multiple lessons or years within the scope of a specific course. It includes all manner of books, software, and other media. This policy stipulates multiple parties for potential inclusion in the selection process: library/media personnel, teachers, students, administrators, and community persons. In short, while there may be different avenues for selecting such materials, the policy clearly describes a process that involves multiple people. When selecting such materials for use in planned courses, you should include building

- administrators, district curriculum directors, and at the secondary level, department heads.
- **119: CURRENT EVENTS** governs the use of materials related to planning lessons and having classroom discussions around relevant topics which represent a benefit to the goals of the course through the introduction of current and relevant media. Typically, these involve materials which could not have been reasonably considered under the timeframes for review in policies 108 and 109, but which are particularly relevant to the learning in a planned course. Policy 119 states that “the consideration of such events can help students learn to identify important issues, explore fully and fairly all sides of an issue, weigh carefully the values and factors involved, and develop techniques for formulating and evaluating positions.” The school board outlines four distinct guidelines for the use of such material: a) it must be “related to both the instructional goals of the course and the maturity level of the students,” b) it must encourage “fair presentation and open-mindedness,” c) it must be “conducted in a spirit of scholarly inquiry,” and d) “not related to the employment status of the teacher and/or other employees of the district.” Policy 119 is the policy through which the school board gives teachers the agency to independently select classroom materials, but confers clear guidelines as to the conditions under which this can occur.

b. Should I use this?

The Association of Texas Professional Educators (ATPE) offers good guidance for teachers regarding the selection of classroom materials (ATPE, 2015):

Factors to consider when presenting potential reading material to your administration:

- The material must be relevant and have an educational purpose. You should be prepared to explain to parents or administrators why you made a particular selection and how it will enhance your lessons.
- Consider the maturity level of your students. The content should be appropriate to your students’ age and grade level.
- Research campus and district policies to determine what you can or cannot do in the classroom. If there are no policies governing the issue, consult your administration directly.
- Know your location, and understand that community values will differ. A book that might be controversial in rural areas might be completely acceptable in urban school settings.

Factors to consider when presenting controversial topics:

PA Core Standards for reading emphasize analysis of texts including integrating and evaluating sources in informational texts, evaluating arguments put forth by authors and how arguments are supported by evidence. In reading and writing, standards call on students to analyze and respond to conflicting points of view. Content area teachers need to be intentional in presenting opposing viewpoints about the topics they teach, and to invite thoughtful debate about the issues. Care should be taken when selecting texts (print, digital, video, or multimedia) to provide a balance in the viewpoints they present. In classroom discussions, teachers need to promote an environment of openness and respect in considering the viewpoints of others (Academic Standards for English Language Arts Grades 6-12, 2014).

What do I do if I have identified a good Internet resource but it’s not accessible on the district network?

The content filter (Lightspeed) is configured in a manner that prevents student and staff access to inappropriate material.

- The curriculum department and the technology department have restructured the content filter to allow access to more internet resources.
- Students, staff, teachers and administrators share a consistent rule set across the district.
- The content filter cannot interpret the context of information on the internet.
 - Resources should be reviewed for access, appropriateness and context before being used in the classroom.
- To request review of blocked content or resources please submit a ticket to:
hhweb@hatboro-horsham.org
 - Review may take as long as 24 hours and is dependent on the workload of both the curriculum and technology departments.

What other professional code of conduct considerations impact teachers' decisions to use unapproved content?

The Pennsylvania Code of Professional Practice and Conduct for Educators in section 4.6 states, "Professional educators shall impart to their students principles of good citizenship and societal responsibility," and section 3.a assigns to educators the responsibility to develop "sound educational policy and [are] obligated to implement that policy and its programs to the public." While copyright law and fair use are complex and made more so by the ongoing proliferation of digital media via the Internet, HHSD educators have a responsibility to instruct students in and personally abide by conditions of fair use so that our students develop habits and practices that will position them to responsibly use and synthesize works in a world rich in information and resources.

For Further Reading:

Academic Freedom: Selecting Instructional Materials, Grading Policies, and Free Speech:
<http://www.atpe.org/en/Protection/Your-Classroom/Academic-Freedom> . Good overview of K-12 issues around teacher free speech; keep in mind that some nuanced differences may exist between Pennsylvania and Texas law but the gist of this is on point.

Teaching Copyright: <http://www.teachingcopyright.org/> See specifically "Fair Use Frequently Asked Questions:" <http://www.teachingcopyright.org/handout/fair-use-faq>

References:

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