Copyright and Fair Use for Digital Learning Teacher Education Initiative 2010

Media Education Lab
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Executive Summary

The Media Education Lab hosted several copyright education events this year. At a train-the-trainers workshop held at Temple University on August 19, 2010, 29 educators from the Delaware Valley and across the United States gathered to better understand copyright and fair use as it applies to media literacy and digital learning. Throughout the spring and summer, district-wide professional development programs on copyright and fair use were offered to more than 200 K-12 technology and library/media educators in the City of Virginia Beach School District over a 4-day period. Program effectiveness was measured through an online questionnaire with a mix of quantitative and qualitative responses. ***Results show teachers demonstrated increased confidence in their understanding of copyright and fair use as applied to digital learning. Participants rated the quality of the learning experience as among the best they have ever experienced in their career.*** An increased understanding of copyright and fair use supports teachers who develop innovative learning activities that enable students to use copyrighted materials in developing critical thinking and communication skills.

Rationale and Context

When we talk about copyright, many educators tend to think of it in terms owners' rights and profit. This understanding does not align with the purpose and intent of the law, which is designed to promote the spread of knowledge, creativity and innovation. As stated in the U.S. Constitution, copyright is intended "to promote the Progress of Science and the useful Arts." To accomplish this goal, authors have the exclusive rights to control access to their creative works and users have the ability to use copyrighted materials without payment or permission under some circumstances. Peter Jaszi, a professor of law at American University, explains that fair use gives people a right to use copyrighted material when the cost to the copyright holder is less than the social benefit of the use of the copyright work. To determine if fair use applies, individuals must assess the specific context and situation concerning the use of a copyrighted work. Hard-and-fast rules are inappropriate, as fair use requires that people use reasoning and judgment in order to prove that the selected text is being used in a transformative way.

Educators are discovering that learners in the 21st-century greatly benefit from teaching approaches that build creativity, critical thinking, and problem solving skills in the context of civic literacy and global awareness. Digital media and popular culture texts can be used for teaching and learning in ways that promote critical thinking and communication skills.

The *Code of Best Practices in Fair Use for Media Literacy Education* gives teachers the confidence they need in understanding how copyright law supports digital learning. Unfortunately, however, misinformation and ignorance about copyright is rampant among educators. For example, some teachers think they are breaking the law when they use copyrighted materials for face-to-face instruction in the classroom, even though Section 110 of the Copyright Act expressly permits this. Teachers also may regard various educational use guidelines as the ultimate definitions of the doctrine of fair use, when in actuality these documents do not have the force of law and do not address the needs of the new digital learning environment. Teachers have anxieties about whether and when they can use copyrighted materials and are not certain whether their students can use them in their own creative and academic work.

For too many educators, **fear, uncertainty, and doubt**—sometimes combined with a lack of knowledge about copyright and fair use—**can greatly interfere with the implementation of innovative instructional practices** and therefore affect the quality of teaching and learning.

Fortunately, we are in the middle of a great civic and cultural awakening about the topic of copyright and fair use, one that is increasing in visibility and importance as a result of the Internet and communications technology. Educators, therefore, have a vital role to play in spreading knowledge about their responsibilities and rights under the law.

Goals and Objectives

The faculty and staff of the Media Education Lab developed a Copyright Clarity workshop to provide educators with the tools needed to introduce key ideas about copyright and fair use to other educators and students in order to become **responsible creators and users** of copyright materials.

Specific program goals included:

- Explain how copyright and fair use apply to digital learning
- Use the *Code of Best Practices* to guide better decision-making about how fair use applies to instructional practices in media literacy education
- Learn how to teach others about copyright and fair use
- Make workshop presentations about copyright and fair use in K-12 education
- Become an advocate for copyright and fair use locally, regionally and nationally

We offered both a two-hour version and a one-day program. In both versions, interactivity and engagement help open the door to genuine learning. By engaging in presentations, discussions, think-pair-share activities, and role-playing, participants understand, brainstorm, and ask questions, deepening their understanding of the law and eventually being able to administer the workshop themselves. Our innovative pedagogy, one that includes time for teachers to use computers as well as have access to engaging videos, lesson plans and other materials created by the Media Education Lab, offers a distinctive approach to teacher professional development.

The "Train-the-Trainers" Program

A one-day program offers a small group of teachers a chance to deepen knowledge and skills, positioning them as leaders in their communities. Our first "train-the-trainers" program took place on August 19, 2010 from 8:30 am to 5:00 pm at the Center City Campus of Temple University in downtown Philadelphia.

Participants. Participants included a mix of K-12 educators including technology specialists, English teachers, elementary teachers, and college faculty. Twelve educators attended from the Delaware Valley and seventeen educators came from states including California, Georgia, Texas, and New York.

Instructors. There were three lead instructors:

> **Renee Hobbs**, founder of the Media Education Lab at Temple University

> **Kristin Hokanson**, a blogger for "The Connected Classroom" and technology integration mentor and a teacher at Upper Merion High School in King of Prussia, Pennsylvania.

> **Spiro Bolos**, a technology staff developer and social studies teacher at New Trier High School in Winnetka, Illinois.

Program Structure. The program structure included an introductory lecture to help participants understand the purpose of copyright, the doctrine of fair use, the historical context of the development of educational use guidelines, the concept of transformativeness, and the development of the *Code of Best Practices for Fair Use in Media Literacy Education*. Participants got practice in applying fair use reasoning to various hypothetical scenarios in digital learning in K-12 settings. Facilitators also shared specific examples of classroom assignments where students made use of copyrighted material in creating their own work. Participants then worked with a partner to review the main ideas of the program and develop explanations and interpretations that connected to their own experience in the classroom.

Instructional Practices. We shared specific classroom examples of various instructional practices for teaching about copyright and fair use with students of different ages. Some of these methods included viewing and discussion of case study videos of classroom practice and modeling the fair use reasoning process through the use of hypothetical scenarios. Finally, each partner team made a brief presentation to the entire group, which enabled participants to internalize key ideas and gain practice in sharing these ideas with an audience.

Resources. Participants received a number of resource materials to support their learning, including:

- PowerPoint slides developed by Renee Hobbs, Kristin Hokanson and Spiro Bolos
- The *Code of Best Practices in Fair Use for Media Literacy Education*
- Music videos and video case studies created by the Media Education Lab
- Access to an online spreadsheet for documenting teachers' plans to spread the word to colleagues and supervisors
- Access to an online drop box or repository for document sharing
- A copy of the book *Copyright Clarity: How Fair Use Supports Digital Learning* by Renee Hobbs (Corwin/Sage, 2010)

Results of Program Evaluation

Increased Confidence and Understanding of the Law

Participants were asked to complete an online survey consisting of three open-ended and 19 Likert-scale items. The open-ended questions asked: (1) What was the most valuable aspect of the program? (2) What was the least valuable aspect of the program? (3) How could the Copyright Clarity program be improved? When asked to share the most valuable aspect of the Copyright Clarity workshop, one educator wrote:

> *"The most valuable aspect for me was learning how to critically think about the use of copyrighted materials to determine whether we are using them in a transformative way."*

Upon completing the workshop, most participants reported feeling increased clarity about the process of applying copyright and fair use to specific classroom practices. Several educators specifically mentioned increased confidence in their understanding of the concepts and eagerness to share their knowledge with colleagues and students. Some teachers appreciated the connection between teaching about copyright and fair use and the need to provide critical thinking conversations within the educational community. For example:

> *"Learning to think about fair use as a continuum and being supplied with the tools to evaluate material on a case-by-case basis were extremely helpful and important. The "aha" moment was [realizing] the need to have critical thinking conversations with and among students, teachers and administrators."*

Another teacher wrote:

> *"The most valuable aspect of the Copyright Clarity program is the way in which it [shows] the possibilities for dialogues among teachers and between teachers and their students; to put critical thinking at the center of kids' understanding and use of digital tools."*

Other teachers were proud of feeling more confident and believe they can be resources for their colleagues, who are misinformed and confused about the law. One teacher declared:

> *"I'm now very clear on what's usable and what needs permission of the owner. I think I could answer colleagues' questions now. I'm pretty confident that I could give a persuasive presentation to teachers and administrators [on the topic]."*

Perceptions of Program Quality

Participants were highly satisfied with the quality of the learning experience. When asked to assess the value of the program, teachers rated the program quality by comparing it to other professional development programs using a 10-point scale. The question stated: "Please rate this program by comparing it to all other professional development programs you have experienced in your career." More than 85% of participants rated it a 9 or a 10. This is noteworthy given that over half of the participants were teachers with more than 10 years teaching experience.

A mix of educators with different backgrounds and types of professional training participated in the program, including library media specialists, elementary teachers, media teachers, curriculum specialists in English, and college faculty. Despite the diverse range of backgrounds, participants gave uniformly high ratings to the program content. Table 1 presents this data, which presents means of scaled responses where teachers rated items on a five-point scale ranging from 5 ("excellent") to 1 ("poor").

Table 1. Mean Score of Program Quality Measures

Quality of content: Theory and concepts	4.6
Quality of instructors	4.7
Activities and materials	4.5
Opportunity to be challenged and supported in learning	4.5
Quality of reflection and discussion	4.4
Relevance of program to my work	4.6
N = 22	

Learning Objectives

Participants were asked to provide an evaluation of the extent to which the program had accomplished its learning objectives using a Likert scale where 10 represents "strongly agree" and 0 represents "strongly disagree." Teachers agreed that they could explain how copyright and fair use applied to digital learning ($M = 8.7$) and saw themselves as advocates for copyright and fair use ($M = 8.7$). Educators also agreed that they could use the *Code of Best Practices* to guide decision-making about how fair use applies to their work ($M = 8.5$) and teach others about copyright and fair use ($M = 8.6$). The most challenging learning objective, creating workshop presentations ($M = 8.4$) proved to be one of the most challenging learning objectives perhaps due to more variation among participants in their confidence in public speaking.

Table 2. Mean Score of Program Learning Objectives

I can create workshop presentations about copyright and fair use in K-12 education	8.4
I will advocate for copyright and fair use locally, regionally and nationally	8.7
I can explain how copyright and fair use apply to digital learning	8.7
I can use the Code of Best Practices to guide decision-making about how fair use applies to my work	8.5
I can teach others about copyright and fair use	8.6

Program Elements: Time, Organization and Technology Integration

Participants gave strong marks overall to the organization, timing and schedule, temperature, books and materials provided, food and breaks, and technology integration. All responses were between 4 ("very good") and 5 ("excellent") on a five-point scale. The lowest score ($M = 4.3$) reflects participants' assessment that the program was too brief.
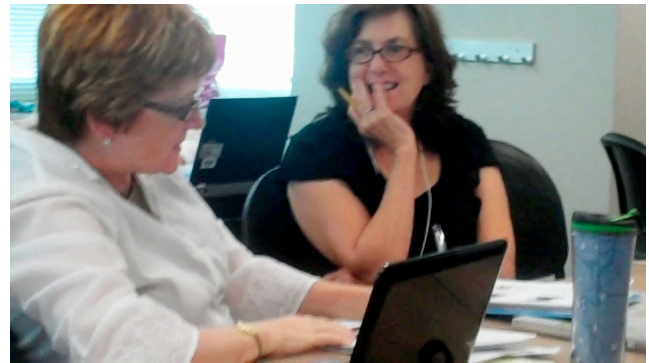
Time for Learning. Many participants wanted more time for learning. While some had experienced previous copyright workshops offered by Renee Hobbs, several educators were learning about copyright and fair use for the first time. Some participants felt that leaving more time for questions and discussion would have been beneficial. A two-day workshop would be desirable to be able to give teachers time to explore the full range of teaching and learning resources available, to promote participant networking and information sharing, and to address particular questions.

Technology Integration. Several teachers appreciated the ability to use the Internet during the program and valued an introduction to the use of Dropbox (www.dropbox.com), an online document sharing website. Participants received access to the site and a set of documents, including PowerPoint slides, handouts, videos and other resources for teaching and learning. However, not every participant was equally comfortable in using online technology and there were some technical challenges as participants attempted to use the Dropbox simultaneously. Subsequently, a Google Docs folder was created for those who had difficulty accessing Dropbox.

Materials in Advance. Only about half of participants received program materials in advance of the program due to staffing challenges. We did not have a dedicated staff person for overseeing program planning and operations. This would have ensured stronger communication prior to the event and better organization for morning registration, keeping track of supplies, and maintaining contact following the program. Those who did receive materials in advance were better able to maximize opportunities for questions, discussions, and presentations during the workshop.

Participants as Performers. At the end of the day, teams of presenters worked to review the main ideas from the morning session and make a connection to their own experience and talents in a 2-minute oral presentation. Teachers spontaneously developed some creative strategies to "own" the program content by sharing stories of their own transition from copyright confusion to copyright clarity. A number of participants clearly enjoyed this experience as evidence from the quality and dynamism of their performances. However, in the open-ended comments, some participants indicated that the challenge of making a short presentation on this topic created some anxiety and discomfort. Since the purpose of this workshop was to strengthen confidence in making a presentation, participants were expected to demonstrate their learning in this manner. However, teachers generally approach staff development workshops as spectators and some may have felt put on the spot during this activity. We believe that a large majority of attendees recognized the usefulness of offering a performance activity as a means to prepare them to make presentations on copyright and fair use.

One of our most distinguished participants, Gail Desler, is a technology integration specialist for the Elk Grove Unified School District in California. On her blog, she shared a personal resolution and some advice for others after attending this program:

> *You truly do* NOT *have to be a copyright expert to flex your fair use muscles. As a Copyright Clarity trainer, I will NOT be the one to rule whether teachers' and students' use of copyrighted materials could be argued as fair use. But I will be available to help them examine individual scenarios and start the reasoning process.*
>
> *Want your workshop participants to leave feeling pumped and ready to replicate your session at their own sites? Working in teams, have them as an ending activity go through your*

workshop PowerPoint and prepare themselves to come in front of the group when their names are drawn to present one or two of the slides, which they have put their own spin on, based on an audience of their choice (administrators, tech integration specialists, parents, etc.). Renee demonstrated this strategy beautifully, calling for "warm comments" after each team finished their 1-2 minute presentations. What a great way to build conversations, enthusiasm, and confidence!

One more tip: If you're traveling to either the fall or spring, be sure to get to any of Spiro Bolos' sessions! He has joined the dynamic duo of Renee and Kristen, which is now an absolutely amazing trio. But if you can't make Spiro's real-time sessions, you can also read about his transformative projects in Renee's book, Copyright Clarity.

Education Outreach: City of Virginia Beach School District

The Media Education Lab also offered our first-ever large-scale program of copyright education at the school district level in the spring and summer of 2010, when we hosted two copyright education events for faculty of the City of Virginia Beach School District. At the event on June 22 & 23, about 100 library media specialists from the district participated in five two-hour workshops offered by Kristin Hokanson and sponsored by the Media Education Lab. On August 11 & 12, about 100 technology specialists participated in five two-hour workshops offered by Spiro Bolos.

As the largest school district in southeastern Virginia, the City of Virginia Beach School District enrolls a diverse population of nearly 70,000 students in grades K-12. Currently the system includes 56 elementary schools, 14 middle schools, 11 high schools and a number of secondary/post-secondary specialty centers. All Virginia Beach schools have an overall student to computer ratio of about 2:1, including desktop and laptop computers. All schools have at least one Computer Resource Specialist (CRS) -- an expert in the integration of technology into instruction. This combination of technology and well-trained staff helps the division prepare students for the 21st century.

Following the event, participants were asked to complete an online survey, similar to the one administered in Philadelphia, consisting of five open-ended questions and 15 Likert-scale items. The quality of the learning experience was evaluated on a 5-point scale. Educators assessed how the staff development program met these learning outcomes:

    (1) Understand why fair use is essential for media literacy and digital learning,
    (2) Recognize how copyright and fair use applies to my work in K-12 education,
    (3) Explain the concept of transformativeness as it applies to teaching and learning,
    (4) Share what is learned about copyright and fair use with family, colleagues and supervisors.

For each of these items, more than 85% of participants agreed or strongly agreed that the program had met these objectives. Open-ended questions asked participants to share what they felt had been most valuable and least valuable aspects of the program, and what could be improved.

This response was typical of many written comments offered by participants:

> *It was refreshing to hear about the power of what I CAN do instead of informing me about the FORBIDDEN. The positive approach elevated my comfort level with using copyright information. The workshop was validation for what I have known to be best practice, but have been afraid to "broadcast" because of the "fear of God" approach that is often taken when discussing copyright with others.*

When we asked participants to identify some unanswered questions that remained at the conclusion of the two-hour program, their answers were insightful. Among the responses, this one was notable:

Why isn't copyright/fair use knowledge/understanding a specific requirement for teacher certification?

We wonder about this as well. Clearly, we will need to develop strategies for bringing our copyright education initiative into schools and colleges of education.

Conclusion

The Media Education Lab's Teacher Education Initiative has demonstrated that K-12 educators from all over the United States are hungry for knowledge and aware of the importance of learning about the law as it applies to digital learning. They are also aware that most of their supervisors and colleagues do not understand the law. The program increased their confidence in being able to explain how copyright and fair use support digital learning.

We anticipate that educators in who participated in the Media Education Lab's teacher education initiative will continue sharing ideas and developing their confidence in understanding copyright and fair use as it applies to digital learning.

About the Media Education Lab

This report was prepared by Emily Bailin, a Research Associate and Pre-Doctoral Fellow at the Media Education Lab. Renee Hobbs is the Founder of the Media Education Lab at Temple University. The mission of the Media Education Lab is to improve media literacy education through scholarship and community service. For more information, visit: http://mediaeducationlab.com