

Friday, November 30, 2007

## Feature Article

"Fair Use" = Source of Unlimited Free Content: What's the Catch?

"Content is King" on the Internet, and content drives instruction in face-to-face classroom teaching. Content is required for training, no matter what "skills" are being taught, and content (knowledge, concepts, application, analysis, synthesis, evaluation) build higher-order thinking; i.e., if there is no content, no thoughts are built.

Content also supplies the building blocks for creating and artistic expression. Projects, homework, reports, presentations and group interactions develop through interaction with content. Problem-solving and decision-making are hopeless abstract exercises with no long-term or residual meaning without working content that students investigate manipulate and repackage.

So, what is the problem with that "ultimate, growing by quantum leaps every second" content colossus; the Internet? Answer: Teachers have an ethical and legal obligation to use the Internet content carefully. That careful use is called, "Fair Use."

The problem is that most of the content that teachers would like to use in an unlimited and indiscriminate fashion carries a copyright. This type of content is called "intellectual-property." Sidebar In fact, everything that the teacher writes also carries a copyright.

However, in too many cases the school district where the teacher works may have a policy where the district takes ownership of the individual teacher's work, and no matter whether the work was written on school district time, with school district equipment and school district Internet access; or not.

The grab for Intellectual Property that school district claim in this type of policy is called "Work for Hire." These policies are a stretch from when the claim is legitimate, i.e., when the district pays teachers to come in during the summer to write curriculum. When an employer claims the Intellectual Property rights of its employees when the employee was not paid directly for that work is a subversion of the Copyright Law, and school districts should not be allowed to continue with this practice.

Here are the problems with using content that you find on the Internet: Finding appropriate content items on the Internet can take a lot of time

This sample search for the term "Graphic Organizers" yields 1,750,000 search results.

Lesson plans are easy to find

This sample search for the term "Free Lesson Plans" provides search results for over 1,840,000 items.

Finding a lesson plan with the right level takes work. For example, you want a lesson comparing the holiday customs of plantation owners, slaves and native Americans during US Colonial times because this fits with the curricular goals that will be tested on the upcoming district-wide benchmark test. Or, perhaps you need to compare the progress toward independence among the United States, Mexico, Canada, India and Iraq for a history or government class. Good luck in finding anything this specific

Modifying a lesson plan that you find online (so that it is helpful and results in students' learning) takes time

Adapting the lesson plan to the instructional materials that you have also takes time

Link to a sample search for the term "History of Independence for USA, Mexico, Canada, India and Iraq + Lesson Plans" results in 302,000 search results Then, the content items that you do find may be copyrighted and it takes time to sort through them, separating "Entirely Usable" and "Fair Use" items

Content by itself still requires your pruning so that it fits your instructional framework Some material is written to at a level that is too difficult for the reading level of your students, other material is a too easy for your students

Some Internet material are boring to your students, and your students rebel if you force them to read it. Some Internet material is too salacious and you would get fired if you give it to your students to read Sending students out to find their own materials is fraught with obstacles and danger (for both your students and their teacher) Students get distracted and waste their time (and yours)

Students encounter adult, "super controversial" or otherwise inappropriate material (racism, hate speech, hacking, bomb making, terrorism and anarchy recruitment, other "Constitutionally protected" but unsavory content. Access to such content is against The Children's Internet Protection Act (CIPA), and teachers may be held liable for allowing students to peruse this content (in school, on school district equipment, using the school district's network) The end result of these "real-world realities" is that teachers are burdened and over worked with "unreal life and career demands" on their time. So, teachers migrate towards the path of least resistance. Stress, personal lifestyle needs, overwhelming expectations from district administrators (and the public at large); and, dodging burn out (for self-preservation) conspire to drive teachers to "just use the textbook."

After all, the research that goes into writing a textbook is based on the wisdom of confident and intelligent experts. And, textbook content is vetted by highly-paid editorial boards. It is easier to serve bland textbook fodder to a captive student audience, and to season this "without-taste" diet with personal color commentary and a little spice (as long as your

comments are politically correct enough to let you keep your job). Color Commentary The strategy that most teachers undertake for using Internet materials, one that doesn't involve a "deal with the devil" (no pun intended) is to spice up textbook content with ad lib and ad hoc "color commentary."

Using this strategy, teachers can Print Web materials and just highlight items. Then, teachers read these items, and make verbal, grade-level and job-protecting adjustment to the content on-the-fly during their "lectures"

Create note cards and stickies (Post It Notes), and place these in appropriate places in the teacher edition of the textbook where they are grabbing their "talking points" from

Post the edited notes online in free Blogs and Wikis. Then make this material available. But, exercise care since this reposting could violate the copyright owner's rights.

Pluck passages from the materials under the maximum size allowed by law, i.e., "Fair Use" and create student study guides from this compilation However, these strategies require time and effort, adding more work to the teacher's day.

Sidebar Note: Teachers with different grade level and content-area/ subject assignments need different strategies for using Internet materials. Some of these differences between grade levels and content area subjects are:

Self-contained Elementary teachers teach six or seven subjects per day while Middle School teachers and High School teachers teach one (or more) levels of the same subject, multiple times during a single day

Early Elementary (K-3) focuses on basic skills practice while students in Intermediate grades (and above) focus on manipulating and constructing content Fair Use and the Legal Beyond The rules for "Fair Use" are well-known to teachers, and repeated each year as part of the teachers' yearly, re-employment ritual; the start-of-school In-Service.

Of course, Classroom Toolkit leads you beyond the puny, pathetic use of content that is limited by "Fair Use" to what you can legally use. We introduce you to

Public Domain materials

Private Label Rights (PLR) Articles

Content Spinners

Open Instructional Materials and Templates

Modular Tools Here are how these strategies and tools can make your teaching life easier. Public Domain Public Domain materials are old, but not obsolete materials.

The laws governing Public Domain materials are complex, here are some a clues

U.S. Government documents

State judicial opinions

Laws, regulations and other official documents

Ideas

Facts

Blank forms

Short phrases (but not Trademark phrases) which can be the real thing (no pun intended)

names, titles and slogans

"Off the cuff" extemporaneous speeches

Standard plots and stock characters, such as the dedicated, old-maid teacher who could never find marital bliss because her students came first

Documents written before 1922

Stuff where copyright was not renewed between 1923 and 1964 Source: New Rules for Using Public Domain

Materials Lloyd J. Jassin, Attorney Link to the article at CopyLaw.com

Read the article at CopyLaw.Com, or do your own Google search;

Search for Public Domain Rules

As Lloyd Jassin points out, there are a lot of tricks and traps in trolling for out of copyright materials. However, there is one safe source.

The the premier source of Public Domain materials is Project Gutenberg.

Project Gutenberg Banner

Volunteers at Project Gutenberg have done the copyright research, and the endless array of materials that you find at their site are completely free for your use.

The only problem with Project Gutenberg like the rest of the Internet, is that there is so much material that it takes a long time to find appropriate items for classroom use. Thousands of no-cost articles, stories and books!

Sidebar Note: Our first Resource Bulletin package includes a product called The Public Domain Expert CODE-BREAKER Report by by Tony Laidig which describes the process of finding Public Domain content in greater detail. See the list of other items that are included in this package later in this article. PLR Articles Private Label Rights--generic materials sold by content creators for others to change and use as they see fit.

The catch is that you have to purchase these, and abide by the license agreement that the content developers set for the materials.

Sidebar Classroom Toolkit has obtained some PLR Articles for you. And, we are on the lookout for more of these materials.

The PLR contents in our Resouce Bulletin is listed below.

But, you won't have to pay for the articles. You get these by joining our Resource Bulletin Program. The way that we can

give you these articles at no cost (and maintain our legal obligation to the copyright owner) is by classifying our Resource Bulletin as a "Membership Program." Of course, because of the "Can Spam" Law, you can opt-out of the program at any time. But, why would you want to opt out if free-to-use, timely materials are one-click available on your desktop?

Sign up as a member of Resource Bulletin Program and have links to these materials sent directly to you by E-mail as we develop and post them.

Legal Reminder: This is a double opt-in process, and needs to remain in place for us to comply with "Can Spam" laws. We can't just send these items to you because you are already a subscriber to our Classroom Toolkit Newsletter. Check the license requirement of each package. You can use the content of these articles in any way you like, but some articles have restrictions on whether you can give them away or resell them.

"Tell-a-Friend!" You can tell your friends about our opt-in program and send the link to the sign up page to them. This way, your friend can request these materials without your having to send the 10 MB file to them.

The materials will be available immediately for download after the Opt-In Form is filled out. We would like to just provide a link, but the licensing for some PLR materials do not allow the materials to be given away without joining a membership program. (And, the Opt-in Form, required by the "Can Spam" Law exists for your protection.)

Sidebar Here is a sample of what a PLR License looks like&hellip;Private Label Right Summary

[ Yes / No ] You may add / edit or remove content

[ Yes / No ] Can be offered as a bonus for products sold

[ Yes / No ] Can be packaged with products for sale

[ Yes / No ] May be sold as a stand alone product for any price above \$\_\_ (specified price)

[ Yes / No ] Can be added to paid membership sites

[ Yes / No ] Can be offered through auction sites for any price above \$\_\_ (specified price)

[ Yes / No ] Includes sales letter

[ Yes / No ] Includes graphics

[ Yes / No ] Can sell Master Resale Rights

[ Yes / No ] Can sell Resale Rights

[ Yes / No ] Can be given away

[ Yes / No ] Can sell Private Label Rights

[ Yes / No ] There are no refunds

[ Yes / No ] We don't offer support to your customers

The PLR materials creator is able to define exactly what rights he or she is selling.

As you can see, even authors of Private Label Rights (PLR) have broad discretion in what can or can't be done with their materials.

PLR materials always come with associated rights, and it is necessary to check those rights before re-distributing these materials.

Sidebar

Classroom Toolkit will place a rights document at the beginning of any PLR Articles that we distribute without cost to teachers.

Note: to comply with the rights of some PLR materials, we must request that teacher Opt-In to our mailing list before we can legally "give these articles away."

Content Spinners"Content Spinners" are small computer programs that change article content, (such as PLR Articles). This software does just what you would do if you load the text PLR article into Microsoft&#8482; Word (or another word processor) that contains a thesaurus. Then, you replace words (easy, or more difficult words) according to your curricular goals and purposes.

You can try out a Content Spinner for free at JetSpinner.Com

Link to the free JetSpinner tryout!

Note: Content spinners are used by Webmasters that want to make 200 copies of the same article for posting on tons of Websites with the same topic. The markup to make that happen will probably seem like "more work than it is worth" for teachers. We recommend the "Word Processor Word Strategy" (no plug intended), instead. Modular ToolsModular tools, such as Graphic Organizers, are "content structurers" and "thought structurers."

If Graphic Organizers were classified as forms, then they would not be copyrightable. Of course, publishers always add some little bit of art work that customizes the printed page and makes the page copyrightable.

SidebarFor a list of Graphic Organizers found on at Classroom Toolkit, check out our article, Classroom Toolkit Graphic Organizers Index Open Source Instructional MaterialsThe Open Source Instructional Materials project was started by Classroom Toolkit.Com Since then, Scott Nealy of Sun Microsystems&#8482; started Curriki&#8482;, another Open Source project. Classroom Toolkit remains a personal, self-funded project while Curriki&#8482; is well funded and has gathered a lot of "big name" sponsors.

However, Classroom Toolkit provides a focused set of materials and a strategy that any teacher can use to manage an entire school year (or more than one school year). Curriki&#8482; provides articles and 8,042 lesson plans.

Decide for yourself whether the Classroom Toolkit strategy of the Curriki&#8482; lesson plan vault better suits your

needs. But why choose, use both resources when you have time. (Note; Use Classroom Toolkit when you are pressed for time.)

If you are in a real hurry, use this search term to identify a chunk of the instructional materials that Classroom Toolkit Offers:

Link to Specialized Google search of Classroom Toolkit PDF formatted files.

Once the redesign of Classroom Toolkit is completed, all materials will be listed in a single Table of Contents and inventory page. Classroom Toolkit's December Resource Bulletin package includes over 10 MB of "free-to-use" content, tips and surprises. Holiday Stories and Articles 50 Children's Stories (Text that can be modified, edited, changed)

50 Children's Stories (PDF Format)

5 Christmas Fun (Five Text articles that can be modified, edited, changed)

5 Christmas Fun PDF eBook

Christmas Carols - Doc Format (Can be modified, edited, changed)

Christmas Tales - PDF eBook

Christmas Tales - Doc Format (Can be modified, edited, changed)

Holiday Stress - Doc Format (Can be modified, edited, changed)

Recipes Old Time Recipes - PDF eBook

Christmas Grill - PDF eBook

Holiday Recipes - Doc Format (Can be modified, edited, changed)

Candy Recipes - PDF eBook

Holiday Graphics

Christmas Family Photo Graphics - Photoshop (PSD) and JPG formats Books on using Public Domain

Materials Public Domain Advantage - PDF eBook

Public Domain Code - PDF eBook Join now

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