

Comments Re: Promotion of Distance Learning Through Digital Technologies

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Background

McDougal Littell, which is headquartered in Evanston, IL, publishes educational programs in language arts, math, world languages, and the social sciences for grades 6-12. As Editor in Chief, I supervise editorial, design, production, and publishing technologies in our Evanston office and in McDougal Littell's Boston office as well.

Position Statement

Proponents of the proposed exemption believe that the result would be an enriched educational environment. In reality, the exemption would have the exact opposite effect and in fact would decrease the quality and variety of materials available to teachers and students.

Supporting Ideas

1. Educational publishers like McDougal Littell are in the business of creating curriculum and the materials to help the classroom teacher implement that curriculum. A typical "one-book" program for a high school course such as American history includes:

- A student book of around 1000 pages that presents informational text, charts, graphs, photos, fine art, questions and activities, and how-to instruction
- A teacher's edition with literally thousands of teaching tips, ideas for ways to adapt the materials for various student populations, and charts that show when and how all the different pieces of the program work together
- Thousands of pages of copymasters such as reading guides for less able students, challenge materials for more advanced students, and materials to help students whose first language is not English
- CD-ROMs for creating lesson plans and customizing tests and databases for researching specific topics such as the geography of the United States or the Vietnam War
- Videos profiling historical figures or historical periods or events
- Audio tapes to help poor readers
- Access to a web site for regular content updates

All of these pieces are structured to teach the content and the thinking skills that are needed for high-stakes tests such as the ACT and SAT.

2. When a school district purchases a program, that district buys a structured, integrated set of materials. The district also buys the expertise behind the program. In the course of developing a program, the publisher:

- Studies state curriculum frameworks and local curriculum documents and then uses them to guide development.
- Conducts research with hundreds of teachers and students nationwide. The research might include surveys, panels, classroom observations, and field tests.
- Works with academic experts to research, prioritize, and structure information.
- Hires professional editors and designers who apply the research on how today's students learn.
- Spends tens of thousands of dollars on extensive fact checking.

Hundreds of staff work for one to two years and spend from \$4.5M to \$5M to create a program such as American history.

3. No teacher, working alone or with a group of colleagues, could possibly spend the time it takes to craft such a program. Educational programs free teachers to spend their time doing what they do best, which is teaching. Students benefit because teachers can focus on them and because the content and quality of the materials are consistent from classroom to classroom.

4. Whether a program is delivered in print or in an electronic format or in a combination of the two is irrelevant. The value added by the publisher is still present in the instructional design and in the application of that design.

5. Educational programs exist because school districts and states pay for these materials. Without full compensation for the time, effort, and money invested, it would not make economic sense for a publisher to publish these programs, which so many teachers have come to depend on.

6. McDougal Littell has a great deal of experience with permissions and copyrights. Every program we publish involves thousands of permissions and hundreds of thousands of permission dollars. For our American history program, we paid \$545,000 to rights holders for audio, text, image, and video permissions. A seven-level literature program might have as many as 10,000 images and nearly 1000 short stories, poems, plays, and nonfiction pieces; most of these works are protected by copyright. Permissions costs typically exceed a million dollars.

- Our permissions editors estimate for the rights holders the number of copies to be printed. Rights holders give us permission to use their work with strict limitations on quantity, on type of use, and on term of use.

- Even the possibility of open access to our materials would mean that trade publishers, authors, and artists would deny us permission to use their works. We simply would not be able to use most of the texts and images that appear in our current programs, including many that are standard in today's curriculum.

7. Like all major publishers, McDougal Littell already has an effective system in place for granting teachers permission for limited use of copyrighted material in an electronic format. We first ask teachers several simple questions about how students would access the material, how long the material would be posted on-line, the number of students being served, and the relationship of the posted material to other materials used in the classroom. The process is quick and straightforward. The use has been free to the teacher, as long as he or she acknowledges copyrighted works in the on-line materials. So far, we have denied only those requests that are too broad in scope.

Conclusion

Publishers who structure high quality programs are the partners of teachers, who decide how best to use the program to the benefit of their students. Education would not be served by forcing publishers out of the business of creating high quality, extensive curriculum materials.