Can Open Ever Be Too Open When It Comes to Education?

Abe Hsuan
Irwin & Hsuan LLP
November 7, 2012

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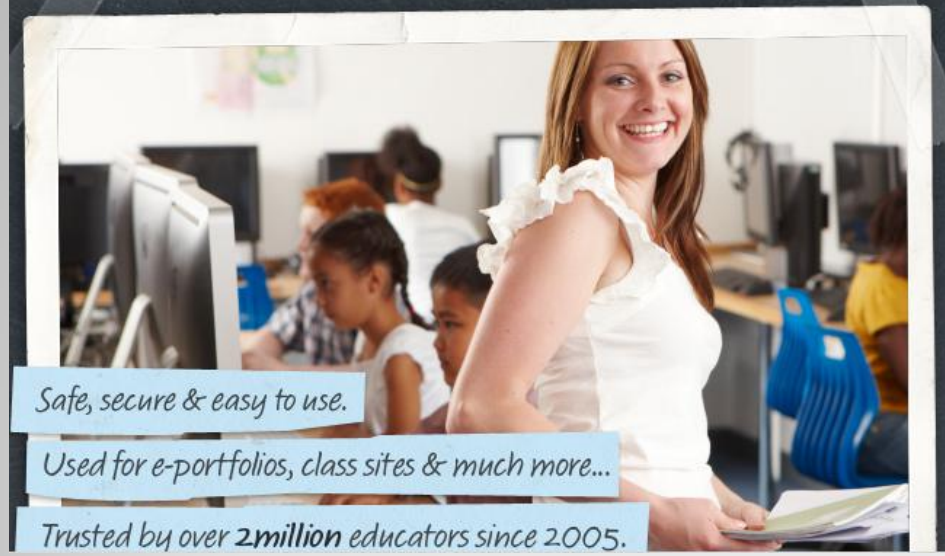

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"I have been using Edublogs for three years... I love the versatility and ease of use... The support is excellent.

Helen Harvey
Booker High School

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Clinical risk students – suicide and self harm material

November 12, 2007

Material relevant to the session on November 6

Slides

Pierce Suicide Intent Scale

Beck suicide intent scale

Becks Hopelessness Scale (BHS)

Scoring for BHS

Posted by clive Filed in Uncategorized
| Edit
1 Comment »

Details & Pricing

Products

Beck Hopelessness Scale® (BHS®)

Qty	Code	Name	Price
	015-8133-609	BHS Complete Kit - Includes Manual, 25 Record Forms, and Scoring Key.	$120.00

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Dear James Farmer:

We have received a valid claim under the Digital Millennium Copyright Act, codified at 17 U.S.C. 512
(the "DMCA"), that materials on your web server hosted at ServerBeach may violate the copyright
interests of the party filing the complaint.
In accordance with the DMCA, we hereby inform you that your web server has been or within the next
24 hours will be, disabled to the extent necessary to comply with the DMCA.
Your web site will remain disabled unless we receive a valid
counter-notification from you. The DMCA
provides that a valid counter-notification must contain the following:
1. The counter-notification must be addressed to the host's designated agent (the "Designated
Agent") and must state, under penalty of perjury, that the infringement claim in question is a
mistake.

Details & Pricing

Products

Beck Hopelessness Scale® (BHS®)

Qty	Code	Name	Price
	015-8133-609	BHS Complete Kit - Includes Manual, 25 Record Forms, and Scoring Key.	$120.00

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TRUE/FALSE?

1) I look forward to the future with hope and enthusiasm

2) I might as well give up because there's nothing I can do to make things better for myself

3) When things are going badly, I am helped by knowing that they can't stay that way for ever

4) I can't imagine what my life would be like in ten years

Sample "Beck's Hopelessness Scale"

What happened?

- Nov 2007: Teacher posts “Beck’s Hopelessness Scale” at EduBlogs
- Sept 2012: DMCA takedown notice: Pearson -> ServerBeach -> eduBlogs
- Oct 9 2012: EduBlog “hides” post but does not remove file from servers
- Oct 10 2012: ServerBeach shuts down 1.45 Million blogs

"As a learning and information company, Pearson values the open and free exchange of ideas."

PEARSON

PreK–12 EDUCATION | HIGHER EDUCATION

Home » News Releases » Assessment » Pearson Statement on Edublogs Service Interruption

Pearson Statement on Edublogs Service Interruption

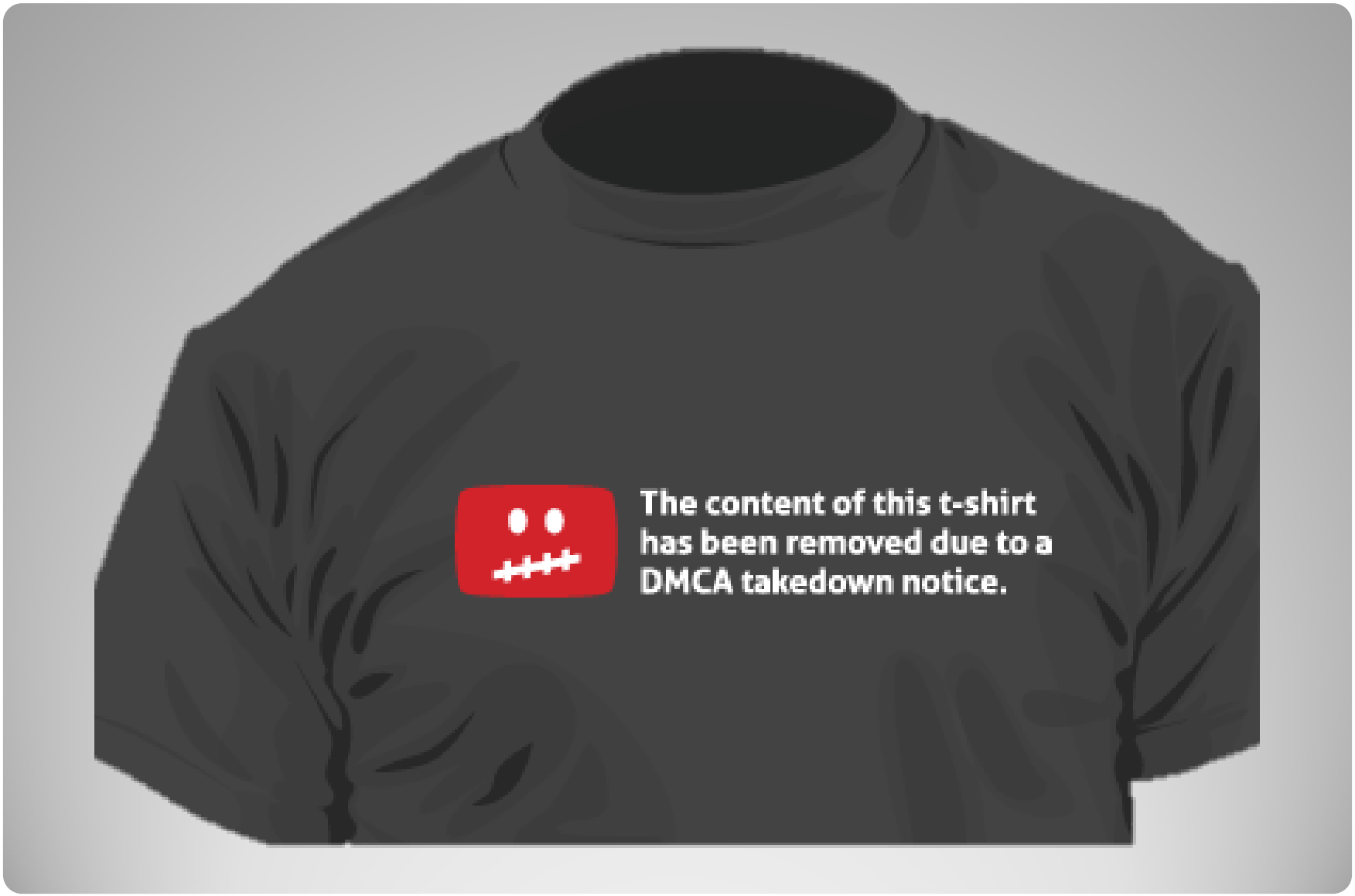
9

Pearson apologizes for any inconvenience caused to users and readers of blogs hosted by Edublogs this week.

As a learning and information company, Pearson values the open and free exchange of ideas.

However we needed to address one post and one sensitive issue: the publication online of one of Pearson's clinical tests. This particular test is used by clinical psychologists to assess people who may be at risk of suicide. Publication and any subsequent misuse of the test questions can compromise the integrity of the test results, and in turn the recommendations made by the qualified professionals.

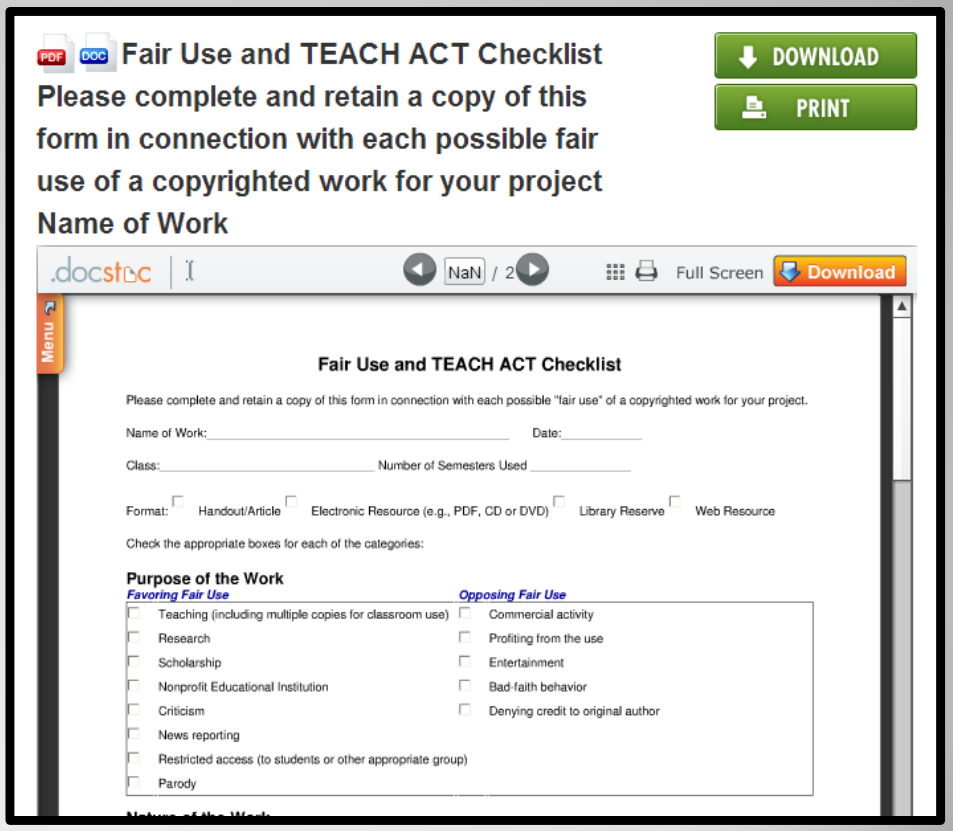
It is a matter of deep regret that, in responding to our request to address this single item, a server hosting company took much broader action.



Http://rtb.techdirt.com/products/dmca-tee/

Technology, Education, and Copyright Harmonization (TEACH) Act

Enacted in 2002 to deal with the new technologies and enable use of copyright materials for 'distance education'



Fair Use and TEACH ACT Checklist

Please complete and retain a copy of this form in connection with each possible fair use of a copyrighted work for your project

Name of Work

DOWNLOAD

PRINT

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Menu

Fair Use and TEACH ACT Checklist

Please complete and retain a copy of this form in connection with each possible "fair use" of a copyrighted work for your project.

Name of Work:_____ Date:_____

Class:_____ Number of Semesters Used _____

Format: ☐ Handout/Article ☐ Electronic Resource (e.g., PDF, CD or DVD) ☐ Library Reserve ☐ Web Resource

Check the appropriate boxes for each of the categories:

Purpose of the Work

Favoring Fair Use	*Opposing Fair Use*
☐ Teaching (including multiple copies for classroom use)	☐ Commercial activity
☐ Research	☐ Profiting from the use
☐ Scholarship	☐ Entertainment
☐ Nonprofit Educational Institution	☐ Bad-faith behavior
☐ Criticism	☐ Denying credit to original author
☐ News reporting	
☐ Restricted access (to students or other appropriate group)	
☐ Parody	

- **Accredited, non-profit** education institutions only
- Part of **mediated** instructional activities.
- **Limited to a specific number of students enrolled** in a specific class.
- **'Live' or asynchronous class** sessions.
- ***Not* textbook materials** or "***works developed specifically for online uses.***"

Requirements for TEACH Act

- Only "**reasonable and limited portions**" such as might be performed or displayed during **a typical live classroom session**
- Institution must have **developed and publicized copyright policies**
- Institution must implement some **technological measures** to ensure compliance (beyond merely password)

Teach Act (cont.)

Expressly does not cover following:

- Electronic reserves, coursepacks (electronic or paper) or interlibrary loan.
- Commercial document delivery.
- Textbooks or other digital content provided under license.
- Materials converted from analog to digital formats.

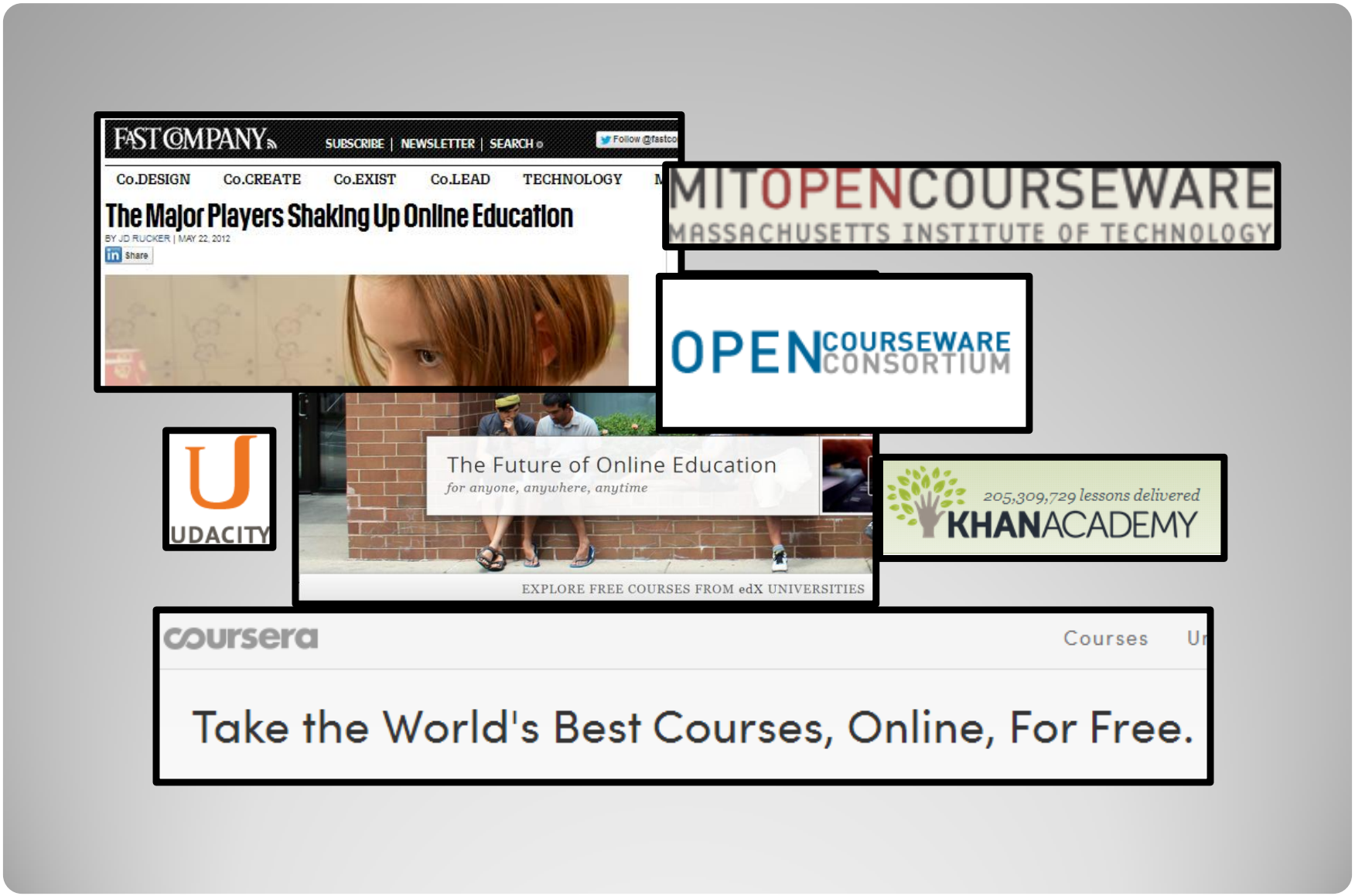
Does not supersede *fair use* or existing digital license agreements.

Teach Act (cont)

Information Wants To Be Free. Information also wants to be expensive. ...**That tension will not go away.**

Stewart Brand

http://www.flickr.com/photos/alphadesigner/5908597865/



With education moving online …

Forbes

5 School Technologies To Watch: Personalized Learning Is Here

Eric Savitz, Forbes Staff

Guest p

Jeremy F
classroom

The past
investme
in educati
live inside
inspire le
physical
technolog
democrat

StarTribune

St. Paul schools have high-tech hopes for kids

Article by: ANTHONY LONETREE
Star Tribune
November 3, 2012 - 9:21 PM

St. Paul Schools
classroom of the
students the pow

Now voters will he
Tuesday's ballot i

• Renew a $30-m
and other progran
ago.

• Add another $9

The New York Times

November 1, 2012

Technology Changing How Stude
Learn, Teachers Say

By MATT RICHTEL

There is a widespread belief among teachers that students' constant use of digital technology is hampering their attention spans and ability to persevere in the face of challenging tasks, according to two surveys of teachers being released on Thursday.

The researchers note that their findings represent the subjective views of teachers and should not be seen as definitive proof that widespread use of computers, phones and video games affects students' capability to focus.

Even so, the researchers who performed the studies, as well as scholars who study technology's impact on behavior and the brain, say the studies are significant because of the vantage points o
teachers, who spend hours a day observing students.

The timing of the studies, from two well-regarded research organizations, appears to be

The Saratogian (saratogian.com), Serving the Saratoga Springs, N.Y. region

News

OMG! A student's BFF: Technology puts learning into their hands

Saturday, October 27, 2012

By JENNIE GREY
jgrey@saratogian.com
Twitter.com/JGSaratogian

SARATOGA SPRINGS — Today's technology changes so quickly, it's challenging to keep up.

However, the younger generation has this well in hand. Kids use computer devices at home, on the run and at school. The Saratoga Springs City School District is giving students technological tools for education, ranging from laptops to portable SMART boards to the latest device — tablet computers.

… and new tech entering classrooms

Feels like we have seen this before

But seems less about *gratis than libre*

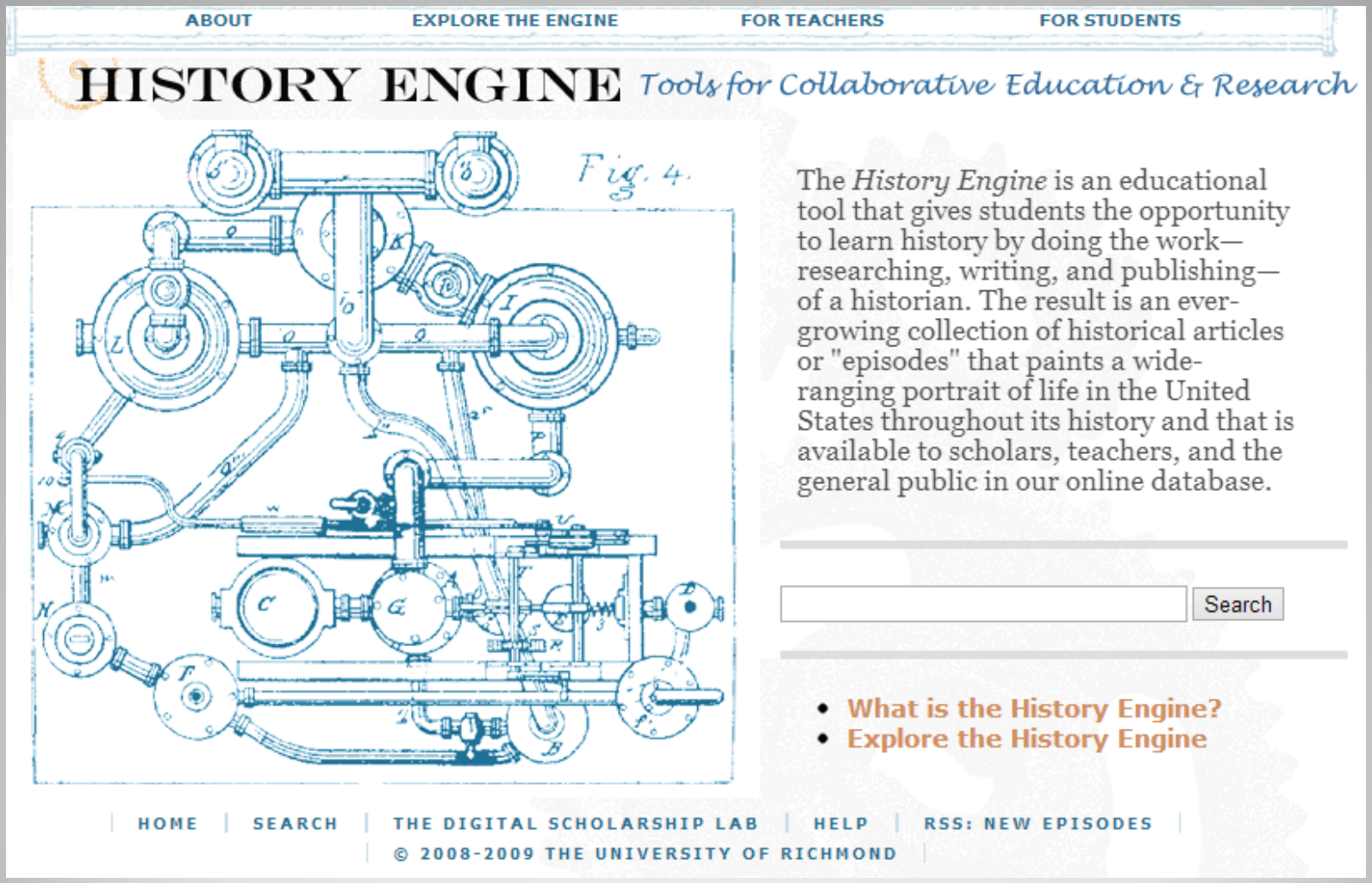
Stewart Brand

"On the one hand information wants to be expensive, because it's so valuable. **The right information in the right place just changes your life.** On the other hand, information wants to be free…"

"By 'free' I am not referring to price, but rather to **the freedom to copy the information and to adapt it to one's own uses**… Redistributing [useful information] **makes humanity wealthier**…"

Richard Stallman

Brand: https://plus.google.com/116951145888391044655/posts
Stallman: http://flickr.com/photos/chrys/5592199



Learning by "remixing"

PEW / INTERNET

PEW INTERNET & AMERICAN LIFE PROJECT

Teen Content Creators and Consumers

More than half of online teens have created content for the internet; and most teen downloaders think that getting free music files is easy to do.

November 2, 2005

One in five internet-using teens remixes content found online into their own artistic creations

But tension still exists:

Fine line between learning and copying

Pew Internet
Pew Internet & American Life Project
a project of the PewResearchCenter

CollegeBoard

NWP
NATIONAL WRITING PROJECT

NOVEMBER 1, 2012

How Teens Do Research in the Digital World

A survey of Advanced Placement and National Writing Project teachers finds that teens' research habits are changing in the digital age

About 75% teachers say internet and digital search tools have "mostly positive" impact on students' research habits.

PewResearchCenter

Pew Internet
Pew Internet & American Life Project

Social & Demographic Trends

Sunday, August 28, 2011

The Digital Revolution and Higher Education

College Presidents, Public Differ on Value of Online Learning

55% college presidents say that plagiarism increased over past 10 years (89% of those say computers and internet played major role).

If you ask teachers

EDITION: INTERNATIONAL | U.S. | MÉXICO | ARABIC

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Keep kids from cheating in school

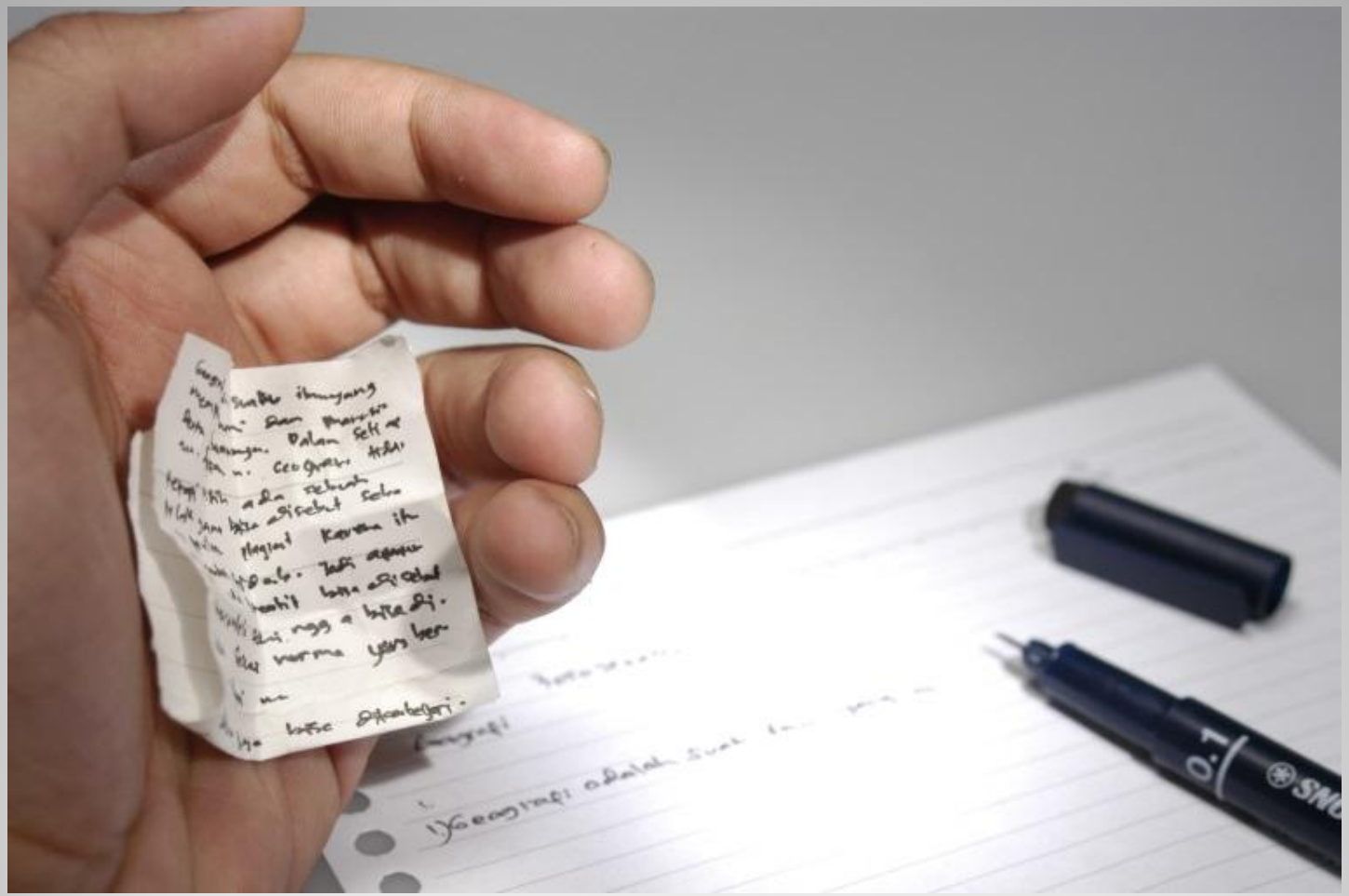
parenting

By Melissa Balmain, Parenting.com

January 18, 2012 -- Updated 2031 GMT (0431 HKT)

Technology, busy schedules and distractions all make it increasingly easier for kids to cheat.

Copying = Plagiarism (= Cheating)



Not your father's way of cheating

http://whatwillmatter.com/2012/02/worth-reading-rampant-cheating-in-schools/

Not your father's definition of cheating

"…our faculty members who **come out of a different time** maybe have one definition of plagiarism…We have a responsibility to work with our students who grew up in a different era."

Kim Coplin, an associate provost at Denison University.

Columbus, Ohio • Nov 03, 2012 • 42° Overcast

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Students don't cheat; they 'collaborate'

THE CHRONICLE of Higher Education

THE CONVERSATION

Online opinion on ideas and higher education.

Previous ← For MLA Jobs Market, Cautious Optimism

Next John Silber, Intellectual Gunslinger →

I Say 'Cheating,' You Say 'Collaborating'

September 27, 2012, 11:04 am

By Noah Pickus and Suzanne Shanahan

"Cheating, we were told time and again, is about stealing. Collaborating is about learning. **Bad students do the former; good students do the latter**."

Based on *The Chronicle of Higher Education*'s Duke Study

	Undergraduates	Grad Students	Faculty
Working with others on an assignment when asked for individual work	32%	54%	82%
Paraphrasing/copying few sentences from written source without footnoting it	56%	68%	84%
Paraphrasing/copying few sentences from Internet source without footnoting it	57%	68%	82%
Receiving unpermitted help from someone on an assignment	44%	65%	85%
Fabricating/falsifying a bibliography	58%	74%	90%
Turning in work copied from another	88%	92%	98%
Copying material almost word for word from a written source without citation	91%	94%	99%
Turning in work done by another	86%	93%	98%
Obtaining paper from term paper mill	89%	92%	98%

From McCabe, "Cheating among college and university students: A North American perspective" International Journal for Educational Integrity (2005)

"Perceived Seriousness of Different Behaviors Related to Written Work"

"**In my day, we would have considered (collaboration) cheating**. Students today don't because everything is available on the ***Internet***. If there's any question at all, they'll use those resources and not consider that cheating." (emphasis added)

-- Donald L. McCabe, a Professor of Management and Global Business at Rutgers University

McCabe surveyed 80K students, 12K faculty in U.S. and Canada (2001-4)

‘What’s a teacher to do…’?

- 60 million papers processed in 2011:
- 14 languages, used in 126 countries
- 24+ Billion web pages, 250+ million archived student papers, 120 million articles from 110,000 journals periodicals & books
- Over 1 million instructors, 20 million licensed students & 10K educational institutions

About Turnitin.com (iParadigms, LLC)

Screenshot of a Turnitin report

Similarity indices

No matching words	1 word - 24% matching text	25% - 49% matching text	50% - 74% matching text	75% - 100% matching text

Turnitin.com Originality Report

The Washington Post

In the News Libya Ohio NYC marathon Country Music Awards Post-ABC poll

washingtonpost.com > Education > Virginia Education

Higher Education

Your essential guide to college life & higher education news

HIGHER ED BLOGS
· College Inc.
· Campus Overload

Students Rebel Against Database Designed to Thwart Plagiarists

By Maria Glod
Washington Post Staff Writer
Friday, September 22, 2006

At McLean High School, members of the Committee for Students' Rights collected more than 1,100 signatures against mandatory use of a California plagiarism monitor. Among the committee members are Leo Brett and Ben Donovan, front, and Jonathan Gayer, left rear, Nicolas Kaylor, Jon Ende, Daniel Freudberg and Brooks Powell. (By Katherine Frey – The

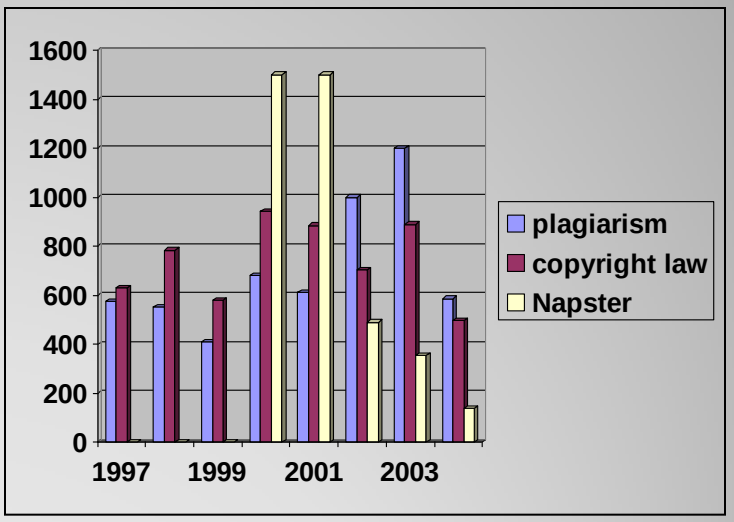
When McLean High School students write this year about Othello or immigration policy, their teachers won't be the only ones examining the papers. So will a California company that specializes in catching cheaters.

The for-profit service known as Turnitin checks student work against a database of more than 22 million papers written by students around the world, as well as online sources and electronic archives of journals. School

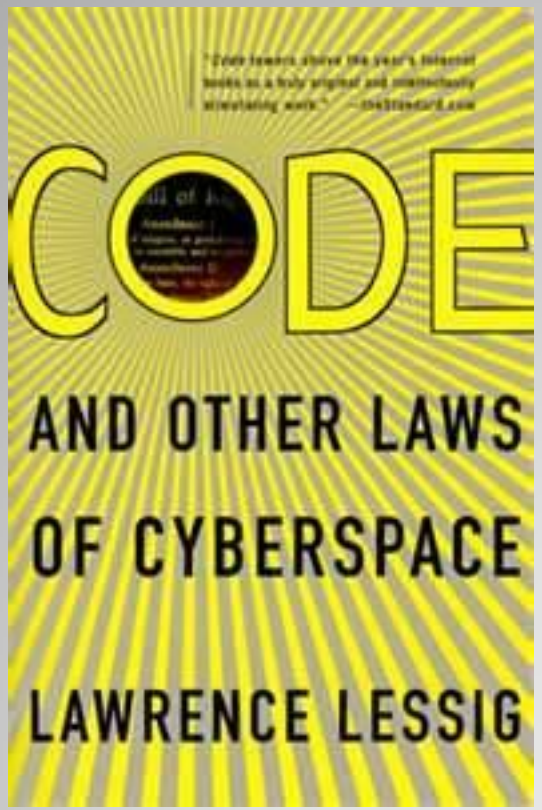
Students papers added to database

"the boundary between the two realms is quite permeable, ***with the values and language arising in one realm supporting the policing of the other****"*

From "The Plagiarism Panic" Lisa Maruca of Wayne State University (2004)



Copyright & Plagiarism
Not the same but the same



Ours is the age of cyberspace. It, too, has a regulator. This regulator, too, threatens liberty….This regulator is code

Lawrence Lessig

From http://harvardmagazine.com/2000/01/code-is-law-html

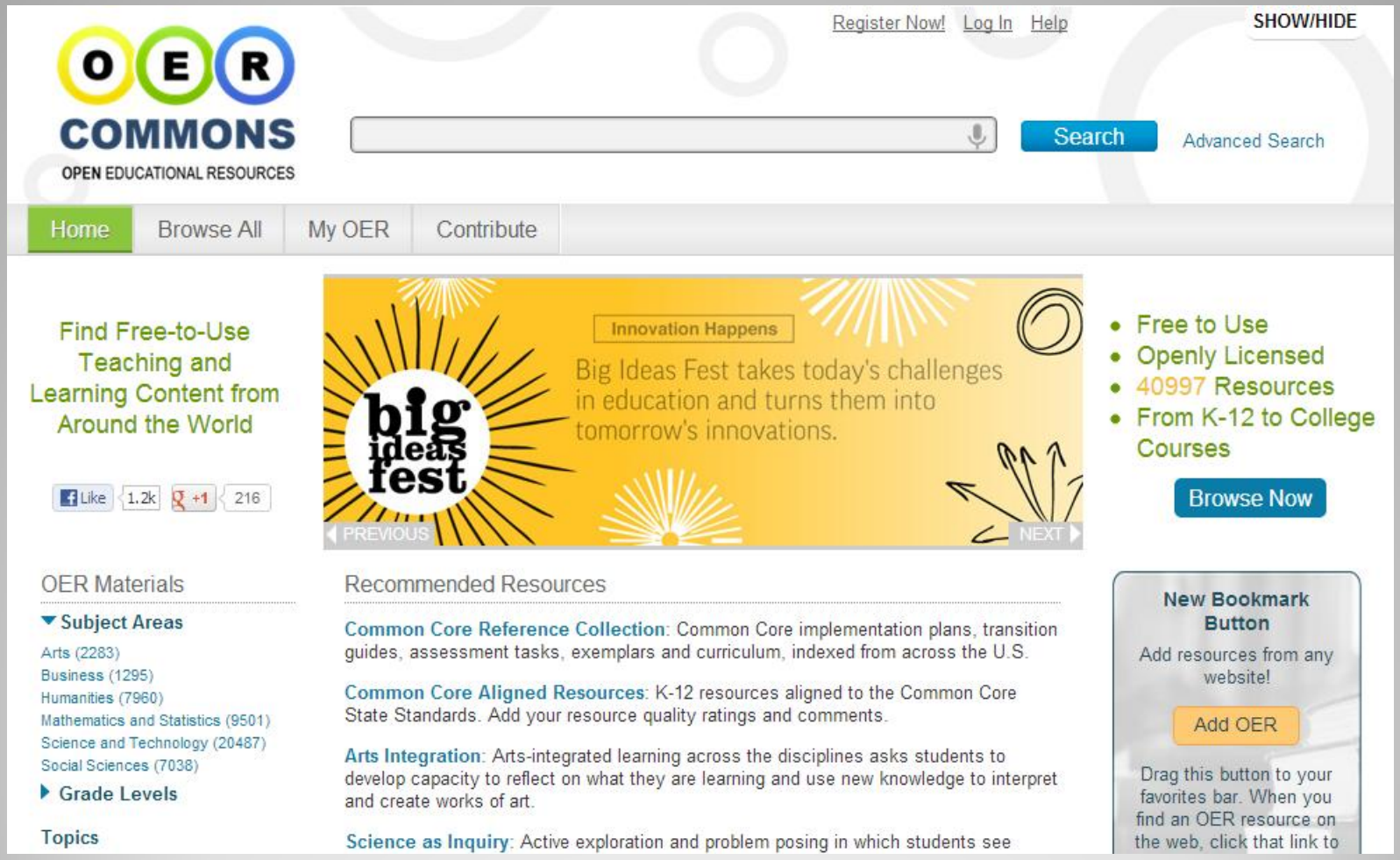
Code as the "law"

- Questionable ‘ethos’ being taught
- Commodification of knowledge
- Extends “copyright”-like protection to ideas and information
- Extends “business” marketplace model to educational products
- Weakens (undermines) “Fair Use” concepts

A good development?

- edX: 370,000 students in fall 2012
- Coursera: 1.7 million students since January 2012
- Stanford Professor Sebastian Thrun's Fall 2011 "Introduction to Artificial Intelligence" online course attracted 150,000 sign ups

Why important?
"Year of MOOC"



You can try to be open but…

"**Automatic Essay Scoring**" software 'natural' next step

PEARSON
INTELLIGENT ESSAY ASSESSOR™ (IEA)

LightSIDE

ETS e-rater® Scoring Engine

LEXILE®

- March 2012 Hewlett Foundation study: 8 commercial and 1 open source robo-graders performed **"as well as human graders."**

Plagiarism Detection → Robo-Graders

"The theory is that teachers would assign more writing if they didn't have to read it. And the more writing students do, the better at it they'll become – even if the primary audience for their prose is a string of algorithms."

From http://www.educationnews.org/technology/are-robo-graders-the-answer-to-student-writing-problems/

Education by "Code"

Thank You

Abe Hsuan
Irwin & Hsuan LLP
November 7, 2012