

# Supreme Court Rules on Copyright



Copyright is a complicated issue that teachers are faced with whenever we choose material that is reference only, or material with insufficient copies for our students. We've all seen the "Access Copyright" rules posted above the photocopiers in our schools, but as a result of two decisions at the Supreme Court of Canada this summer, some of these rules have changed. Access Copyright is the body that collects royalty fees for the copying of copyrighted materials.

In the past, when students have copied excerpts of copyrighted materials (newspapers, books, journals, etc.), this has been seen as part of the "fair dealing" category, and these students have been exempt from paying royalties, since the copying is for use in private study or research. At the same time, teachers were not exempt, and had been subject to requirements to request permission and to pay royalty fees whenever photocopying short excerpts from materials for class study. While this ruling will not eliminate the fees that School Boards and the Ministry of Education will pay, it will likely reduce them.

The rulings this summer have changed this part of the copyright laws. Teachers, when copying excerpts from print materials for students, are now also covered under the "private study" category, and may copy short excerpts from newspapers, books and other reference material without requiring permission, or paying fees. The decision was based on the fact that

teachers and students have the same goal in accessing reference material for study, and also on the evidence presented that copying of short excerpts did not cause a decline in textbook sales.

Please make yourself aware of the rules surrounding copyright laws, and ensure your practice is within the new ruling. We will distribute additional information as it becomes available regarding what constitutes a "short excerpt."

Jody Polukoshko, Dickens

## Ban Critical Thinking

Truth is often stranger than fiction when politicians attempt to make changes to the public education system.

In Texas the state Republican Party recently published its party platform, a report that—among other things—calls for a ban on teaching critical thinking skills in Texas schools because of its "focus on behavior modification" and that critical thinking has "the purpose of challenging the student's fixed beliefs and undermining parental authority." What this type of action tells us is that when politicians and others attempt to rigidly structure what educators are able to teach in their classrooms, the very concept of what is education will be compromised.

Source—Washington Post

## Will education be a defining issue in the upcoming provincial election? With your help it can be!

Join us for the first meeting of the new Local Election Ad Hoc Committee Monday, 2012 November 5, 4pm at the VESTA office. We will discuss how to make this election work for students and teachers in BC. We can be change-makers, come be part of the fun! Anna Chudnovsky - [anna@vesta.ca](mailto:anna@vesta.ca) Jack MacDermot - [jack@vesta.ca](mailto:jack@vesta.ca)

**JUSTICE, NOT CHARITY**  
A discussion of inner city schools and creeping corporatization  
Saturday, November 3, 2012  
9 a.m. to 4 p.m.  
Peretz Centre  
6184 Ash Street, Vancouver (one block west of Cambie at 45th Avenue)  
Guest speakers include: Heather-Jane Robertson, Christine Stewart, Adrienne Montani, and Gwenn Giesbrecht. \$20 suggested donation—pay what you can.  
Lunch is provided. Register online: <http://openvancouver2012educationconference.eventbrite.ca> or by telephone: 604-255-0400  
Produced by the BCPE, Education Committee

## MARK YOUR CALENDAR

### November

- 5 Local Election Ad Hoc Cttee
- 7 Aboriginal Ed Committee
- 15 Sustainability Committee
- 21 Health & Safety Committee
- 21 Anti-Racism Committee
- 27 TTOC Committee
- 29 Professional Issues Committee

### December

- 5 Aboriginal Ed Committee
- 13 Sustainability Committee
- 19 Health & Safety Committee

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Vancouver Elementary School Teachers' Association

# VESTA news



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## President's Message

It has been quite a start to the year. Teachers ratified the Provincial Memorandum of Agreement at the end of June and the Local Memorandum of Agreement in September. With little time for rest, BCTF locals across the province surveyed members about objectives for the next round of bargaining that begins in the Spring of 2013.

In the political sphere, Don McRae, a former teacher, was appointed the new Minister of Education. Then statements were made by Premier Christy Clark, indicating that she wanted to

overhaul the bargaining process to achieve a 10-year collective agreement ensuring future labour peace in public education.

Teachers have been advocating for a restructuring of the current provincial bargaining mechanisms that have proven to be unsuccessful. But it must be remembered that the very government that is proclaiming its desire for labour peace is the same one which has a 10-year record of legislating rather than bargaining, underfunding public education and stripping class-size,

composition and workload language from our collective agreement. In the last round of bargaining seniority, post and fill and teacher autonomy were on the chopping block.

Here are some facts to remind us of our decade of struggles:

- British Columbia had the worst student-educator ratio in Canada in 2009–2010, the most recent year for which national statistics are available.

**“Teachers, students and parents have lived through a Decade of Cuts and would like to see a Decade of Improvements.”**

- In BC we have a higher proportion of administrators to teachers than in any other province, so the ratio of teachers to students is actually worse than it looks.

- Before 2002, when the provincial government stripped teachers' collective agreements of firm class-size limits and guarantees of services from specialist teachers, BC spent a higher percentage of GDP on public education than Canada as a whole. Since then, however, BC has fallen behind the majority of other provinces.

- BC schools have lost 752 special education teachers, creating a host of problems.
- English Language Learners (ELL) have increased, but one third of ELL teachers (340 FTE) have been cut.
- The number of Aboriginal students has grown substantially, but the number of Aboriginal Education teachers has declined.
- Teacher-librarians have been cut by 30% over the last decade —yet information literacy has become more complex and more significant.

It is the hope of public school teachers that the government is sincere in its desire to seek improvements to the bargaining structure in order to secure stability and labour peace. To do so, the Government needs to recognize that it must take measures, including increasing funding to public education, to address the damage done in the previous ten years. Teachers, students and parents have lived through a "Decade of Cuts" and would like to see a "Decade of Improvements."

In Solidarity,  
Gerry Kent



It's the first week of school and I'm thinking about my students. I teach Grade 7 and this year I'm going to better prepare them for high school with essay-writing skills, and critical thinking skills, and getting through the math curriculum. Also, I need to make time for more discussions about social issues, the kinds of debates and dialogues that will fuel their curiosity about the world and give them opportunities to express their brilliance through the written word. This year I'm going to prepare more, do more reading on pedagogical techniques and theories, gather more educational resources, and read the newspaper more. I want to be a masterful teacher and have my students produce work that is stunning to look at and to read. I want to read an essay written by my student and wonder whether that child might become a lawyer or a social worker or a community activist someday.

But I'm already so busy. And my students have too much on their plates.

I teach at an inner-city school similar to the one Carrie Gelson wrote about in her poignant letter published in the *Vancouver Sun* last year. My students too, have any number of challenges that follow them into school every morning. After Carrie's letter it seemed like people in our city heard our calls. They too, were outraged at the inequality and hardship faced by our students and they wanted to help. So they did what they could. They sent money into the Sun's children's fund, they organized their PACs to donate money to needy schools, they made generous donations in many different ways.

We received this charity graciously. We put it all to good use, I assure you. But charitable donations from people around this province won't fix what is wrong in my classroom.

### Tired and hungry students

I wish I were perfecting my lesson on plate tectonics right now, or maybe putting together a multimedia assignment for my students to work on to fulfill the Social Studies

curriculum on Ancient Civilizations, but I'm not. I'm thinking about my students and all that they bring to my classroom every day. I'm reminded, as this school year ramps up again, that school isn't as simple as we'd like it to be.

Last June, for our field trip to the local high school, my students got a packed lunch from our school: a defrosted half piece of pizza pretzel, a juice box, and an apple. It wasn't enough. They were hungry and lethargic all day. Students from other schools brought packed lunches from home--sandwiches, bags of chips, veggies, cookies, fruit, pasta.

Almost all of my students take part in the hot lunch program. The woman who makes the lunches does her very

kids won't know the feeling of opening their lunches to find a PB and J sandwich made to order. Not the children's fault, of course, but it's the children who bear the weight of it.

I think also about Rosa, the eldest of five kids from the housing project across the street. Her mum is a drug dealer and is rarely around. Rosa is the caretaker for her family and knows it. Last June we took some food by her house--donations that had been left over at school. We decided Rosa's family was the most in need.

She opens the door and awkwardly receives our charity. We ask if we can help her carry it upstairs but she politely declines. She knows that if we

coming from the apartment next door. He's never been very good at school, his grades are the pits, and he's being recruited by the neighbourhood gang for drug dealing. He's got a plate so full, how could he possibly prioritize school. But don't get me wrong, he's brilliant. One time the children had to define justice. Jonah said, "Justice is when we all help each other to feel safe and proud." Jonah hasn't done his homework or passed a test in who knows how long, but what better definition of justice could anyone come up with?

I could tell you about one of my

fairer, or even just less difficult experience for my students?

Here's what I think. We need to acknowledge that the purpose of the public education system is to provide the guidance, the support, and the opportunity for student success no matter what the cost, and that the costs will differ depending on the existing social circumstance of the child. We need to understand that educating my students will cost more money than educating other children but we have to believe that that cost is worth it. That the contribution my students can and will make to society, if given the tools, is as important as every other child in the province and that we will provide them what they need to make that contribution. The cost of this endeavour cannot be covered by the one-time or even sustained charity of a few generous people.

My work is to support my students--to teach them skills to help them achieve their goals, but also to teach and reinforce the social skills that will allow them to move forward through school and life. My work is to tell my students

how brilliant they are, to counsel them, to listen to their hopes and dreams and fears. My work is not to fundraise or to collect money for school supplies from children who barely

have enough to get by in the first place. The public education system is not a registered charity. Education, the kind that makes a difference to children, costs money. Let's not have bake sales to fund it. Let's fund it properly, fully and completely, through our taxes. Let's not put more stress on families like those at my school for whom fundraising is virtually impossible.

Let's build a system that is equitable, truly equitable. One where needing more time, more attention, more money, isn't a handicap but an opportunity. Let's offer an education that meets the social, emotional and academic needs of all kinds of children, no matter the cost. Not only because we're benevolent, but because it is a collective investment that will pay dividends in the years to come.

"Justice is when we help each other to feel safe and proud."

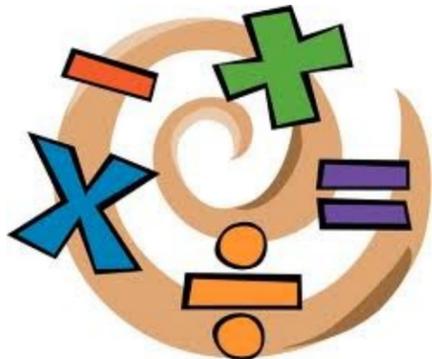
Let's work for justice together.

# Every Kid Counts!

By an elementary school teacher

best, but the lunches are neither particularly nutritious nor yummy. Yet, if it weren't for these lunches my kids would likely not have any lunch at all.

I think about the psychological effects of being in a group of students from other schools. Seeing the care that goes into the lunches of the other students, the love that a kid feels when mum or dad has cut the crusts off the sandwich, or included a favourite cookie in the mix.



My students don't get that. Please don't mistake this for a lack of love and tenderness on the part of the mostly single mothers raising my students. No, it is only a result of the bad luck of living a life of poverty that means these

see the state of her life inside that old wreck of a building, that something bad could happen. She could be taken away, or god forbid, one of her sisters or brother. As if that is a solution to her family's problems. She's smart enough not to let us in. So I am thinking about Rosa today, and what she carries with her to school every day. One day she told me, after a string of absences, that her body hurt because she was so tired. I asked if it was because she was having trouble sleeping and she said no, she was just tired from taking care of everyone.

### Disturbing doodles

I think about Jonah. He didn't submit a piece of work all spring last year. Not one. He said it was because he didn't like school.

He's an awesome kid--a refugee from Sudan. He escaped hunger and violence to come here. Now he lives in an apartment I wouldn't wish on anyone. He's got two brothers and a sister and a mum who's trying her best. He's tired, he's not getting enough sleep because he feeds his baby brother during the night and there's usually fighting

## "Justice is when we help each other to feel safe and proud."

students who's one of 12 kids living in a three-bedroom social housing unit. And about another one who doodles drawings of graves with his name on them during class. I could go on and on and on. And so could so many teachers around the province. But it's not because we want your pity. My students don't need anyone's pity. They're smart, thoughtful, kind people. They are strong, resilient, and funny. They love sports and boys and books and shoes, all the stuff the children you know love.

### What price a future?

I'm not asking for your pity. Truthfully, I don't want your charity either, though sometimes it seems that is all we're being offered. But none of that fixes what is wrong with this story. So what does? How can we create a fair, or



## Teacher

like old times  
I sit in the school lobby  
awaiting her emergence  
instruments once again  
cleaned and encased  
this young woman  
who makes such beautiful music  
whose notes are in my blood  
on the wind

earlier she chatted animated  
with students  
with her mentor  
well on her pedagogical transformation  
to teacher  
marshalling teenagers with instruments  
into rows or on stage  
an admonishing tap  
on a shoulder here  
a laugh at a comment  
there  
synchronized with her mentor  
she assists  
organizes  
plays with the band  
that gorgeous low thrum  
of her contrabassoon  
resonating through  
her students' melodies

this but a prelude  
of what's to come  
I imagine her  
in a band room many years ago  
working a shammy  
through the neck  
of a brown and silver instrument  
soaking up the spittle  
or last year, those sensitive hands  
on stage at her recital...

and she emerges  
dry  
glorious  
about to burst into song  
teacher-to-be

Renee Norman