

CHAPTER 11

This chapter presents additional information and resources for distance educators at community colleges, and focuses in particular on issues surrounding the Americans with Disabilities Act, the TEACH Act, and the creation, sharing, and use of learning objects and models.

Sources and Information for Distance Educators

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Community colleges exist in what Meyer (2002) has described as a changing educational marketplace, increasingly global in orientation, where technology enables the delivery of a variety of educational programs. In an era of diminished state and federal funds for institutions of higher education, many community colleges are pursuing technological solutions in order to provide dynamic instruction to an increasingly diverse community college student population, and to improve student learning outcomes.

Despite its benefits, however, there are many challenges in designing and implementing successful distance programs. For instance, students with disabilities may not have access to e-learning opportunities, as developers of distance learning technologies do not always create products that accommodate special needs populations. In addition, distance education faces new challenges in the form of changing copyright laws. In October 2002, Congress passed the Technology, Education and Copyright Harmonization (TEACH) Act in order to address the lawful uses of copyrighted materials in distance education environments. The TEACH Act raises many questions and challenges for community college distance educators. Distance educators are also constantly challenged by the development and implementation of new distance learning technologies. The use and sharing of learning objects, for example, forces institutions to struggle with issues of quality, standards, maintenance, cataloguing, and control.

This chapter outlines several ERIC documents, informational websites, and other resources pertaining to distance learning at community colleges. In particular, it provides additional resources and

information about the Americans with Disabilities Act and how it affects distance learning at community colleges; copyright laws and intellectual property, including the relatively new “Teach Act”; and the creation, sharing, and use of learning objects and models in community college distance instruction.

Americans with Disabilities Act

Providing access to educational information technology is essential if community colleges are to enable students with disabilities to fully participate in today's high-tech world. Technology helps to eliminate some of the barriers previously faced by disabled students, but to be successful in providing these students with access, community colleges must address issues ranging from physical access to visual impairment. Community colleges must work to make instructional technology and other forms of distributed learning available to students with sensory, mobility, learning, and other disabilities. Although national research assessing the impact of the Americans with Disabilities Act on community college distance learning practices is relatively limited, the resources in this section provide distance educators with information about this important topic.

Oblinger, D., and Ruby, L. *Accessible Technology: Opening Doors for Disabled Students*, n.d. Boulder, Colo.: EDUCAUSE. <http://www.educause.edu/ir/library/pdf/CSD3273.pdf>. Accessed July 26, 2004.

This report from the EDUCAUSE Library showcases successful accessibility programs at the University of Washington, the University of Texas-Austin, University of Wisconsin at Madison, and Rio Salado Community College in Arizona. Although only one of these programs resides at a community college, practitioners at two-year colleges can benefit from the practices and recommendations discussed.

Disability Resources on the Net <http://www.disabilityresources.org/DISTANCEED.html>.

Disability Resources, Inc., a nonprofit organization established to promote awareness, availability, and accessibility of information to help people with disabilities, devotes a special section on its website to

disability resources for distance education. The site monitors and provides links to hundreds of publications, audiovisual materials, and other online resources. Disability Resources, Inc. also reviews and reports on worthwhile materials in its Disability Resources Monthly newsletter (<http://www.disabilityresources.org/DRMpubs-DRM.html>).

Equal Access to Software and Information (EASI)

<http://www.rit.edu/~easi/index.htm>

EASI “was originally formed in the late 1980s as part of EDUCOM. In the early 1990s it became part of the Teaching, Learning, and Technology Group, an affiliate of the American Association for Higher Education.” Since 2000, EASI has been independent, non-profit 501c3 organization offering an excellent range of information and guidance for community colleges seeking to provide access to instructional technologies for individuals with disabilities. EASI works to inform colleges, universities, K-12 schools, and libraries about developments and advancements within the adaptive computer technology field. The EASI website provides information on accessibility training and serves as a rich source of information on e-learning accessibility issues.

National Center on Accessible Information Technology in Education (AccessIT)

<http://www.washington.edu/accessit/index.php>

Funded by the U.S. Department of Education’s National Institute on Disability and Rehabilitation Research, the National Center on Accessible Information Technology in Education (AccessIT) serves to increase access to information technology for individuals with disabilities. AccessIT develops and disseminates materials, training, and technical assistance that facilitate adoption of policies and practices to increase use of accessible information technology. AccessIT’s website provides a complete list of promising practices, and showcases examples of accessible educational information technology.

Title Five Regulations on Distance Education

http://www.curriculum.cc.ca.us/Curriculum/RegulationsGuidelines/Regulations_DistanceEd.htm

Title Five of the California Education Code governs community college curriculum and matriculation regulations. In July 2002, final Title 5 regulations were adopted for distance education. This site contains guidelines for following distance education requirements imposed by the Americans with Disabilities Act. Community college educators might also examine *Guidelines for Good Practice: Effective Instructor-Student Contact in Distance Learning*

(http://www.curriculum.cc.ca.us/Curriculum/GoodPract/EffectiveInstructor_Student.htm), and *Guidelines for Good Practice: Technology-Mediated Instruction*

(http://www.curriculum.cc.ca.us/Curriculum/GoodPract/tech_mediated_instruction.htm).

Copyright Legislation

The increased use of e-learning in higher education has had profound implications for intellectual property policy. In addition, advances in instructional technology, as well as the legal changes incorporated into the Digital Millennium Copyright Act, have focused concern on the issue of intellectual property. In order to address this issue, Congress enacted the Technology, Education and Copyright Harmonization (TEACH) Act in October 2002. The TEACH Act revised Section 110(2) of the U.S. Copyright Act governing the lawful uses of existing copyrighted materials in distance education and, through specific requirements and conditions, outlines the terms for clipping pieces of text, images, sound, and other works into distance learning activities. As Crews (2002) noted, the TEACH Act is a clear signal that Congress recognizes the importance of distance education, the significance of digital media, and the need to resolve copyright disagreements.

The TEACH Act has many implications for copyright and intellectual property policy in community colleges. Because of the Act, institutions must impose restrictions on access, develop new policies, and disseminate copyright information when engaging in distance education initiatives. In addition, many of the Act's provisions focus entirely on the behavior of educational institutions, rather than on the actions of instructors. Consequently, community colleges, rather than the instructors

themselves, take on the risk of infringement liability. This creates an incentive for institutions to become more involved in overseeing educational programs and in selecting and using educational materials. As Crews (2002) noted:

The pursuit and regulation of distance education programs will become increasingly centralized within our educational institutions. Because the law calls for institutional policymaking, implementation of technological systems, and meaningful distribution of copyright information, colleges and universities may well require that all programs be transmitted solely on centralized systems that meet the prescribed standard. (p. 3)

The following resources and information provide community college distance educators with guidelines and recommendations for copyright implementation. Several of the websites contain current information and best practices that can be useful in ensuring compliance.

Chang, V. *Policy Development for Distance Education. ERIC Digest*. Los Angeles: University of California, Los Angeles, ERIC Clearinghouse for Community Colleges, 1998. (ED 423 922)

This ERIC digest was drawn from *New Directions for Community Colleges* volume 99, titled “Building a Working Policy for Distance Education,” and discusses key policy issues faced by community colleges and other institutions of higher education involved in distance learning. It argues that existing educational practices cannot accommodate distance education without making organizational changes in teaching and learning, as well as in state, federal, and institutional policies. The digest further argues that distance education is more likely to be adopted if it is perceived to be compatible with the college's mission and is effective from both academic and cost perspectives.

Salamon, K. D., and Goldstein, M. B. “Copyright Issues and Technology-Mediated Instruction.” In R. C. Cloud (ed.), *Legal Issues in the Community College. New Directions for Community Colleges*, no. 125 (pp. 65-74). San Francisco: Jossey-Bass.

This *New Directions for Community Colleges* chapter provides an overview of intellectual property and copyright law pertaining to telecommunicated instruction. Using a legal perspective, the chapter reviews

issues in changing federal law and related policy, and examines emerging trends in instructional and intellectual property policies.

American Library Association: Distance Education and the TEACH Act

<http://www.ala.org/ala/washoff/WOissues/copyrightb/distanced/distanceeducation.htm>

The American Library Association has historically been on the forefront of copyright issues. This site contains one of the best and most comprehensive discussions of the TEACH Act's legislative history, and thoroughly explains the implications of the new copyright law for distance education. Additional higher education copyright resources and links also are provided.

North Carolina State University: The TEACH Toolkit

<http://www.lib.ncsu.edu/scc/legislative/teachkit/>

North Carolina State University (NCSU) has developed a TEACH toolkit that contains an overview of specific TEACH Act requirements, a TEACH glossary, the actual text of the TEACH Act, and a report by the Senate Committee on the Judiciary. The site also contains specific guidelines for distance education practitioners, a detailed checklist for institutions, and a sample NCSU copyright permissions guide with several sample forms. A best practices area includes authentication and digitization guidelines. Finally, the site posts a discussion about the interaction between the TEACH Act and fair use policies, as well as a comprehensive *Frequently Asked Questions* section addressing institutional-level, technological, faculty, and content questions.

Pima Community College: Copyright and the TEACH Act

<http://www.library.pima.edu/copyright.htm>

Pima Community College District (Arizona), one of the largest in the country, has developed a comprehensive website that details how the district's policies address the TEACH Act's requirements.

Links are also provided to other current higher education copyright resources. This is an especially useful

site for community college administrators looking to model their policies after a large community college that is active in various forms of distance education.

University of Texas: The TEACH Act and Copyright Crash Course

<http://www.utsystem.edu/ogc/intellectualproperty/teachact.htm>

<http://www.utsystem.edu/ogc/intellectualproperty/cprtindx.htm>

The University of Texas has one of the most comprehensive and easy-to-use websites on copyright issues affecting higher education institutions, and discusses fair use and licensing as well as the TEACH Act.

The website reviews the Act's language and provides a summary of its 22 prerequisites. It also includes specific recommendations on how copyright pertains to online multimedia, courseware contracts, course multimedia, web documents, and other media. Because the TEACH Act does not distinguish among higher education institutional types or control, community college distance education providers will benefit from the practices and recommendations discussed in this website even though it was developed for a four-year university.

Learning Objects and Models

A learning object is any digital asset that is used to achieve a learning objective and can be re-used in different contexts. Learning objects may be data or data sets, text, images or image collections, audio or video materials, executable programs, courses offered through course management systems, or other resources that can be delivered electronically. Most agree that learning objects should be re-useable over time and location, and operable across different systems and software (Diaz and McGee, forthcoming).

Learning objects have the potential to provide individualized learning experiences to address students' learning styles, prior knowledge, and specific learning needs. They may also offer great value by saving time and money in course development, by increasing the reusability of content, by enhancing students' learning environments, by sharing knowledge within and across disciplines, and by engaging faculty in a dynamic community of practice (Bennett, Diaz, McArthur, and Metros, 2002). The following

resources provide community college distance educators with information about creating, sharing, and using learning objects and models.

Bratina, T., Hayes, D., and Blumsack, S. "Preparing Teachers To Use Learning Objects." *The Technology Source*, November/December, 2002.

This paper describes the advantages of using learning objects in technology-supported instruction, and is a useful resource for community college educators who are in the early stages of implementing and using learning objects. It discusses reasons why instructors want to implement learning objects, and explains how to facilitate their use. Further, it advocates for the effective implementation of existing learning objects, rather than the design of new objects.

National Learning Infrastructure Initiative, Learning Objects. "The Digital Repository Comes of Age: How NLII Members Are Turning Learning Objects into Knowledge Agents." *NLII Annual Review, The New Academy*, 2003.

http://www.educause.edu/nlii/annual_review/2003/thedigitalrepository.asp. Accessed July 26, 2004.

This National Learning Infrastructure Initiative (NLII) paper provides a good overview of learning objects and introduces a broader context for their application. Additionally, it identifies key institutions and agencies involved in the use of learning objects and learning object models, and provides numerous resources on the subject. Community college practitioners can use this site as an introduction to learning object issues, and can connect themselves to other institutions and individuals active in their application.

National Learning Infrastructure Initiative: Learning Objects

<http://www.educause.edu/nlii/keythemes/2004/lo.asp>

NLII's learning object website outlines the organization, management, and accessibility of learning object repositories; the ways learning objects can enable faculty to develop more effective learning

environments; the standards and technical specifications for developing learning objects; cost and benefit information; and policy issues related to learning objects, such as intellectual property and copyright. This site is also a rich source of information about current literature and research on learning objects.

New Media Consortium: Learning Object Initiative

<http://www.nmc.org/projects/lo/index.shtml>

The New Media Consortium, an international, non-profit consortium of nearly two hundred leading colleges, universities, and museums, serves as a mechanism for the development of new technology applications that support teaching and learning. It also sponsors programs and activities designed to stimulate innovation. The Learning Object Initiative seeks to detail the theories, standards, projects, tool sets, and repositories for learning objects; to highlight and recognize successful models for developing and deploying learning objects; and to support the further development of learning objects and repositories in higher education.

References

Bennett, K., Diaz, V. M., McArthur, D., and Metros, S. "The Promise and Pitfalls of Learning Objects: Current Status of Digital Resource Collections." Paper presented at the National Learning Infrastructure Initiative Focus Session, San Diego, 2002.

<http://www.educause.edu/asp/doclib/abstract.asp?ID=NLI0201>. Accessed July 29, 2004.

Crews, K. D. (2002). "New Copyright Law for Distance Education: The Meaning and Importance of the TEACH Act."

<http://www.ala.org/ala/washoff/WOissues/copyrightb/distanced/teachsummary.pdf>. Accessed August 19, 2004.

Diaz, V. M., and McGee, P. "Distributed Learning Objects: An Open Knowledge Management Model."

In A. S. Metcalfe (ed.), *Knowledge Management and Higher Education: A Critical Analysis*,

forthcoming. Hershey, Pa.: Idea Group Inc.

Meyer, K. "Quality in Distance Learning." *ASHE-ERIC Higher Education Report*, 2002, 29(4), 1-121.

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