

## From Your President

### *Creative Solutions*

DEAR OCDA FRIENDS, it seems like ages have passed since I wrote to you in my last *OCDA News* article. What can be said about our present situation that hasn't been said already? There are still many unknowns and uncertainties, and I am sure we could all commiserate about our frustrations and anxieties as we look to the future. But forward we must look, and this means being prepared for just about anything. This might mean putting our personal hopes for concert themes and programs aside, thinking about ways we can keep our singers engaged in music, and definitely relying a lot on fellow members of the professional choral community.

Though I am sad that we had to cancel our scheduled 2020 Summer Conference, it is my pleasure to announce the 2020 OCDA Virtual Conference, which will be held on Zoom, Tuesday, June 23. This conference is completely FREE and open to all. Membership in OCDA is not required, so please spread the word, and encourage all of your choir director colleagues and friends to attend. Presenters include Hilary Apfelstadt, who will speak on "Leadership in Changing Times," and Scott Edgar, who will present "Social Emotional Learning and Music Education: Now More Than Ever." There will also be a panel discussion on "Choral Music at a Distance," featuring Robert Bode, Kelsey Burkett, Britt Cooper, and Robyn Lana, which will address many different interest areas. Other events include virtual concert sessions, reading sessions, roundtable discussions by area, and a Happy Hour, where registrants can socialize and engage with one another. Advance registration by June 15 is required, and join links will be sent to registrants the week before. I hope that you all can be a part of this event, and I look forward to "seeing" all of you there. You may register [here](#).

Another way you can be a part of this event is by submitting a video of your choir to be on one of our virtual concert sessions. Using ACDA's Virtual Concert Hall as a model, we are asking Ohio choir directors who are members of OCDA to send us a high-quality video of either a performance from the past year or a virtual choir project of their singers. We will compile these together into concert sessions, showcasing choral talent of all kinds from across the state. The deadline for submissions is Friday, June 12,



*OCDA President  
Brandon Moss*

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The leadership of OCDA continues to monitor the current health situation with regard to choral singing. While it is too soon

to make any kind of prediction regarding what the fall will look like, we plan to be ready to help the members of our choral community find creative solutions to the challenges we will face. It is my hope

that our conversation at the Virtual Conference on June 23 will be just the start of an ongoing dialogue about how to keep the passion that we and our singers hold for choral music thriving. ♦

## Stay Inspired

### *Franklin Miller, East Central Region Chair*

IT WAS THE BEGINNING of March. I was in Costa Rica over spring break with my wife and toddler, visiting my sister and getting some dental work done—the latter being a necessary evil I dread more than trying to pass out multiple-page sheet music to a third-grade choir. Due to a fundraiser, we moved our break to the beginning of March. You may wonder why I mention this twice. I drop that little detail, so it is clear this is pre-COVID and I was not disregarding safety measures. Little did I know what would happen while we were away.

The tropical breeze, toucans, fresh pineapple, and fried plantains all took a backseat to the email I opened from my school administrator. School is closed, you will now be teaching remotely. This news dominated my thoughts for the rest of my vacation. After my initial shock and (wisely) deciding against renting an Airbnb with a solid internet connection for three weeks, we returned home one day before Costa Rica closed its airport.

Like many of you, I was determined to make the best of remote

learning and keep my students on track. Also like many of you, I learned how to shoot and edit videos, convert my phone into a webcam for my laptop using IVCam, record my screen using Bandicam, wait for my one-year-old to sleep before recording, spend hours watching my videos upload, wait “patiently” for an elusive echo to stop interrupting my choir Zoom meeting, slowly lose my fear of talking to a camera, and spend an embarrassing amount of time adjusting lighting, clothing and the pitch of my speaking voice for a video lesson. By week five, my videos sounded less like a nervous impersonator and more like a music teacher.

The following are a few things I found to be helpful with my students in the corner of the world I inhabit. As I am writing this, we do not know what the next months hold for the choral music world. Many of these are applicable to a normal classroom. Perhaps you will find something that resonates with your situation.

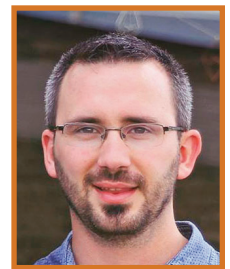
***Dress up, warm up.*** I found when I put on my teaching clothes,

did my warmups, and stuck to a routine, I was more productive. Teaching is vocally demanding. Online teaching is too.

***Do not assign busywork.*** Students will sniff out the assignments you actually think are important and the opposite is also true. Put yourself in their shoes. Or better yet, put yourself in their parents’ shoes. A few meaningful, attainable assignments will serve you both well.

***Adjust your attitude toward your job and students.*** You did not ask for this, and neither did they. Your students have a lot going on. Their environment has changed and as teens, they have less coping power than they will in a few years. At the onset of school closing, a bunch of my students found part-time jobs. I do not think it is a great idea, but it is reality. I need to accept that and try to adjust my expectations.

***Give them an easy out during this time.*** Not every student has the same ear or voice or ability to sing alone. If you have a singing-







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based assignment, consider offering an alternative for those who usually follow their section leader or are afraid to sing alone. (Please, don't misunderstand this suggestion. When school is in session at LCS, we start Sight Reading Factory in seventh grade, and they complete weekly assignments until they graduate from high school.)

**Give several options but keep it simple.** At the beginning of this remote learning season, I assigned sight reading, recordings of our choir songs, and theory exercises on musictheory.net. These were helpful but since we had no actual choir period for the "reward" or the "why," my students lost interest after a few weeks. The best response I received was from my Choose Your Own Adventure assignments. These were inspired by

Doreen Fryling's "Growing As Musicians" blogpost. I gave them three to four options per assignment and included detailed upload instructions with a video demonstration and tried to anticipate their questions. I found that if the submission process were too complicated, I would be staring at empty or incomplete assignments.

**Give detailed, constructive feedback.** It should be accurate and true. You can always find something to affirm. Even if it is as simple as the fact that they completed the assignment, tell them! I could assign up to 45 minutes of work per week. This gave me time to record feedback. (I was lacking in this department for the first few assignments. I would jot down the grade, a few comments, and move on to watching a YouTube tutorial

on how to create a virtual choir. Who am I kidding? It would bunny trail from there to the Aeolians and a Voces8 interview, to yet another virtual choir video to a throat singing tutorial to watching a voice teacher's reaction to the lead singer of Disturbed singing "Sound of Silence.") When I allotted the time to send feedback, I would record a short video going over each student's assignment. This would take an entire day and was not without its headaches. I would send a student the wrong video and say the wrong name at times. My students loved it and commented on how much they appreciated the personal touch! One of them worked six hours on a recording project. If they can do that, I can take a few minutes to let them know their work is important, tell them what



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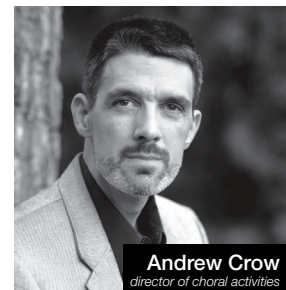
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was well done and give them a few suggestions for the next one.

***Virtual choirs are a poor substitute for choir.*** My top group sang Lutkin's "The Lord Bless You and Keep You." Four days, two video editing programs, exhausting all favors owed by my buddy who knows how to do color correction, a frozen laptop, and copious amounts of coffee later, it was finished and released Easter morning. I had to ask one student to re-shoot his video three times. Was it worth it? That depends on the objective. We wanted something our students could have as a milestone in lieu of graduation and our spring program. So, in that sense, yes. Do not feel pressured into creating one, though: they are time consuming and stressful and it is more about the production than the process. A lot of editing is involved that has nothing to do with singing. That being said, there are ways to save time and keep you from pulling out tufts of hair. Email me and I will be happy to share what I have learned. [Franklin.miller@legacychristian.school](mailto:Franklin.miller@legacychristian.school)

***Assign some work that reminds them of their love of music and singing.*** Or, if they do not love music, hopefully something that will instill that. In the production-based world of click tracks, lasers, lip syncing, and autotune, we sometimes overlook the average person singing for the pure joy of it. I have a few students who are afraid or reluctant to sing if it is not rehearsed or with others who sing well. After a conversation with

Regina Brubaker from Virginia, I ended up assigning music-making with their household. They could choose any song to sing, video record it, and send it in. It did not need to be perfect, or even in tune for that matter. I wanted their blooper reels. They got bonus points if they sang with siblings. Also, they would get a free pass on the next assignment if they assembled their entire household and did some sort of work while singing. This was not a performance. It was everyday life with music in it. Yes, choir is a must, and there is a time for carefully tuned tone clusters and complex rhythmic passages. There is also a time for spontaneous singing and music making in everyday life. If they can do that and connect with their families, all the better!

The response was overwhelming. The kids loved it and the videos I got were hilarious. One student assembled his entire family and they were washing dishes and clearing the table, and in various keys were bellowing THE WHEELS ON THE BUS GO ROUND AND ROUND. Others were singing while feeding goats, folding laundry, sweeping the floor, or simply sitting on the couch. Seeing the joy on their faces and the intergenerational connection was worth the cheerleading and effort put into getting them to try.

***Make a big deal when a student goes above and beyond.*** If it's allowed in your district, share their achievements. Pick an outstanding student, ask their permission, and

share their work. Host a virtual showcase or some way students can see each other's work.

The takeaway from the past few weeks has been to inspire.

Inspire yourself. You need to be excited and passionate about your work if you are going to pass that to your students. Why are you involved in music? What is your best memory from the past school year? How can you prepare for the next academic year? Among other options this summer, consider attending the OCDA Virtual Conference for the motivation you crave to prepare for 2020–21.

Inspire your students. If inspired, they will probably learn more in their lifetime than we could ever teach them during the hours we have them in our classrooms. When music becomes a part of their lives, it will be with them forever. If it is only something that is done in school with a lot of pressure and a bar that is too high and little connection to their life outside of school, it will probably end with graduation.

My vacation was ruined by an email with bad news, as I obsessed about what was going to be missing. Do not let the possibility of things being different change your outlook. Focus on what we *can* do. Our students need us to be engaging and inspiring more than ever. Take risks, be realistic, tackle creative projects—and above all, stay inspired! ♦



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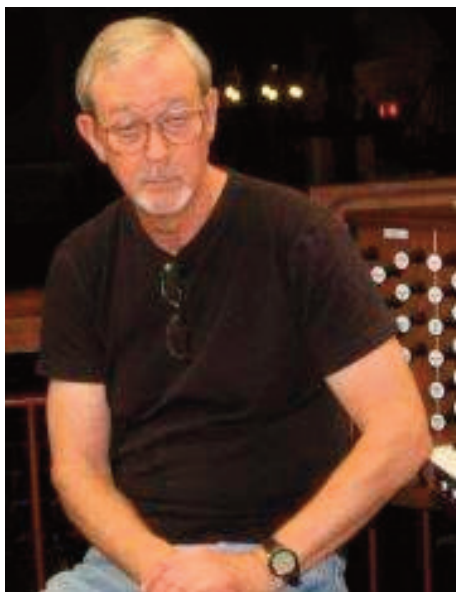


## Spotlight on Composer Gerald Near

*Mario Buchanan, Music in Worship R&R Chair*

GREETINGS! In the last issue I brought to your attention the composer David Hurd, and in this article I've chosen to highlight another extraordinary living American composer of music for worship: Gerald Near. Mr. Near studied theory and composition at the American Conservatory of Music in Chicago with Dr. Leo Sowerby (named the "Dean of American Church Music") and continued studies at the University of Michigan, Ann Arbor. Presently, Mr. Near works at an Episcopal church in Arizona. His choral music covers the full spectrum, ranging from small works for two-part choir to his large-scale work, *Resurrexi*. Almost all of his music is published by Aureole Editions, which is a branch of Canticle Distributing.

Gerald Near's choral output is extensive, with over 80 sacred compositions. Below are some of my fa-



GERALD NEAR

vorites. (Unless otherwise indicated, Aureole Editions is the publisher.)

### *My Song Shall Be Always*

This mostly unison/two-part anthem with a small SATB section is beautifully crafted. A peaceful rolling organ accompaniment propels the piece, which starts with a canonic melody sung by the women and then the men. The B section of the ABA form is a brief unaccompanied section for SATB. This is a wonderful piece for General time.

### *Christ Hath a Garden*

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Robert Bridges' text is brought to life in this beautiful anthem that is structured much like a hymn. Based on the tune O Waly Waly, the piece is mostly unison with an SATB harmonization in the middle. The organ accompaniment interweaves with the choral parts, sometimes doubling the voices but also offering a different textual layer. This anthem can be used for General use or would be particularly wonderful around Earth Day. There is a perusal copy on the publisher's website.

### *Now the Silence, Now the Peace*

This Eucharist-centered anthem is a go-to for choirs of any size. It is scored for unison choir and organ with an optional second part and an optional decant. A wonderful paring of an original Gerald Near tune and a Jaroslav J. Vajda text, the piece sounds fresh and inviting. In my previous congregation, we sang this anthem many times and

the choir never tired of it. There is a perusal copy on the publisher's website.

### *Spiritus Domini*

This stunning SATB anthem with organ accompaniment, for Pentecost, is one of Gerald Near's most impressive works. With a Latin text, the piece sounds as if Herbert Howells wrote Gregorian Chant, with the famous Pentecost chant Veni Creator Spiritus interspersed throughout the texture of the piece. The choral parts intertwine, as if to show the Holy Spirit working, until toward the end of the anthem the choir sings a three-part motet (STB). Disguised in this motet, the altos interject the Veni Creator chant in its completion. The choral writing is masterful with a transcendent organ accompaniment. While this piece is quite stunning, it is also quite challenging with many accidentals and unpredictable tonal shifts. Since Pentecost only occurs once a year, "Spiritus Domini" can be sung annually, like having an old friend come for a visit. There is a perusal copy on the publisher's website.

### *Holy is the True Light*

This anthem for SATB choir and organ certainly qualifies as difficult, with the choir going back and forth between four-part and unison singing. This is a wonderful anthem for All Saints or for a Remembrance service.



*Anima Christi*

While this is best suited as a Eucharistic anthem, it is appropriate for General use. The scoring is for SAB choir and organ, with an optional tenor part. The choral writing, like many of Gerald Near's

works, alternates between chant and homophony. The organ accompaniment supports the choral sonority while adding its unique voice to the piece.

In the face of current uncertainties, I have been glad to devote

more time to score study and learning new pieces. I hope that you'll be inspired by these two articles to sing the music of Gerald Near and David J. Hurd. Blessings in your ministries during this difficult time. ♦

## “Fair Use” and Transformative Works in Show Choir

*Jeff Clark, Show Choir R&R Chair*

MARCH 24, 2020 marked an important day in the world of Performing Arts. The Ninth Circuit issued a victory for music education based on (what will likely be) the landmark case of *Tresona Multimedia (AZ) v. Burbank High School (CA)*.

The lawsuit concerned Burbank High School's show choir In Sync and their use of copyrighted material in the creation of their show choir set, "Rainmaker," for their 2011 show choir competition season. In the suit, Tresona claimed infringement on several song titles represented in the performance, citing that Tresona held the exclusive right to issue custom arrangement licenses. Director Brett Carroll and the school's Vocal Music Association (VMA) were named as Defendants.

The court's published findings include:

In this case, Tresona did not possess the exclusive rights that it claims, and therefore did not have legal standing to bring copyright infringement law-

suits. In fact, one piece out of seventy-nine (the song "Magic" as performed by Olivia-Newton John and composed by John Farrar) was the only song that Tresona was able to provide evidence of a clear chain of title.

Burbank's show choir created transformative musical works, conceived around a story that was found to be inherently free and exempt from copyright infringement under the fair use doctrine.

To deter future litigation, full attorneys' fees were awarded to Burbank High School. "Tresona did more than simply pursue an aggressive litigation strategy. It sued a public school teacher, a not-for-profit Boosters Club, and parent volunteers." (p. 29)

The fair use doctrine was applied in this case. Fair use is determined on four factors:

### The purpose and character of use

The court deemed that the use of the song "Magic" "was not of a traditional commercial nature, but

rather for the nonprofit education of the students in the music program. [VMA Director] Carroll distributed the sheet music at no charge to the students." (p. 19)

### The nature of copyrighted work

The court did feel that the use of "Magic" was not informational but creative, which "weighs against a finding of fair use." (p. 22)

### The amount used of the portion taken

As is often the case with show choir ensembles, songs incorporated into the set were mash-ups of various songs put together. In the case of "Magic", it "did not simply copy several lines from one chorus of the song and repeat it, but embedded that portion into a larger, transformative choir showpiece that incorporated many other works, and imbued that entire piece with new expression and meaning not contained within any of the individual works." (p. 23)



### The effect of use on the market

Would this affect the sales of the original piece of music? Use of the song “Magic” was only by the students of Burbank High School to perform a new original work. “Although the creation of sheet music incorporating the copyrighted work is a derivative use, the twenty seconds used in the ‘Rainmaker’ choir piece is not a substitute for the song ‘Magic.’ Where the secondary use is not a substitute for the original and does not deprive the copyright holder of a derivative use, the fourth factor weighs in favor of fair use.” (p. 24)

With the court weighing in favor of Burbank High School in three of

the four factors of Fair Use, what does this mean for show choir, and for that matter, any transformative works for our music ensembles?

I spoke with Michael Weaver, who is the ACDA National Repertoire & Resources Chair for Contemporary/Commercial Music. Weaver is also a veteran show choir choreographer, show designer, and co-author of the book “Sweat, Tears, and Jazz Hands: The Official History of Show Choir from Vaudeville to Glee.”

JC: You recently had a sit-down interview with Eric Bjorgum who is the copyright, trademark, and patent attorney representing Burbank High School in the case. Did

you get the sense that this judgment will be challenged again?

MW: Absolutely. The business model for Tresona is based on licensing derivative arrangements. A ruling of “fair use” would significantly alter this model.

JC: What were some of the most revealing aspects of this case?

MW: We found that when Tresona does engage with a defendant, it became more clear as to what control Tresona has on the custom arrangement market. This case in particular revealed that Tresona did not own any of the copyrights they claim to control. For example, Tresona acts as the main licensing

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agent for titles controlled by the Hal Leonard Corporation, whose business depends on school markets. It is not in their interest to be suing educational institutions. Probably most substantial, however, is this is a ruling on fair use. By nature of the transformative works of show choirs, in particular medleys and original story narratives, it can qualify as fair use. It also does not disturb the market, as the arrangement is being used specifically for that individual show. People come to these educational concert performances to see their children and not to purchase an arrangement.

**JC:** Show choirs often use custom arrangements to create transfor-

mative works. What is your best advice for them moving forward?

**MW:** Do your due diligence. Be creative! Make it unique! Transformative is the key, so make creative mash-ups. A unique story or narrative-specific show makes it unsellable outside of this use. But, be prepared. Keep administration in the loop and maintain good records. Your private arrangers should have liability insurance and/or inquire if your district will cover their independent contractors.

**JC:** What do you see as the bigger implications of this ruling for music education?

**MW:** This ruling will be used for

years to come. Thank goodness it played out in court, as it revealed new and useful information. Hopefully in the future, there will be a show choir organization that could help choral directors maneuver these copyrights, in the same way that the Barbershop Harmony Society helps its members.

One thing is certain: the copyright conundrum for show choir will continue to be a problem until official legislation is enacted which clearly mandates educational nonprofits are covered by the fair use doctrine. ♦

*Tresona Multimedia v. Burbank High School Vocal Music Association 2020 CA App. Case 17-56006*

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# A Student-Centered Approach to Teaching During COVID

*Laura Kitchel, Collegiate Area: Student Activities R&R Chair*



SPRING OF 2020 has been a challenging time to teach choir. It has forced our profession to be inventive and flexible, and to think of new ways to make musical accomplishments in remote settings. A simple scroll through multiple music education community sites on social media shows the imagination, frustration, celebrations, sadness, and exhaustion of directors. In a time when we are being forced to teach “outside of the box” in order to help students learn music in different settings, teachers are diving headfirst into new technologies, complex online lessons, and new approaches to rehearsing to accomplish this goal. This can be especially formidable when it seems like everyone is posting beautifully polished virtual ensembles, classroom sites, and homemade teaching videos.

The reality, however, is that most teachers and students are overwhelmed by having to rethink all of their traditional lesson plans and ensemble rehearsals. Innovation is important, but it is vital that we take a reasonable and practical approach to the long-term maintenance of our classrooms. This is where a student-centered approach can help.

## Student-Centered Learning

A student-centered classroom is one that focuses on the student in-

stead of the teacher for learning. Students have more responsibility in the instruction process, with the final outcome of becoming independent and autonomous learners. The teacher is the “guide on the side,” instead of the “sage on the stage.” This is now more important than ever, given that we may have less direct contact with our students in the fall. Student-centered learning takes many forms and can be used in every aspect of the learning process including curriculum, course content, assessments, and policies. There are multiple benefits of using a student-centered learning style during remote learning; it can increase student interest, bring out leadership roles, and help students remain engaged in the music learning process, even without ensemble singing.

## Classroom Set-Up and Expectations

One possible use of student-centered learning is the classroom set-up and environment. Consider allowing the students to create their own expectations and rules. If learning is remote, what should they expect of themselves regarding online etiquette? What kind of standards should they hold themselves to for turning in content or completing assignments? What goals would they like to set for themselves if there will be no con-

certs? Give your students space and time to discuss or vote on each of these aspects without directly stepping in. “Guide” the discussions, but let the final decisions come from your singers. They will be more committed and less likely to challenge classroom expectations if they created them.

## Curriculum

Another way to enhance student-centered learning in your class is to allow the students to create their own assignments or assessments. If live performances in the fall are not an option, look to the National Core Arts Standards for inspiration. What if the students created some learning goals based around Creating, Responding, and Connecting? Open the door to this conversation by asking them what they would like to learn and use the standards to “guide” their ideas. Can they come up with learning goals for themselves based around each standard? Can they decide what is important enough to be assessed, and how it should be graded? Giving students some control over their own curriculum can help keep them engaged in a performance course even when performance isn’t possible. You might also be surprised by what your students would like to learn, and it might take some of the pressure off





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of you having to create lots of new or remote lessons from scratch.

### Technology

There is currently enormous pressure for teachers to become quickly proficient on multiple types of teaching technologies in this time of remote learning, and some of us are woefully deficient in this area. Relying on your students for help can be a benefit to your time and sanity, and also give your students a voice in the learning process. Over the summer, talk to your students about what they like or dislike about the remote learning process. Ask them what they are capable of doing at home and what kinds of technology they have access to. Find out if any of your students are particularly savvy with music technology, recording, soft-

ware, or have interest in helping to create projects for the class. “Guide” their skills and enthusiasm to create your own helpers and tech support for your class. Allowing students to take leadership in this area can also be beneficial if you have to begin designing a non-performance-based curriculum in the fall.

### A Student-Centered Approach

As you begin to explore ways to create a student-centered approach in the time of COVID, remember your job as a “guide.” Student-centered learning does not mean you turn your classroom completely over to the students, but that you give them the space to take responsibility for their learning and make decisions without interfering in certain parts of the process. You

can direct the shape of the discussions, projects, and lessons without becoming the “sage on the stage.”

A student-centered approach can also help to justify why our classrooms are still vital, especially if they are remote. Music is one of the last subjects in education that doesn’t have a forced or prescribed curriculum, and it is therefore the perfect place for students to be responsible, creative, and engaged in their own learning, even when they cannot perform. Choosing a student-centered approach to remote learning can help keep our students passionate about music, help take some of the pressure off teachers to be consistently innovative during a stressful time, and help justify our continued presence in the schools. ♦

## Upcoming Events

### OCDA Virtual Summer Conference

June 23, 2020, online

[ohiocda.org](http://ohiocda.org)

*OCDA News*, the official publication of the Ohio Choral Directors Association, is published three times annually and is distributed without charge to members of the Association as well as to selected members and officers of the American Choral Directors Association. Distribution is by PDF file that is emailed and posted at [ohiocda.org](http://ohiocda.org). OCDA reserves the right to determine inclusion of materials submitted and to edit all materials proposed for distribution.

**Copy and Ad Submission Deadlines:** September 15 for the Fall Issue, January 15 for the Winter Issue, and April 15 for the Spring Issue.

**Advertising Rates:** a full-page ad is \$135 per issue, a half-page ad is \$80 per issue, and a quarter-page ad is \$45 per issue. A 15% discount is offered on the purchase of three consecutive ads; other discounts are available. Please contact the editor for exact ad sizes and other specifications.

**Tim Cloeter, Editor** • [timothycloeter@gmail.com](mailto:timothycloeter@gmail.com) • 262-527-8151



# Virtual Conference

Tuesday, June 23, 2020

**[\\*Click HERE to register for FREE\\*](#)**

Free and open to all;  
OCDA membership not required!



**Hilary Apfelstadt**

“Leadership in  
Changing Times”



**Scott Edgar**

“Social Emotional Learning  
and Music Education:  
Now More Than Ever”

## Conference Features:

- Free to members/nonmembers alike
- Entirely virtual (Zoom)
- Panel on “Choral Music at a Distance”
- Roundtable discussions by area
- Reading sessions
- Concert Sessions
- Happy Hour

## Registration deadline:

**June 15, 2020**

Advance registration required.  
Access links will be emailed the week prior  
to the conference.

[ocdaconference@gmail.com](mailto:ocdaconference@gmail.com)  
OhioCDA.org

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