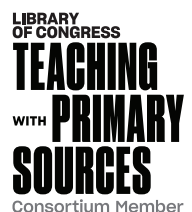




Responding for Creative Performance, Choral, Proficient Level

*A Curriculum Project of
the National Association for Music Education (NAfME)
and the Library of Congress of the United States*

Teaching with Primary Sources



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OVERVIEW OF NAFME/LIBRARY OF CONGRESS UNITS

This Unit is based on the 2014 National Music Standards (nafme.org/standards). These Standards are all about music literacy, since they emphasize conceptual understanding in areas that reflect the actual processes in which musicians engage; they cultivate students' ability to carry out the three Artistic Processes of **Creating**, **Performing**, and **Responding** while aligning with the ideal of **Connecting** to their world and the world around them. These are the processes that musicians have followed for generations, even as they connect through music to their selves and their societies.

OVERVIEW OF RESPONDING FOR CREATIVE PERFORMANCE, CHORAL PROFICIENT LEVEL

This Unit is designed with flexibility in mind. The lesson may be used with a choir, smaller ensembles, or solo singers. Though it is designed for students at the Proficient level, differentiation suggestions in each lesson can be used to reach learners of varying experience or proficiency.

Students at the Proficient level have developed the foundational technical and expressive skills and understandings in an art form necessary to solve assigned problems or prepare assigned repertoire for presentation; make appropriate choices with some support; and may be prepared for active engagement in their community. They understand the art form to be an important form of personal realization and well-being, and make connections between the art form, history, culture, and other learning.

This Unit engages students in analysis of several historic primary sources in order to inform creative performance choices. The focus of analysis in this unit is the rich, diverse tradition of sea shanties, especially the well-known tune "Blow the Man Down." However, this unit and its resources could be used to explore and develop a performance of traditional body of work that has been reimaged by diverse voices throughout history.

PROJECT DESCRIPTION

In this project, students will understand the role of copyright and make informed decisions about artistic ownership and creative choice within the processes of creating, performing, and responding to music.

These lessons guide students through an inquiry process modeled in the [*Library of Congress Primary Source Analysis Tool*](#). This process leads students to think deeply about historic primary sources. Inquiry will empower students to bring their own unique perspective to their performance.

Lesson	Estimated Duration	Artistic Process	Learning Outcome
1	1 hour	Connecting	Students will become familiar with copyright and the importance of intellectual property.
2	1 hour	Responding	Students will justify interpretations of the expressive intent and meaning of musical works by comparing and synthesizing varied researched sources.
3	1 hour	Creating	Students will use criteria, personally and collaboratively developed, research, musical analysis, interpretation of the structure and context to evaluate musical compositions.
4	1 or more hours	Performing	Students will rehearse, reflect, and refine their work and performance to meet articulated performance goals.

PREREQUISITE KNOWLEDGE AND SKILLS

Due to the highly flexible nature of this unit, different skills may be necessary depending on instructional choices. They include:

- The ability to work collaboratively in a small group including contributing ideas, considering the ideas of others, and staying focused to complete the task.
- Sight-reading a diatonic folk song in unison or one part of a piece in four-part harmony.
- Understanding and application of musical elements and associated music vocabulary, including tempo, dynamics, timbre, articulation, meter, rhythm, genre.
- Basic research skills to access and select relevant information from online sources.
- The ability to use a device (such as a computer, laptop, or tablet) to research information, develop a musical composition, and/or draft written content.

NATIONAL CORE ARTS STANDARDS PROCESS COMPONENT ALIGNMENT

The **Connecting** Artistic Process is embedded continuously within the project as students discover how historic artists' choices—and their own original choices—are influenced by their ideas about intellectual property and reflect history, culture, personal identities, and contexts.

The Unit specifically addresses many of the **Creating, Performing,** and **Responding** standards. They are noted on formative and summative assessments throughout the unit. The standards addressed are detailed in the chart below.

FORMATIVE AND SUMMATIVE ASSESSMENTS

- **Every lesson includes a self-assessment for students to track progress toward** instructional goals. Each self-assessment is accompanied by an opportunity for the teacher to provide formative assessment.
- In Lesson 4, a summative assessment measures overall student success toward objective and self-articulated goals, framed by the Performing standards.

Lesson	Assessment Types	Assessment Format	Standards Addressed Standard of Focus
1	Pre-Assessment Reflection Exit Ticket	Rubric	MU:Cn10.0.H.1a MU:Cn11.0.T.1a
2	Self-assessment (Teacher informal, formative assessment)	Likert scale and reflection questions	MU:Re7.1.E.1a MU:Re7.2.E.1a MU:Re8.1.E.1a MU:Re9.1.E.1a
3	Self-assessment (Teacher informal, formative assessment)	Likert scale and reflection questions	MU:Cr1.1.E.1a MU:Cr2.1.E.1a MU:Cr3.1.E.1a MU:Cr3.2.E.1a
4	Self-assessment Summative formal assessment	Rubric	MU:Pr4.1.E.1a MU:Pr4.2.E.1a MU:Pr4.3.E.1a MU:Pr5.3.E.1a MU:Pr6.1.E.1a MU:Pr6.1.E.1a

MATERIALS AND LIBRARY OF CONGRESS RESOURCE LINKS

Materials needed for this unit:

- Primary sources related to the sea shanty “Blow the Man Down”:
 - Smith, Maurice F, and Peerless Quartet. Medley of Sea Chanties. 1914. Audio. <https://www.loc.gov/item/jukebox-649564/> (begin at 0:47)
 - Brown, Noble B. “Ship was becalmed in a tropical sea.” 1946. Audio, notation, and commentary. <https://search.library.wisc.edu/digital/AF4NHGGD3BMW238W>
 - “Blow the Man Down.” 1962. Audio. <https://archive.culturalequity.org/node/54549>
 - “Folklife Archive Challenge Sampler Concert 2018.” Video. 4:20–11:35. <https://youtu.be/pgD5zHkk70k?t=260>.
 - “Blow the Man Down.” 2019. Video. <https://www.loc.gov/item/webcast-9064/>.
- Secondary sources related to the sea shanty “Blow the Man Down”:
 - *SpongeBob SquarePants* Theme: <https://www.youtube.com/watch?v=r9L4AseD-aA>
 - Winick, S. A Deep Dive into Sea Shanties. 2021. <https://blogs.loc.gov/folklife/2021/01/a-deep-dive-into-sea-shanties/>.
 - Choral arrangement with performance rights conditionally granted for free by the copyright holder: http://www.evatoller.se/main_men_titles_A-D.html, http://www.evatoller.se/pdf/B/men/blowthemandown_pdf.pdf
- Technology access: Often, the Unit will suggest several different approaches that will require different technologies in order to suit learners in various remote, hybrid, and in-person contexts.

Note: This Unit contains old recordings from the Library of Congress collections that have been digitized. It may be necessary to discuss old recording technology with students before beginning the Unit so they understand that the crackle and hissing sounds are not part of the original performances but are a result of the technology of the period.

LESSON 1: CONNECT

ESSENTIAL QUESTION: Who owns music?

STANDARDS: MU:Cn10.0.H.11a, MU:Cn11.0.T.IIIa

OBJECTIVE:

I CAN explain who the owner of a copyrighted work is.

I CAN reflect on the importance of being recognized for my contributions/protecting my thoughts/ideas/work.

PART 1: READ AND CONNECT

Estimated Time: 40 minutes

I CAN collaborate with my peers to summarize key understandings and develop questions.

Sequence/Steps:

Students will read through an article, for *example: “*Truth Hurts*”: Judge Rules Lizzo is 100% [That Copyright] Owner from the *National Review* (May 11, 2021),

<https://www.natlawreview.com/article/truth-hurts-judge-rules-lizzo-100-copyright-owner>; article reproduced in full below with the permission of the lead author.

- Divide students into small groups, and assign roles (e.g., scribe, timekeeper, spokesperson).
- Students discuss their understanding of the article and capture reactions, and questions they have and the speaker for each group shares out key understandings or questions
- Facilitate discussion and clarify and solidify learning.

THE “TRUTH HURTS”: JUDGE RULES LIZZO IS 100% THAT [COPYRIGHT OWNER]

By Sandra A. Crawshaw-Sparks, David A. Munkittrick, and Anisha Shenai-Khatkhate

Tuesday, May 11, 2021

Judge Dolly M. Gee of the Central District of California recently awarded singer Lizzo a major victory in a copyright dispute concerning the artist’s hit song “Truth Hurts.” In her ruling, Judge Gee dismissed with prejudice a claim that Lizzo must share copyright ownership of “Truth Hurts” with the plaintiffs in the case, because the co-ownership claim was based only on the plaintiffs’ contributions to a prior independent work. See *Melissa Jefferson v. Justin Raisen et al.*

The proceedings began in 2019, when Lizzo filed an action against songwriters Justin Raisen, Jeremiah Raisen, and Justin “Yves” Rothman, seeking a judicial declaration of non-infringement as to “Truth Hurts.” In response, the three songwriters filed a counterclaim for declaratory relief, seeking a judgment stating that they are joint authors and co-owners of the work.

The Raisens and Rothman allege that in April of 2017, they met with Lizzo and her collaborator Saint John for writing and recording sessions where they worked on a different song, titled “Healthy.” They claim that during that session, while searching the internet for inspiration, Saint John came across a meme that read “I did a DNA test and found out I’m 100% that...” Amused by the line, Jeremiah Raisen suggested it be used as a lyric in “Healthy.” Although Lizzo and Saint John were against the idea at first, they eventually included the “100%” lyric in “Healthy.”

The songwriters allege that after their session, Lizzo continued working on “Healthy,” and that she eventually evolved the song into “Truth Hurts.” “Truth Hurts” was then released in September of 2017, crediting Lizzo, Saint John, and two others as writers. The Raisens and Rothman allege that “Truth Hurts” incorporates the “100%” lyric and other musical elements from “Healthy.” These alleged facts form the basis of the songwriters’ copyright co-ownership claim.

Last year, Judge Gee dismissed the co-ownership counterclaims without prejudice, to the extent they were premised on allegations that Lizzo copied “Healthy” in creating “Truth Hurts.” In that prior order, the court concluded “[j]oint authorship in a prior work is insufficient to make one a joint author of a derivative work.”

The court reached the same conclusion here, after considering the songwriters’ amended counterclaims. Even though the amended counterclaims were “stripped of all statements that Truth Hurts copied or was derived from Healthy,” they “continue[d] to allege the same underlying facts that indicate ‘Healthy’ was a standalone song and not an incomplete, partial contribution.” Put differently, the counterclaimants continued to allege that “Healthy” and “Truth Hurts” were distinct songs. Specifically, the court pointed to allegations that “Healthy” was being considered for inclusion on Lizzo’s upcoming EP. Again, the court determined that joint authorship on a prior standalone work is not enough to confer joint authorship in a derivative work.

The court clarified that even though joint authorship of a prior work is insufficient to sustain co-ownership claims, it does not preclude them. If the songwriters had adequately pled the required elements of joint authorship, they could have still succeeded on their co-ownership claim. But the court determined that the songwriters failed to do so; the court ruled two of the three factors required for establishing joint authorship weighed against a finding of joint authorship. Though the court did not address the third factor,[1] it found the songwriters’ failure as to the other two factors was enough to preclude their joint authorship claim.

First, the court determined the songwriters pled no facts suggesting control over “Truth Hurts.” The songwriters only alleged control over elements of “Healthy.” The court found this might have been

persuasive had they been able to show that “Truth Hurts” was actually the end product of “Healthy.” But because the songwriters’ allegations suggested that the two works were entirely distinct, their purported control over “Healthy” carried no weight as to “Truth Hurts.” As the court noted, even assuming the songwriters controlled Lizzo’s use of the “100%” lyric in “Healthy,” they had no control over her choice to use it in “Truth Hurts.”

Second, the court ruled the songwriters failed to adequately plead manifestation of a shared intent to be co-authors. The songwriters argued that by crediting Saint John on “Truth Hurts” based solely on his contributions during the April 2017 sessions, Lizzo manifested an intent and understanding that all the collaborators at the April 2017 sessions would be co-authors. The court was unconvinced. First, even assuming a shared intent to co-author songs written at the April 2017 sessions, “Truth Hurts” was not written at those sessions. Judge Gee noted that at the time of the April 2017 sessions, the Raisens and Rothman only intended to co-author “Healthy” – not some future undefined work. Further, the court found Lizzo’s choice to credit St. John and others actually showed an intent not to include the Raisens and Rothman; she explicitly chose to exclude them while choosing to include others.

This decision serves as a reminder that co-ownership claims and infringement claims are not interchangeable. Claims for co-ownership must be grounded in contributions to the work at issue, and not in some other independent work – even if the works may share elements.

[1] The third factor, which the court did not address, is whether the audience appeal of the work turns on both contributions and whether the share of each contribution in the work’s success can be appraised.

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PART 2: CONNECTING CONCEPTS WITH SCHEMA AND PERSPECTIVE

Estimated Time: 15 minutes

I CAN explain who is the owner of copyrighted work.

Sequence/Steps:

- Review students' pre-assessment responses, and clarify vocabulary as needed.
- Explain that the pre-assessment included many of the key ideas that lawyers and judges used to decide the Lizzo case.
- Create a word wall of vocabulary to facilitate discussion throughout this unit
- Facilitate conversations with the whole class using questions such as those in the question band below

Extension

- Have students read and discuss the articles pertaining to the additional court cases
- Have students read and discuss the historical context of copyright.
- Have students participate and deepen their exploration by participating in a crowdsourcing campaign to digitize early copyright records hosted by The Library of Congress

PART 3. CONNECTING AND APPLICATION

Estimated Time: 15 minutes

I CAN reflect on the importance of being recognized for my contributions/protecting my thoughts/ideas/work.

- Distribute Handout 1.1

Time Saver

- Facilitate discussion using the reflections questions from handout 1.0

CONSIDERATIONS

Part 1

- Consider using the Lizzo example, another, or inviting your students to suggest a current example.

Part 2

- Additional copyright definitions are provided below as a resource.
- Consider creating anchor charts for unit learning inclusive of a word wall, definitions, and responses to questions. Post, revisit, add, and revise throughout the unit to solidify learning .

Extension

- Some of these news sources provided in the links below may require a subscription
- Participants in the crowdsourcing campaign hosted by the Library of Congress can volunteer to visually inspect an early record and type in data to create a more comprehensive, searchable database of early copyrights. These records reflect a variety of copyrighted works, including sheet music. Students may be encouraged to volunteer to take part in this effort

Discussion/Question Bank:

- Who is the owner of this work? Justify your thinking?
- How does copyright help to safeguard/protect one's creative contributions?
- When there are gray areas and creators disagree about copyright, how do they find clarity and consensus?
- How has our ease of access to music further complicated copyright?
- What is the historical context of the development of copyright?
- Take a perspective from a person in the Lizzo article. Do you agree or disagree with the outcome of this case? Use evidence from the text to support your answer.

LINKS

Part 1 article

<https://www.natlawreview.com/article/truth-hurts-judge-rules-lizzo-100-copyright-owner#:~:text=Gee%20of%20the%20Central%20District,in%20the%20case%2C%20because%20the.>

Part 2 Additional copyright definitions

<https://www.csusa.org/page/Definitions>

<https://www.nfhs.org/articles/nfhs-copyright-resources/>

Extension

Additional court cases to study (inclusive of other expressive arts):

- Lawsuit identified similarities between Thicke and Williams's "Blurred Lines" and Marvin Gaye's "Got to Give It Up" <https://www.rollingstone.com/music/music-news/robin-thicke-pharrell-williams-blurred-lines-copyright-suit-final-5-million-dollar-judgment-768508/>
- More details about the Thicke ruling, including concerns of other artists about its impact on the music industry <https://www.nbcnews.com/pop-culture/music/robin-thicke-pharrell-williams-pay-5-million-marvin-gaye-estate-n947666>
- Overview of Dapper Dan's work, rise to fashion fame, lawsuit <https://www.nytimes.com/2017/06/03/fashion/dapper-dan-harlem-gucci.html>
- Second article about Dapper Dan and copyright violation of reworked logo prints <https://www.businessoffashion.com/community/people/dapper-dan>
- Visual art example of two-sides agreeing to disagree over ownership of the "Hope" poster, and to settle their case based on this decision <https://www.npr.org/sections/thetwo-way/2011/01/12/132860606/shepard-fairey-and-ap-settle-copyright-dispute-over-hope-poster>

Copyright historical context

<https://www.copyright.gov/history/copyright-exhibit/history-co/>

<https://www.arl.org/copyright-timeline/>

<https://copyright.gov/timeline/>

Crowdsourcing campaign hosted by the Library of Congress

<https://crowd.loc.gov/campaigns/early-copyright/>

LESSON 1 MATERIALS

PRE-ASSESSMENT

Name _____

What do you know about copyright?

What do you want to know about copyright/What questions do you have?

How comfortable are you with your interaction and knowledge of copyright? (circle)

1 _____ 2 _____ 3 _____ 4 _____ 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10 _____
Not comfortable *Extremely comfortable*

What is copyright?

What is an example of legal/illegal copyright use?

Share an example of legal copyright use that may be unethical?

Are you aware of any current copyright court cases/legal challenges?

Define these terms:

- copyright: _____
- public domain: _____
- primary source: _____
- secondary source: _____
- infringement: _____
- fair use: _____
- mechanical license: _____
- lawsuit: _____
- intellectual property: _____
- lawyer: _____
- ethical/unethical: _____
- musical composition: _____
- sound recording: _____
- royalties: _____

EXIT TICKET REFLECTION

Name _____

Use terms from our **Word Wall** to respond to the below questions:

Consider a case that we discussed today.

What are some of the factors that people must consider when determining ownership of a creative work?

Describe a time when you did not get credit for your work.

How did this make you feel?

How does this experience relate to the ideas about ownership we discussed today?

Why do you suppose there is so much gray area in the world of copyright?

EXIT TICKET REFLECTION RUBRIC

Criterion	Novice	Proficient	Accomplished	Advanced	Standards
Vocabulary	The responses include lesson vocabulary without accurate application.	The responses include lesson vocabulary with inconsistent accuracy.	The responses include accurate use of lesson vocabulary.	The responses use accurate lesson vocabulary to articulate nuanced ideas.	Potential for linking to ELA standards.
Connecting to personal experience	The responses include an ambiguous connection to personal experience.	The responses include relevant connections to personal experience.	The responses include relevant connections to personal experience and are supported by lesson concepts.	The responses include relevant connections to personal experience and are supported and expanded upon through lesson concepts.	MU:Cn10.0.H.1a
Relating with varied contexts to deepen understanding	The responses include an ambiguous connection to varied contexts.	The responses include relevant connections to varied contexts.	The responses include relevant connections to varied contexts and are supported by lesson concepts.	The responses include relevant connections to varied contexts and are supported and expanded upon through lesson concepts.	MU:Cn11.0.T.1a

LESSON 2: RESPOND

ESSENTIAL QUESTION

How do musicians make meaningful connections to creating, performing, and responding?

STUDENT “I CAN” STATEMENTS/OBJECTIVES

MUL:Re8.1.E.1a **I CAN** justify interpretations of the expressive intent and meaning of musical works by comparing and synthesizing varied researched sources.

Materials

- Students must have access to listen to recordings (personal devices, etc.).
- Post-it Notes, Padlet, or another method of collaborative note aggregation
- Lesson 2 materials (printed or electronically distributed)

Vocabulary

- **arranger:** An arranger reimagines an existing composition, adapting the instruments, voices, rhythms, and tempo to create a new sound for a piece of music.
(<https://www.berklee.edu/careers/roles/arranger>)
- **public domain:** A work is generally considered to be in the public domain if it is ineligible for copyright protection or its copyright has expired. No permission is needed to copy or use public domain works.
(<https://copyright.universityofcalifornia.edu/use/public-domain.html>)

LESSON 2 PROCEDURE

A Modern Entry Point

- Hum the “call” phrases from the *SpongeBob SquarePants* theme song. Ask students: Do you recognize this melody? Who do you think owns this melody? Do you think it’s copyrighted?
 - Play students the *SpongeBob SquarePants* theme.
(Available at: <https://www.youtube.com/watch?v=r9L4AseD-aA>) Ask them if they have any new thoughts about the questions discussed above.
- Explain that the roots of this melody are an old sea shanty. Experts do not know who first created this song. It does not belong to anyone; it is in the *public domain*.

Learning from Diverse Voices

- Equip each small group and/or individual (depending on class size) with one selected primary source recording of “Blow the Man Down”:
 - Smith, Maurice F, and Peerless Quartet. Medley of Sea Chanties. 1914. Audio.
<https://www.loc.gov/item/jukebox-649564/>. (begin at 0:47)
 - Brown, Noble B. Ship was becalmed in a tropical sea.” 1946. Audio, notation, and commentary.
<https://search.library.wisc.edu/digital/AF4NHGGD3BMW238W>
 - “Blow the Man Down.” 1962. Audio. <https://archive.culturalequity.org/node/54549>
 - “Folklife Archive Challenge Sampler Concert 2018.” Video. 4:20–11:35.
<https://youtu.be/pgD5zHkk70k?t=260>
 - “Blow the Man Down.” 2019. Video. <https://www.loc.gov/item/webcast-9064/>

- Small groups and/or individuals will use their primary source to prepare responses to the following questions. This may be done through the graphic organizer provided below, a Padlet, Post-it notes on a whiteboard, etc.
 - **Observe:** How did these musicians make “Blow the Man Down” their own? What musical qualities do you notice that are distinctive?”
 - **Reflect:** Do you believe the musicians’ work is copyrighted? Why or why not?
 - **Question:** This recording provides some clues about the identities and contexts of the musicians you hear. What do you wonder about these musicians? How could you find out more?

Digging Deeper

- Provide some secondary sources (suggestions listed) and invite students to research further online to find out more information about the questions they have developed.
- Here are some specific facts and resources the teacher may share with students through direct instruction or guided discovery:
 - Though no one is certain who wrote this song or when it was written, there is historical evidence of this song as early as the 1860s.
 - The earliest recording of this song was recorded by Percy Grainger in 1908 on a wax cylinder: <https://sounds.bl.uk/World-and-traditional-music/Percy-Grainger-Collection/025M-1LL0010297XX-0206V0>
 - This recording from South Wales shares the recollections of Reece Baldwyn, who worked at sea in 1879. This recording was made later in Baldwyn’s life as he recollected his life at sea and shared his own interpretation of the song. <https://www.vwml.org/record/VWMLSongIndex/SN17530>
 - This map of commercial shipping routes at the turn of the 20th century holds clues to the transmission of this song across the diverse geographic areas represented in the primary sources of study: <https://www.davidrumsey.com/luna/servlet/detail/RUMSEY~8~1~253732~5519192:British-Empire,-showing-the-commerc>
 - “In the U.S., any work created by a federal government employee or officer is in the public domain, provided that the work was created in that person’s official capacity.” (https://fairuse.stanford.edu/overview/public-domain/welcome/#us_government_works) Steve Winnick and the other musicians in the 2018 Library of Congress video are staff members at the Library of Congress, and the performance took place in the Library of Congress’s Coolidge Auditorium. Many Library of Congress recordings were collected by musicologists funded by the federal government.
- Invite students to add information they discovered to their Question response area.

Sharing Experiences

- Invite each group/individual to play their primary source recording for the class while the class reviews their Observe, Reflect, and Question thoughts.
- Invite the class to add new observations, reflections, and questions about the recording.

Considering Notation

- Present students with the notated score. Have students sight-read in a format that is appropriate for students' skill and experience (unison, four-part, etc.)
- Point out the copyright on the score. Ask students to discuss:
 - Why was Eva Toller able to copyright her version of this public-domain song?
 - What does "Arr." next to her name on the score heading mean?
 - Which primary source seems most directly related to Eva Toller's arrangement? What similarities or differences do you notice?

Assessment

- Ask students to complete the Lesson 2 Self-Assessment.
- The teacher may write feedback on the self-assessment as a method of providing formative feedback toward unit goals.

Differentiation

- The teacher may engage the whole class in the study of a choice primary source in lieu of independent research.
- The teacher may select specific resources to meet students' research needs, e.g., reading level.
- The teacher may strategically group students to provide extra support or promote deeper thinking.
- The teacher may choose to facilitate whole-class or small-group discussions if more structure is required during the Observe, Reflect, Question protocol. Some sample facilitation questions can be found here: https://www.loc.gov/static/programs/teachers/getting-started-with-primary-sources/documents/Analyzing_Sound_Recordings.pdf
- The teacher should take special note of students' responses in the Observe, Reflect Question process (Lesson 2 Reflection Chart). Students are more likely to notice details that are within their zone of proximal development to address within this unit. When they reflect, they reveal aspects of their prior knowledge, cultural wealth, and personal values. The questions they develop can guide the teacher to steer research in directions that are most meaningful to students.





LESSON 2 MATERIALS

OBSERVE, REFLECT, QUESTION GRAPHIC ORGANIZER

Recording Performers:		
Student Name(s):		
Observe: How did these musicians make "Blow the Man Down" their own? What musical qualities do you notice that are distinctive?	Reflect: Do you believe the musicians' work is copyrighted? Why or why not? How does this experience change your thoughts about the melody and theme song presented first in this lesson?	Question: This recording provides some clues about the identities and contexts of the musicians you hear. What do you wonder about these musicians? How could you find out more?

LESSON 2 SELF-ASSESSMENT

Student: Think about the work we did today and its relationship to our learning about copyright. Complete the chart below.

Name:	
I learned more about "Blow the Man Down" by closely examining one recording. (MU:Re7.2.E.1a)	<div style="display: flex; justify-content: space-between;"> Agree Disagree </div> <div style="text-align: center;">  </div>
I learned more about "Blow the Man Down" by researching my questions about the recording. (MU:Re8.1.E.1a)	<div style="display: flex; justify-content: space-between;"> Agree Disagree </div> <div style="text-align: center;">  </div>
I learned more about "Blow the Man Down" by hearing classmates discuss other renditions of the song.	<div style="display: flex; justify-content: space-between;"> Agree Disagree </div> <div style="text-align: center;">  </div>
Since Lesson 1, I have new thoughts about what it might mean to be recognized for my musical ideas.	<div style="display: flex; justify-content: space-between;"> Agree Disagree </div> <div style="text-align: center;">  </div>
Which version of "Blow the Man Down" connects with you most? What about the musical elements or the musicians' context attracts you to this version? (MU:Re9.1.E.1a)	
Which version of "Blow the Man Down" would be the best choice for you or our ensemble to perform? What makes you think this? (MU:Re7.1.E.1a)	
Teacher Feedback:	

LESSON 3: CREATE

ESSENTIAL QUESTION

How do musicians understand the structure and context of musical works to inform creative decisions?

STUDENT “I CAN” STATEMENTS/OBJECTIVES

MU:Cr1.1.E.la **I CAN** select musical elements that reflect a piece’s historical context and my own community.

Materials

- Students must have access to listen to recordings (personal devices, etc.).
- Students may require technology, instruments, or other tools to support their experimentation. See Differentiation notes for ideas about directions students might pursue.
- Lesson 3 Materials (printed or electronically distributed)

Vocabulary

- Musical elements: Basic characteristics of sound (pitch, rhythm, harmony, dynamics, timbre, texture, form, and style/articulation) that are manipulated to create music.
<https://www.nationalartsstandards.org/sites/default/files/NCCAS%20GLOSSARY%20for%20Music%20Standards%201%20column.pdf>

LESSON 3 PROCEDURE

Inspiration from the Past

- Ask students to review their responses from the Lesson 2 Self-Reflection and share with classmates:
- Which version of “Blow the Man Down” resonates with you most? Why?
- Which version of “Blow the Man Down” would be the best choice for you or our ensemble to perform? Why?
- Point out that we all have different opinions. All musicians bring their own identity and their cultural context to their work. Therefore, each interpretation of a piece is unique.

Inspiration from Within

- Use the template provided below (Lesson 3 Discussion Template), a whiteboard, or a digital brainstorming space such as Padlet to discuss and record:
 - What were we able to learn about musicians’ identity or context by analyzing their performance of “Blow the Man Down”?
 - As an ensemble and/or individual, what aspects of our identity or context should become evident in our own performance of “Blow the Man Down”?
- Continue using the template below or another format to discuss and record:
 - What are some of the variables in diverse performances of “Blow the Man Down”? In other words, what are some musical elements that were different in different performances?
 - How might we choose to modify these musical elements for our own performance?
- Invite students to link responses in question 4 and question 2. What musical elements might best express our identity and context? This may be done spatially by physically drawing lines between ideas, through a comment feature in a digital environment, or through discussion.

Experimentation

- Invite individuals or small groups of students to select elements to experiment with.
- Provide students space and time to experiment with their chosen elements.
- Provide students copies of the Lesson 3 Reflection to record the results of their experimentation. Point out that when experimenting, a negative result is just as valuable as a positive result: Learning what does not work leads artists to discover what does.
- Depending on student readiness and differentiation, students may need the support of piano accompaniment, Toller's four-part arrangement, compositional software, or other resources. The teacher can direct students toward experimentation with specific supports or can allow students more independence and provide supports as needed.
- After individuals/groups have had ample time to experiment, have them report out to classmates: What are the musical elements we would choose to incorporate in our performance? How are these elements related to our unique qualities as a performing ensemble?
- Ask students to complete the Lesson 3 Reflection as they hear from their classmates.

Assessment

- Have students complete Lesson 3 Self-Assessment.
- The teacher may write feedback on the self-assessment as a method of providing formative feedback toward unit goals.

Differentiation

- Students may identify many different musical elements for experimentation, spanning a wide range of complexity. Because there is a great deal of student choice involved in the selection and experimentation, students may naturally focus on elements that they are best suited to consider or that resonate most with their musical experiences and identity.
- The teacher may guide students to focus on elements that best fit a student's skill set. For example, students with strong notation and theory skills may consider developing an arrangement. Students with strong aural skills may develop new harmonies. Students with less notational or musical experience may more successfully consider changes to the lyrics, tempo, rhythms, form, timbre, or range. Students who need a more concrete entry point for this evaluative work may browse and evaluate commercially-available arrangements to identify options with suitable musical characteristics.
- Students could work individually, in small groups, or as a whole ensemble.
- The teacher may offer the experimentation phase as a whole-class activity, perhaps supported by a consensus-building protocol, to provide structure and ensure that all voices are heard and respected.
- The teacher may provide additional structure by providing a word bank or directing students to consider specific elements of music.

LESSON 3 MATERIALS

LESSON 3 DISCUSSION TEMPLATE

Name _____

Use these questions to help your analysis of others' performances lead to ideas for your own.

<p>1. What were we able to learn about musicians' identity or context by analyzing their performance of "Blow the Man Down"?</p>	<p>2. As an ensemble and/or individual, what aspects of our identity or context should become evident in our own performance of "Blow the Man Down"?</p>
<p>3. What are some of the variables in diverse performances of "Blow the Man Down"? In other words, what are some musical elements that were different in different performances?</p>	<p>4. How might we choose to modify these musical elements for our own performance?</p>





Finally, look for connections in boxes 2 and 4. Use circles or lines to identify musical elements that might be especially meaningful because of your identity or context.

LESSON 3 REFLECTION

Student Name(s):		
Experimentation		
What musical element did you experiment with?		
Describe an unsuccessful idea you tried. Why did you decide the idea would not be suitable for the performance?	Describe a successful idea you tried. Why do you think the idea would enhance the performance?	
Responding to Others		
Use the chart below to respond to classmates' ideas.		
Proposed musical element:	On a scale of 1–10, how eager are you to incorporate this element in performance?	How does this element uniquely reflect our performing ensemble?

LESSON 3 SELF-ASSESSMENT

Student: Reflect on your work today, connecting others' musical ideas to your own musical perspective. Do you fully agree with the statement? Disagree? Somewhere in between?

Name:	
Analyzing past performances led to ideas for my own performance. (MU:Cr1.1.E.1a)	Agree Disagree 
Analyzing our identities and contexts led to ideas for my own performance. (MU:Cr2.1.E.1a)	Agree Disagree 
Listening to others' ideas and interpretations led to ideas for my own performance. (MU:Cr3.2.E.1a)	Agree Disagree 
I have made decisions about a plan for performance. (MU:Cr3.1.E.1a)	Agree Disagree 
What will be exciting about creating this piece?	
What might be challenging about creating this piece?	
Teacher Feedback:	

LESSON 4: PERFORM

ESSENTIAL QUESTION

When is a creative work ready to share?

STUDENT “I CAN” STATEMENT/OBJECTIVE

MU:Pr4.2.E.1a **I CAN** demonstrate ways choices about musical elements could impact performance.

Materials

- In this lesson, materials may vary depending on students’ choices. Pre-read the lesson procedure and review students’ Lesson 3 work to effectively plan for necessary materials.
- Lesson 4 Materials (printed or electronically distributed)

LESSON 4 PROCEDURE

Teacher Preparation

- Depending on the scope of students’ ideas in Lesson 3, the ensemble may rehearse with Toller’s 4-part arrangement score, an originally-developed score, or a commercially-available arrangement that better meets the ensemble’s needs. Accompaniment may or may not be necessary.
- This lesson may be completed in one class period or incorporated gradually over a period of time while the ensemble rehearses the piece and prepares for performance.

Making Decisions

- Use students’ cumulative rankings from the Lesson 3 Reflection to prioritize changes to try incorporating in rehearsal.
- Guide students to experiment with recommended ideas through ensemble performance. After trying ideas, discuss whether the ensemble will incorporate the idea in performance. A more formalized system of voting may be used, or less formal discussion and consensus-building strategies.
- Keep in mind that musical choices may need to be tried in combination with one another in order to create a cohesive, polished performance intention. For example, a tempo change may sound wonderful on its own, but not when a new descant is added.

Measuring Progress

- Guide students to move their thinking from creating to performing through the Lesson 4 Rehearsal Planning Guide.
- Ask students to plan for their first rehearsal.
- Encourage students to be open to performance recommendations and constructive feedback from the ensemble following the initial rehearsal.
- Remind students that musical choices sometimes need to be revised during the performance preparation stage to ensure a cohesive and polished performance.
- As students continue to rehearse, reference the Lesson 3 Discussion Template to keep students anchored in the ideas of honoring the perspectives of previous performers and honoring the unique identities and context of the ensemble members.

Navigating Intellectual Property

- Ask students to recollect the primary source recordings that first inspired their work. Ask them to describe how these performers approached the idea of copyright and intellectual property. Though students will have different insights, some possible responses include:
 - Some musicians predated copyright or did not choose to protect their intellectual property. These performers freely shared their performance without an expectation of credit or ownership.
 - Some musicians recognized and honored the public-domain nature of the piece. They took time to recognize earlier musicians' impact on the piece and helped the audience understand the long and diverse heritage of the song.
 - Some musicians chose to protect the original ideas they brought to the piece by protecting their work through copyright.
- Ask students to discuss: What next steps should they take to honor or protect intellectual property in their performance? Based on this conversation, develop a concrete plan for students to implement, individually or collectively, to respect intellectual property. Ideas may include:
 - If Toller's arrangement is used, students should honor her request: *"All arrangements (and translations) are the property of Eva Toller, by copyright. You are welcome to use them (for non-profit purposes!) if you give comments (to eva.toller@mhmail.se) about them afterwards (what you liked & disliked about them, and any errors you have detected—including unintended copyright infringements)."*
 - Students may wish to recognize the historical tradition of the public-domain work through program notes or concert remarks, helping the audience understand that no individual may claim ownership of this historic melody.
 - If students developed an original arrangement, they may choose to protect their property through copyright. In writing, students may justify why their work is original enough to merit copyright and outline benefits they would gain from this protection.
 - If students developed an original arrangement, they may choose to freely share their work, as many historic performers have. As students select modalities to share their work, students may explore in writing: How are our sharing formats are similar to, and different from, past performers' modalities: Aural transmission on ships; recordings by musicologists; reenactments by historian-musicians; concert performances; arrangements?

Refining for Performance

- As students continue to rehearse and refine their musical performance, students will also work toward their written goal to honor intellectual property.
- This work will look different depending on the decisions made by the ensemble in step 3 above.
- The teacher should provide structure by articulating expectations, prompting students to monitor progress toward their goal, and providing support as needed.

Assessment

- Once students have successfully implemented both their plan for performance and their plan to honor intellectual property, have students fill out the Self-Assessment.
- As students reflect, prompt them to think about all phases of the unit: In Lesson 1 they considered the legal and cultural implications of intellectual property and copyright; In Lesson 2, they explored the public-domain traditions around the song, “Blow the Man Down.” In Lesson 3, they made creative choices to honor this tradition while bringing their own original perspective to the work; In Lesson 4, they developed plans and moved toward their goal to share their performance and understanding of copyright.
- The teacher will complete the assessment to provide summative feedback.

Differentiation

- The two final products (musical performance and a written piece to honor intellectual property) are both highly adaptable to serve diverse student interests, skills, and priorities. The teacher should likewise adapt expectations to best serve students and their vision for the outcome of the unit.
- During the development and ultimate summative assessment of Unit 4, students may define many of the goals and success criteria for the outcome. However, the teacher should actively articulate these goals in tangible ways that are appropriate for students and rigorously promote progress and accountability toward these self-developed goals.

LESSON 4 MATERIALS

LESSON 4 REHEARSAL PLANNING GUIDE

Rehearsal Preparation Questions: <i>Additional room has been provided at the end for additional questions, if needed.</i>	Rehearsal Plan Strategies: <i>What rehearsal strategies will you implement to address this question?</i>	Rehearsal Plan Time Allocation: <i>How much time will you need for this part of your rehearsal?</i>	Rehearsal Director: <i>Who will be responsible for this part of the rehearsal?</i>	Post-Rehearsal Reflection: <i>List what went well in the rehearsal, areas that need attention, and changes that you will make to your rehearsal plan to support the ensemble's learning.</i>
How will you begin this rehearsal work with the ensemble?				
What elements of the piece do you anticipate will be most challenging for the ensemble to learn? (Consider rhythm and note challenges; text; etc.) How will you practice these challenging elements?				
Is sectional work an option? If so, how will you divide the ensemble and who will lead?				
What other preparation questions might there be?				

UNIT SELF-ASSESSMENT

Student: Reflect on your plans to perform “Blow the Man Down” and honor intellectual property. Rate your progress by deciding if you exceeded, met, or approached each goal of this unit.

Name: <i>Through performance and writing, I/we ...</i>	Exceeded the Standard	Met the Standard	Approached the Standard
Explained how certain elements in performances of “Blow the Man Down” would be suitable for us use as inspiration. (MU:Pr4.1.E.Ia)			
Demonstrated ways choices about musical elements could impact our performance. (MU:Pr4.2.E.Ia)			
Demonstrated an understanding of context in historical performances and our own ensemble community. (MU:Pr4.3.E.Ia)			
Developed strategies to express my understanding of the piece, overcome challenges, and refine my work toward my vision. (MU:Pr5.1.E.Ia)			
Demonstrated attention to musical elements and expressive qualities through performance. (MU:Pr6.1.E.Ia)			
Connected with an audience to share the intent of the work, my own creative ideas, and ideas about intellectual property. (MU:Pr5.1.E.Ib)			
Evidence of areas of success:			
Evidence of areas for growth:			

UNIT SUMMATIVE ASSESSMENT

Teacher: Reflect on the student's plans to perform "Blow the Man Down" and honor intellectual property.

Name: <i>Through performance and writing, the student ...</i>	Exceeded the Standard	Met the Standard	Approached the Standard
Explained how certain elements in performances of "Blow the Man Down" would be suitable for us use as inspiration. (MU:Pr4.1.E.1a)			
Demonstrated ways choices about musical elements could impact our performance. (MU:Pr4.2.E.1a)			
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Connected with an audience to share the intent of the work, my own creative ideas, and ideas about intellectual property. (MU:Pr5.1.E.1b)			
Evidence of areas of success:			
Evidence of areas for growth:			

Handouts

Beginning on the next page, all the handouts from the unit are collected and placed in order for ease of use.

LESSON 1 MATERIALS

PRE-ASSESSMENT

Name _____

What do you know about copyright?

What do you want to know about copyright/What questions do you have?

How comfortable are you with your interaction and knowledge of copyright? (circle)

1 _____ 2 _____ 3 _____ 4 _____ 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10

Not comfortable

Extremely comfortable

What is copyright?

What is an example of legal/illegal copyright use?

Share an example of legal copyright use that may be unethical?

Are you aware of any current copyright court cases/legal challenges?

Define these terms:

- copyright: _____
- public domain: _____
- primary source: _____
- secondary source: _____
- infringement: _____
- fair use: _____
- mechanical license: _____
- lawsuit: _____
- intellectual property: _____
- lawyer: _____
- ethical/unethical: _____
- musical composition: _____
- sound recording: _____
- royalties: _____

EXIT TICKET REFLECTION

Name _____

Use terms from our **Word Wall** to respond to the below questions:

Consider a case that we discussed today.

What are some of the factors that people must consider when determining ownership of a creative work?

Describe a time when you did not get credit for your work.

How did this make you feel?

How does this experience relate to the ideas about ownership we discussed today?

Why do you suppose there is so much gray area in the world of copyright?

LESSON 2 MATERIALS

OBSERVE, REFLECT, QUESTION GRAPHIC ORGANIZER

Recording Performers:		
Student Name(s):		
Observe: How did these musicians make "Blow the Man Down" their own? What musical qualities do you notice that are distinctive?	Reflect: Do you believe the musicians' work is copyrighted? Why or why not? How does this experience change your thoughts about the melody and theme song presented first in this lesson?	Question: This recording provides some clues about the identities and contexts of the musicians you hear. What do you wonder about these musicians? How could you find out more?

LESSON 2 SELF-ASSESSMENT

Student: Think about the work we did today and its relationship to our learning about copyright. Complete the chart below.

Name:	
I learned more about "Blow the Man Down" by closely examining one recording. (MU:Re7.2.E.1a)	<div>Agree</div> <div>Disagree</div> <div> </div>
I learned more about "Blow the Man Down" by researching my questions about the recording. (MU:Re8.1.E.1a)	<div>Agree</div> <div>Disagree</div> <div> </div>
I learned more about "Blow the Man Down" by hearing classmates discuss other renditions of the song.	<div>Agree</div> <div>Disagree</div> <div> </div>
Since Lesson 1, I have new thoughts about what it might mean to be recognized for my musical ideas.	<div>Agree</div> <div>Disagree</div> <div> </div>
Which version of "Blow the Man Down" connects with you most? What about the musical elements or the musicians' context attracts you to this version? (MU:Re9.1.E.1a)	
Which version of "Blow the Man Down" would be the best choice for you or our ensemble to perform? What makes you think this? (MU:Re7.1.E.1a)	
Teacher Feedback:	

LESSON 3 MATERIALS

LESSON 3 DISCUSSION TEMPLATE

Name _____

Use these questions to help your analysis of others' performances lead to ideas for your own.

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Listening to others' ideas and interpretations led to ideas for my own performance. (MU:Cr3.2.E.1a)	<div>Agree</div> <div>Disagree</div> <div>.....</div>
I have made decisions about a plan for performance. (MU:Cr3.1.E.1a)	<div>Agree</div> <div>Disagree</div> <div>.....</div>
What will be exciting about creating this piece?	
What might be challenging about creating this piece?	
Teacher Feedback:	

LESSON 4 MATERIALS

LESSON 4 REHEARSAL PLANNING GUIDE

Rehearsal Preparation Questions: <i>Additional room has been provided at the end for additional questions, if needed.</i>	Rehearsal Plan Strategies: <i>What rehearsal strategies will you implement to address this question?</i>	Rehearsal Plan Time Allocation: <i>How much time will you need for this part of your rehearsal?</i>	Rehearsal Director: <i>Who will be responsible for this part of the rehearsal?</i>	Post-Rehearsal Reflection: <i>List what went well in the rehearsal, areas that need attention, and changes that you will make to your rehearsal plan to support the ensemble's learning.</i>
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Is sectional work an option? If so, how will you divide the ensemble and who will lead?				
What other preparation questions might there be?				

UNIT SELF-ASSESSMENT

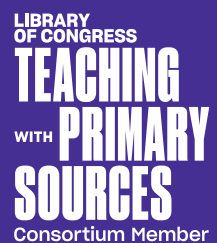
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Demonstrated attention to musical elements and expressive qualities through performance. (MU:Pr6.1.E.Ia)			
Connected with an audience to share the intent of the work, my own creative ideas, and ideas about intellectual property. (MU:Pr5.1.E.Ib)			
Evidence of areas of success:			
Evidence of areas for growth:			

UNIT SUMMATIVE ASSESSMENT

Teacher: Reflect on the student's plans to perform "Blow the Man Down" and honor intellectual property.

Name: <i>Through performance and writing, the student ...</i>	Exceeded the Standard	Met the Standard	Approached the Standard
Explained how certain elements in performances of "Blow the Man Down" would be suitable for us use as inspiration. (MU:Pr4.1.E.1a)			
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