



***Ensuring the Availability of Canadian Learning Resources for
Canada's Schools:
A role for Cultural Policy***

Submission to Canadian Heritage

November 25, 2016

Introduction:

CERC is the association of major Canadian educational publishers developing high-quality learning resources (print and digital) for K-12 schools.

Canadians in general believe that students in Kindergarten to Grade 12 should have access to high quality learning resources that have been developed specifically to support the curriculum and to reflect the Canadian reality. Accordingly, it seems appropriate that Canadian cultural policies should support that end.

Several potential impediments to the continuing availability of Canadian-developed learning material currently exist – impediments which robust Canadian cultural policy could help to address.

This submission provides details to support the following requests being made by the CERC:

- Introducing a fairer reprographic regime
- Supporting measures that incentivize the production and use of Canadian learning resources in schools

[In December of 2016, CERC will complete its merger with the membership of the Canadian Publishers' Council (CPC), an organization representing firms that publish books and other media for education, professional and reference markets, including the retail and library sectors. In the meantime, it is important to reinforce that CERC fully supports the recommendations proposed by CPC in its submission to DCH.]

Is Canadian Content Important for Canada's Schools?

A recent EKOS survey, sponsored by the Canada Council and the Ontario Media Development Corporation¹, examined Canadian attitudes toward the importance of exposing K-12 students to Canadian content. The report of the survey revealed that Canadians continue to place a high value on such content. Among the findings:

¹*Public Opinion on the Value of Books in the English Language Book Sector*
<http://publishers.ca/index.php/acp-research>

- Most Canadians feel it is important that students learn using Canadian content, including Canadian references (such as geography, spelling, and units of measure).
- Over two-thirds feel it is important for Canadian K-12 students to be taught using materials published in Canada and according to Canadian standards and curricula.
- A similar proportion believe it is important for students to learn with Canadian content -- including Canadian perspectives (such as values and stories), and that it is important to have a healthy and sustainable Canadian education publishing sector supplying educational resources to schools.

The Impact of *Digital Learning in Canada's Schools*:

The newest generation of students, sometimes called “New Millennial Learners,” is growing up surrounded by digital media and technologies. To effectively participate in the economic, political, and social aspects of the knowledge society, it will be increasingly important for them to have access to the best possible digital tools in order to develop strong skills in accessing, evaluating, analyzing and applying information and communication technologies (ICT). Digital literacy is a pillar of “21st century skills.”

As teachers increasingly turn to online resources when they need new learning resources, there are currently no processes to ensure that such online resources meet quality requirements. Constrained school funding, and a lack of policy covering the use of online materials, lead to concerns that teachers are *accessing fewer Canadian materials and fewer resources developed specifically for the curriculum*².

As the funds provided to schools for the acquisition of learning resources come under increased pressure, and as new technologies come to play a greater role in teaching and learning, attention must be paid to ensuring that schools have the opportunity to access an adequate supply of high-quality, Canadian-developed learning resources in a variety of formats.

² *Digital Learning in Ontario Schools: The New Normal*
<http://www.peopleforeducation.ca/wp-content/uploads/2014/03/digital-learning-2014-WEB.pdf>

Factors affecting the continuing availability of Canadian-developed learning materials in Canada's Schools:

Several factors currently at play in Canada's education sector represent major potential impediments to the sustained availability of Canadian-developed learning materials in this country's schools:

i. Steady decline in the purchase of learning resources by Canadian schools discourages investment in learning resource development

Over the last twelve years, the purchase of learning resources by Canadian school boards has declined drastically (by 40% in the last seven years).

Even in the face of this decline, for many years Canadian educational publishers have continued to meet the challenge of supplying Canada's schools with high quality learning materials --- in print and digital formats -- geared to the curriculum.

However, publishers have found it increasingly difficult to sustain the substantial level of investment (and the attendant financial risk) required to produce these materials in the face of an environment that lacks processes for ensuring that schools are able to *acquire* adequate supplies of the student resources thus developed.

ii. Large scale photocopying without compensation to the developers of Canadian resources is unacceptable

Another factor that threatens the continued availability of up-to-date Canadian-developed learning resources for Canada's schools is the recent change in photocopying practices, a change which has had the effect of denying authors and publishers compensation for substantial portions of their work that are routinely reproduced for use in schools.

It is estimated that Canadian K-12 schools (outside of Quebec) photocopy the equivalent of 1.3 million books every year! This copying competes with and substitutes for the purchase of these 1.3 million books.

Since 2013, when school authorities across Canada unilaterally announced that they would no longer pay the previously established tariff fees for such



photocopying, the publishers and authors of materials photocopied for use in Canadian schools have no longer been receiving any compensation whatsoever for this use of their material.

Guidelines -- promulgated by the Council of Ministers of Education, Canada (CMEC) and adopted by Canadian schools -- authorize free copying that not only deprives publishers of an important revenue source but also competes directly with innovative publisher business models designed to offer schools greater customization and choice, such as the sale of individual chapters and custom compilation services.

This extensive reproduction of material without appropriate compensation to its producers stands as one more disincentive to the continued development of high quality learning resources for use by Canadian students. For Canadian publishers, the loss of these royalties represents a 16% loss to their bottom line.

Future policy measures required

Unless appropriate steps are taken, the continued availability of Canadian-developed student learning resources is in jeopardy.

Large Canadian educational publishers are already reducing their production of Canadian content in Canada and -- in the absence of measures to remedy the current dysfunction in the education marketplace -- it is foreseeable that these firms will increasingly come to rely for their viability on the import and distribution of U.S. materials. If education publishers are left with little choice but to transition from content production in Canada to the distribution of U.S. content, Canadian schools will be challenged indeed to *find* -- much less to procure -- the Canadian-developed, curriculum-based learning resources they will need.

It is not too late to find remedies -- provided serious consideration is given immediately to implementing several policy measures -- measures aimed at nurturing a Canadian learning resource enterprise dedicated to the development of high-quality learning resources in a variety of formats. These measures include:

- **Introducing a fairer reprographic regime** –This can begin with the full and thorough review of the *Copyright Modernization Act* in 2017, as mandated by law. Copyright is the foundation on which cultural industries are built, and the review of the *Act* must be one that respects rightsholders' entitlement to a reasonable return on their investment in the development of materials copied for use in schools.

and

- **Supporting measures that will incentivize the production and use of Canadian learning resources in schools** – These measures may range from programs of grants/subsidies, to public awareness campaigns.

CERC member firms stand ready to assist Heritage Canada and the federal government in finding ways of establishing sound policies that will help ensure continued availability in Canada's schools of materials that support the curriculum, reflect a Canadian perspective and support the formation of well-informed future Canadian citizens.

The CERC Member Firms

**Cheneliere Education
Montreal QC**

**McGraw-Hill Ryerson
Whitby ON**

**Nelson Education
Scarborough ON**

**Pearson Education Canada
Don Mills ON**

**Scholastic Education
Markham ON**