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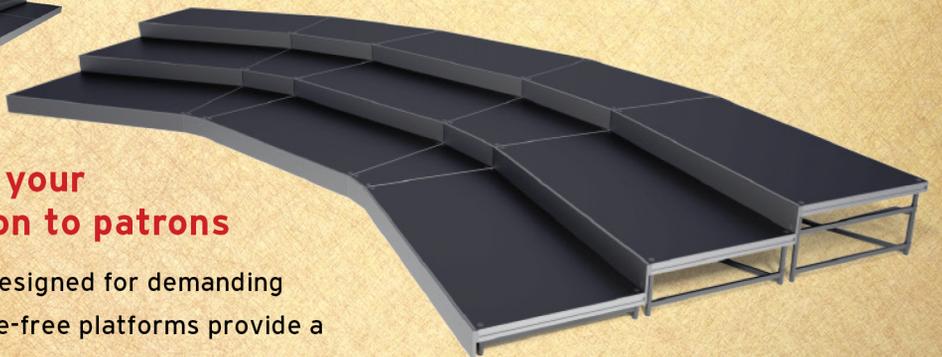
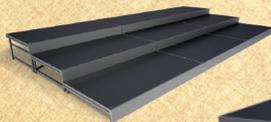
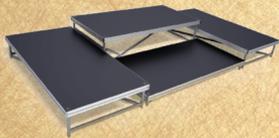
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EDITOR'S LETTER

This has been an interesting couple of months for us, since our last issue. First of all, I had the wonderful opportunity to talk with Jim Sluyter with Knightshine show choir from The King's Academy and hear life-affirming, joy-filled testimonials about show choir and the power of music as a ministry. There is nothing better than filling your days being reminded of the vitality, promise, and energy of youth, as well as acknowledging the far-reaching effects of one special teacher's efforts.

On the other end of the spectrum, in the past two months, I have heard dozens of stories about some truly disheartening events that were radically affecting show choirs, directors, and arrangers in various parts of the country, saddening tales about the parasitic nature of greed and the unusual ways that some people choose to make their presence known in this world. Every interview would end with recommendations to speak to others who were dealing with the same issues, or requests to reach out to another director who felt isolated and scared; every interview would include the promise of anonymity because the fear of backlash was so great.

In these conversations with directors, small music publishers, large music publishers, boosters, and show choir music arrangers, I learned that music programs were being impacted as teachers and administrators faced some tremendous challenges. While show choir is never light on "drama," this was another animal entirely—jobs and careers were being threatened, some people felt as though they were being blackmailed, and some of the nation's seemingly most-secure music programs seemed under attack. Meanwhile, members of an esteemed publishing company were being pulled into nearly every conversation, though they have long been recognized as a tremendous supporter of the arts.

I must admit this: At first, I wanted to stay out of this. After all, my mind cautioned, if problems don't arrive on your own doorstep, why beckon them over?

However, that isn't the way of this community. You don't turn your back when people ask for help. You don't pretend to be uninvolved when others are under attack. As long as you have a voice, you speak for what's right. At least, that's what I tell my daughter. That's also what I have long told my students, whether they were seventh graders or graduate students. What kind of hypocrite would I be to choose silence now?

Every adult reading this is a role model to the children in your show choir, choir, drama class, special program or band. They look to you to decide how to behave when threatened, how to react when bullied, and how to respond when pushed. They will model their future behaviors on everything you do now. Obviously, obeying the law is just one of the behaviors we model, and I'm not calling for civil disobedience in the face of injustice. Artists and their representatives deserve to be paid—period.

However, if you believe you are being bullied, you certainly should not just write a check, nor should your school district, not without knowing the facts and confirming every penny owed—particularly if you are being forced to work with someone you do not trust. Track what you owe to the source and get verification.

Then, as we would instruct our children, just do the right thing.

Rachel James Clevenger, MEd, PhD
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Acoustics

You Don't Always Hear
What You See

by Nick Colleran





WYSIWYG is an acronym for “What You See Is What You Get.”

This is the common name in computing for a system in which content (text and graphics) viewed onscreen during an editing session appears in a form closely corresponding to its appearance when printed or displayed as a finished product. Final form could be a printed document, web page, or audio visual presentation. To paraphrase the great philosopher Jagger: without WYSIWYG, “You can’t always get what you want” but “sometimes you get what you need”—if you are lucky.



Sometimes acoustical materials are the curtains as on The National Theater stage. (Acoustics First, Photo)

Extending this philosophy to sound, WYSIWYG should sometimes be read: “What You See Isn’t What You Get”—again, sometimes. The second picture (seen here) in this article shows the recently completed iHeartRADIO Theater LA, Clear Channel Media + Entertainment’s newest 21,000-square-foot multimedia venue.

Located at The Burbank Studios in Burbank, CA, the 20,000 square foot performance space, formerly NBC Lot’s home to the Johnny Carson (and later Jay Leno) Tonight Show. Finding the acoustical material here is more difficult than “Where’s Waldo?”

While most publicity photos of studios focus on their excellent interior decoration, the function of acoustics on a sound stage requires that they work to control sound and eliminate noise while being invisible to the casual observer. For the television viewer, nothing should take away from the on-camera set design or draw attention away from the performers.

How It’s Done

Materials used are black sailcloth-covered fiberglass baffles in the ceiling and black fabric-covered fiberglass wall panels. Besides being dark black, they are mostly above the lights making them essentially invisible and do not draw attention.



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A central photograph showing a group of young women in purple dresses cheering with their arms raised. The image is overlaid with text and a logo.

iHeartRADIO Theater LA, the same space formerly home to *The Tonight Show with Johnny Carson*, and later Jay Leno, is refitted as a state-of-the-art live streaming facility. (Luckett & Farley, Photo)



They do, however, provide extreme efficiency in reducing reverberation within the space. Evaluating baffle ratings often produces confusion because they are most correctly rated in sabins of absorption rather than with a sound absorption coefficient or noise reduction coefficient. (One sabin of absorption for one square foot of surface area is equivalent to an open window. Sound leaves never to return. This ratio, or sound absorption coefficient, should not, in theory, exceed 1.00.)

How It Works

A 2' X 4' baffle that is two-inches thick can have absorption as high as 17.9 sabins. Without thinking it through, the tendency is to use an area of eight square feet (2' X 4') and divide the absorption by that number to arrive at a coefficient. The result of this, a coefficient of 2.24, is false since it exceeds the limit of 1.00. The total area must be considered.

The next obvious, but wrong, answer is to consider both sides and use sixteen square feet as the total baffle area. This yields a coefficient of 1.12 which is still impossible. Total area must include the two-inch edge with a perimeter of 12 linear feet adding 2 square feet to the area. Using this number, 18 square feet, the absorption coefficient is 0.994, just under the theoretical limit.



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A good starting place to begin acoustical design for a performance stage area is to find one that works and copy it.

Since a baffle is a way to increase sound absorption by having more area exposed than a direct-mount wall panel, mounting a wall panel in free space should increase its absorption to rival that of a baffle. That is what happens in this venue where panels are mounted to steel struts, leaving the panel's back side, in addition to its front, fully exposed and allowing roughly twice the sound absorption.

In predicting the change in reverberation for a room after treatment, it is important to convert absorption to sabins per unit of each material used. Baffles should be rated in sabins already. Converting a panel should be only a matter of using the area of front and edges multiplied by the absorption coefficient as tested in "A" mount configuration (flat against a surface). It will be close enough to produce a useable result, once adjusted for its exposed rear side.

Steal From the Best

A good starting place to begin acoustical design for a performance stage area is to find one that works and copy it. To copy it you must first know what it looks like, not at first glance, but below the surface. As previously mentioned items are not always visible, even if not consciously hidden. Other times materials may be behind the curtain, literally.

They can also be the curtain. This was the case with another theater retrofit, The National, 3000 miles to the east and on the opposite coast. Theater audience sides in the loge (box) areas were treated with black acoustical fiberglass board behind the original vaudeville era theater curtains (see photo). The stage rear employed black quilted, straight-stitched, vinyl-covered fiberglass industrial curtains that are almost invisible (see photo).

In a retrofit, preserving original appearance is often the first concern followed by the need to have additional acoustical control to absorb the higher sound pressure level generated by modern bands and today's sound reinforcement systems. A well-designed vintage theater can fall apart acoustically without some additional help. The National had an opening night crowd of 2,000 on November 11, 1923. It was listed on the National Register of Historic Places in 2003. Re-worked, and reopening as a concert venue on February 21, 2008, The National Theater won a 2009 Project of the Year award for Commercial Real Estate.

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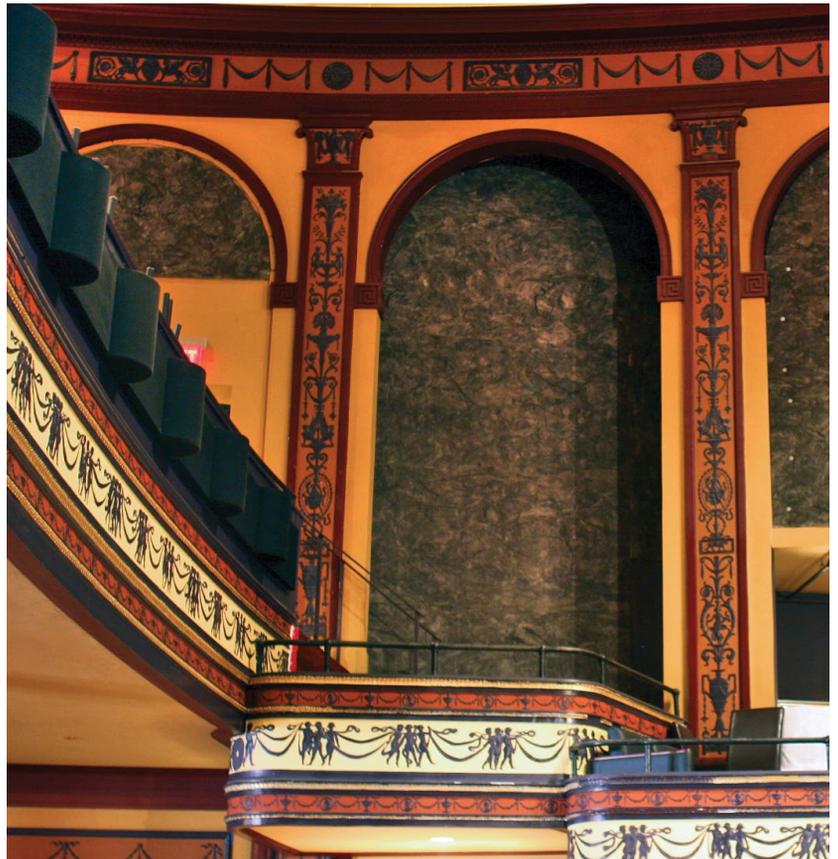
Here's Lucky

Sometimes, what you see is what you get, and what you hear. Moving to the middle of the country, we see the new performance room for iHeart Chicago (see photo on pages 10-11). In this more intimate setting for live broadcast and recorded performance, it is easy to see the acoustical treatments. Although black, they are set against contrasting walls.

The baffles in the ceiling are all one-foot heights to fit within the lower ceiling. A single, polycylindrical, barrel diffuser is in the center of the rear wall matching the wall panels and extending bass absorption as well as scattering sound reflections from the back of the room.

Your Eyes Can Deceive Your Ears

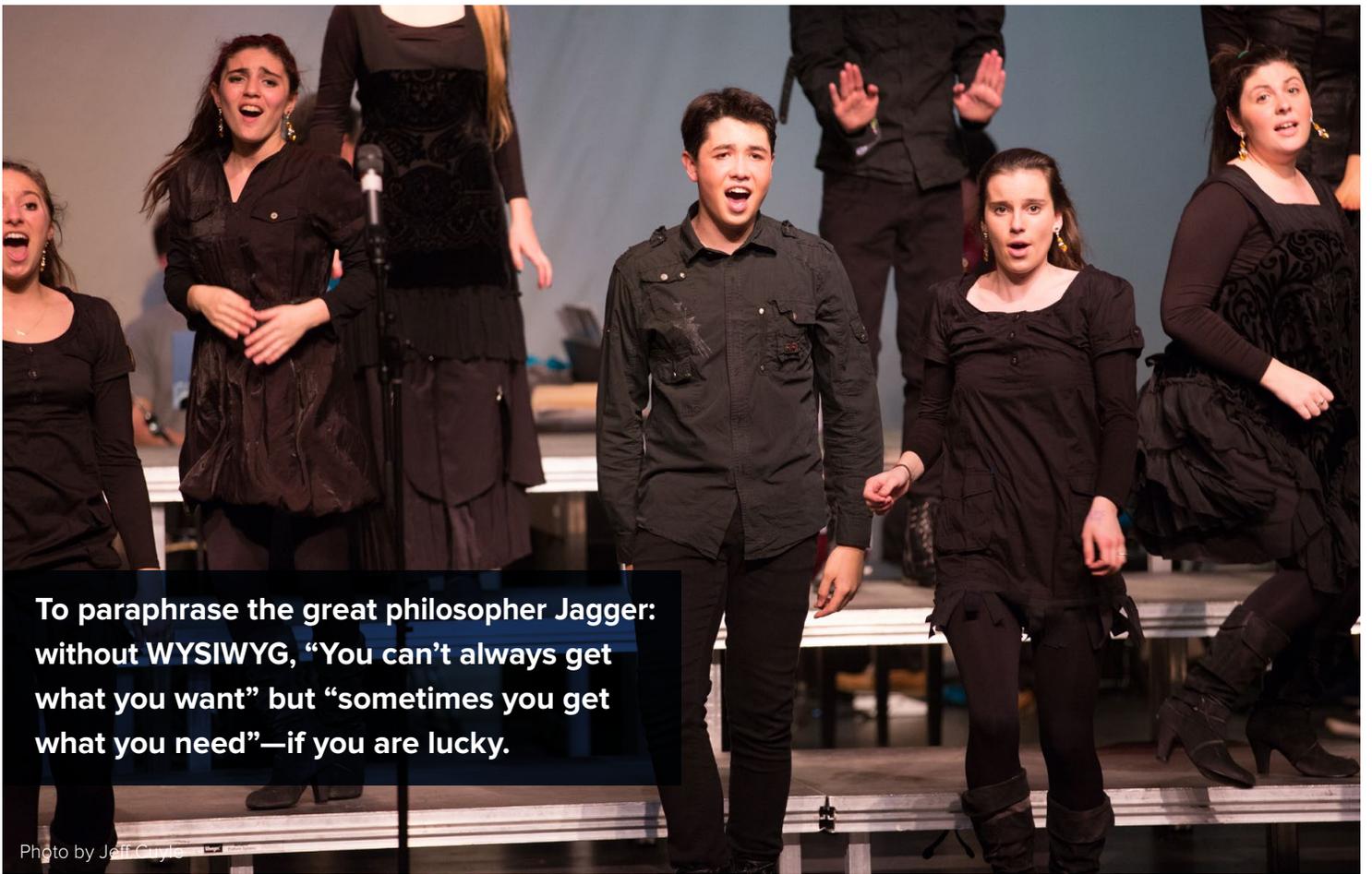
Even if you can see the room treatments and like what you hear, copying a space can have its pitfalls. Keeping a room shape but scaling down the dimensions will typically not yield a good result. When NASA places scale models in their wind tunnel for testing, they scale the atmosphere to match size by using lighter gases. Otherwise the molecules in the atmosphere would be out of proportion to the model under test and skew the result. Wall spacing differences will change the acoustical



Sometimes acoustical materials are behind the curtain as in The National Theater retrofit. (Acoustics First, Photo)

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To paraphrase the great philosopher Jagger: without WYSIWYG, “You can’t always get what you want” but “sometimes you get what you need”—if you are lucky.

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properties of a room. Some sounds will be accentuated, others abated.

And, remember, "As seen on TV" or in the movies is not necessarily as heard in the space on screen. Sound may be re-recorded or "looped" to repair extraneous noise in the field recording or, in the case of music, some instruments may be synthesized, even though actors may mime with real instruments. A vintage "prop" microphone shown in hand by the vocalist may have no relation to the improved studio microphone used to record the soundtrack.

A better alternative may be to find out who designed the room that works and call them in to consult on yours.

ABOUT THE AUTHOR: Nick Collieran is past-president of SPARS (Society of Professional Audio Recording Services), past president of the VPASA (Virginia Productions Services Association), a former recording artist and recording engineer. Nick now leads a "quiet life" as a principal of Acoustics First Corporation, where he was awarded two new patents for acoustical materials and continues work on new designs.



Stage curtains at The National Theater from another angle. (Acoustics First, Photo)

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Photo by Jeff Cuyle



KNIGHTSHINE:

A MUSICAL MINISTRY

by Rachel Clevenger

While show choir is immensely popular in SoCal, in Northern California, director Jim Sluyter knows of only one other show choir. Even just a few hours outside of Southern California, he explains that “the nature of show choir is not a well-known element.”

When he first joined the school, there was a show choir but they were struggling. Before Sluyter came on board, a dance teacher at the school wanted to create something similar to show choir, but neither the teacher nor students realized how hard it would be to build a program from scratch. Even after he took over, Sluyter adds that it took a couple of years to get the administration “fully on board with this particular animal,” but that it’s been “very exciting here to see how the kids have grasped onto show choir.”

Six years ago, when they made a dramatic change to the existing group, basically starting from scratch with only eleven students, they used The King’s Academy mascot for inspiration and called themselves Knightshine. Sluyter is also incredibly pleased that his choir, while much smaller than most SoCal choirs, is able to perform and compete at the same level of much larger groups because “the school supports the Fine Arts program so strongly.” He also knows how fortunate they are to not have to “fundraise constantly,” thanks to the strong parental support at TKA.

Overcomer

As the director of a show choir at a private, Christian high school, Sluyter wants to do more for his students than academic mentoring and musical training. He acknowledges that even children at a Christian private school are highly attuned to real world problems. Sluyter explains that this year he wanted the competition show to be designed around a theme that addressed issues the choir members had been facing: destructive behavior and addiction. He notes, “A former member who had to drop out of the group is continuing to struggle with her eating disorder and, of course, the issue of a former member who was battling some psychological issues and committed suicide last year is still fresh in students’ minds.”

“There are all those hidden things that kids are struggling with,” he adds. However, what he noticed is that other choirs and their work recognized the struggles, and the angst, and the challenges—but rarely if ever provided a resolution, something hopeful. “So many choirs tend to end up kind of dark,” he explains, “so what’s the answer, and where’s the hope?”

He wanted to deal with shows and sets that were willing to examine the darker parts of our nature but then would lift us up in the end. That’s why Sluyter is unafraid to deal with “everyone’s dark side and ways we cover it up”—because his sets always emphasize moving past those dark realities and into the light.

In the show choir’s most recent “advance,” which is what they call their “retreats,” a semantic nuance that emphasizes they are always moving forward, he had the kids design butterflies and write out goals and prayers for the year on their creations, with the idea that they were encased in the “cocoon of the music room” and would ultimately end a semester with students able to “spread your wings and fly.”

Support from Home

One of the most often repeated words in testimonials about Knightshine is the word “family.” That notion of family within the group dynamic is both real and symbolic.

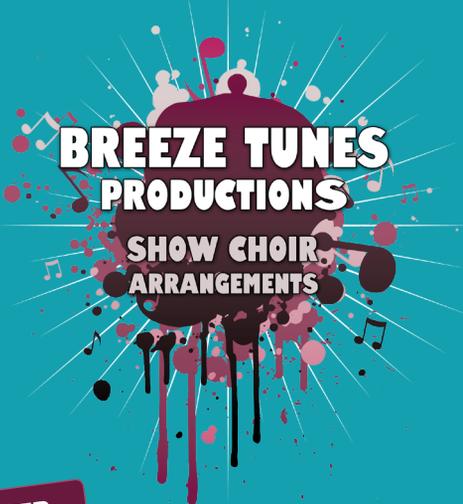
Sluyter’s wife Marcia, who loves to sing, teaches at a preschool on the same campus —so it’s not uncommon for her to spend her lunch hour in the music room doing costume measurements. Their son, Joel, has also been an active part of developing Knightshine since its inception. Of his son, Sluyter shares that Joel does an excellent job of helping them tell a story and he feels very blessed to work with him on a regular basis. Joel studied dance and choreography at New York University’s Tisch School of Arts. Soon after moving to LA to work on shows and videos, Joel discovered a love for teaching and working with kids at studios and various high schools. Now, in addition to serving as the Director of Performing Groups and Director of the dance team Voltage at the Palos Verdes Performing Arts Conservatory, Joel continues to work with Knightshine. Joel proudly adds, “They came from not even knowing what a show choir was to winning 1st place trophies within a couple years.”

The Knightshine Family

The concept of family goes far beyond the boundaries of the Sluyter household though. Steven Cannon, a 2014 singer and crew member, states, “Every person involved becomes a brother or sister of all the others, and those are bonds which extend beyond high school.”

John Khouri, from the class of 2013, explains that he went from having no meaningful friendships to having a family with Knightshine. He believes that God used the rehearsals, classes, and competitions to teach him lessons in humility, teamwork, courage, and patience. Recent Knightshiner Sami Glenn calls Knightshine something priceless because, as a family, she believes they are “bound together by a deep love of music and an ultimate purpose to share the message of Christ’s love to other choirs who watch us perform.”

Cassie March, from the class of 2012, explains that the Knightshine family rallied around her when she faced medical problems. Similarly, former member Kayla Geleyne learned the blessings of a community where they all could laugh, dance, pray, cry, and grow in their relationships, all while gaining self-confidence and self-love.



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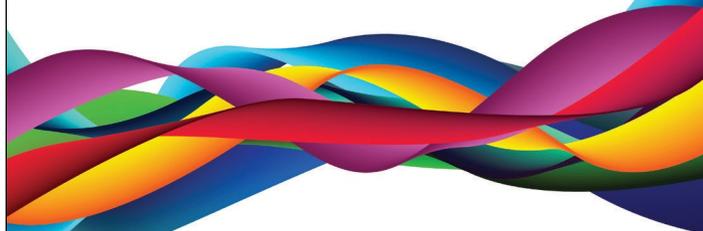
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Graduate Kara Kim notes that while many may associate show choir with “cheesy singing and dancing...and a whole lot of ego,” she believes that singing and dancing together in harmony “strikes a chord in the heart,” and she still recalls the power of that camaraderie. Former member Wesley Friesen adds, “One cannot join Knightshine and not leave a changed person. The people and the choir infect your soul and turn you into a sequin-loving jazz hand-hitting dance-breaking machine.”

A Competition Ministry

Recent member Josh Edmondson believes that the cohesive family unit created in Knightshine is, in part, a result of competitions that are forcing choir members to form bonds by relying on each other.

Unlike in the Midwest, where students can find any number of competitions by driving an hour, Sluyter and his students face a six-hour drive to participate in any competition. Even more important than the relationships built among members, Edmondson believes, are the effects the choir has on outsiders to the group when they travel to competitions.

“Competitions are Knightshine’s true chance to be a ministry,” Edmondson explains, “a chance for Christians to overtly spread God’s Word...in an engaging and impactful sort of way.” In fact, Edmondson sees Knightshine’s unique role as a Christian show choir to



Photo by Jeff Cuyler



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That's why Sluyter is unafraid to deal with "everyone's dark side and ways we cover it up"—because his sets always emphasize moving past those dark realities and into the light.



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be a “powerful and vital tool of Christ.”

Parent Margaret Copley explains that the competitive angle offered by Knightshine is amazingly intense and powerful. Copley believes that anxiety management, attention to detail, and reliance on hard work are just a few of the lessons learned by students when they deliver their performances. Parent Stacy Pena has been delighted to see her daughter become, for the first time, part of a competitive team—and has proudly watched her work consistently at difficult tasks. She adds, “For the first time in her life she’s experiencing the benefits of camaraderie, teamwork and hard physical and mental work, as well as the benefits of losing and winning.”

Travis Mercante, another former member, adds that he believes God spoke to him through their songs and through the group’s willingness to be vulnerable as individuals and as members of a community. He explains, “None of us were perfect in any means, but God was glorified through our common brokenness as we came together as a community determined to exalt his name through song and dance.”

Brendan Copley, who recently graduated, believes Knightshine provides students “the perfect outlet for spirituality, creativity, artistic ability, team building, leadership, and fellowship.” Copley believes the competitions

offered students “opportunities for ministry” far beyond typical service trips.

“The opportunities for ministry at the actual competitions are almost constant, and extend well beyond our actual show; since discussion of the content of a set (show) in the show choir world is akin to discussing a team lineup for a sport,” Copley explains. “We had constant opportunities to share the Gospel as people asked us about our set.”

Elsie Soderberg, another recent graduate, believes God used Knightshine in her life in powerful ways, while He also used them to work in the lives of the listeners as well. She adds that the choir was always about more than singing and dancing, and that witnesses to their performances were moved by the spirit.

Former member Kristina Hsieh adds, “We are all strangely connected by a shared love of singing, dancing, and giving glory to God. I loved that our set lists are always surrounding the gospel. There’s something beautiful and fun-loving about sharing the gospel at competitions in the form we have battled so strongly to perfect, but in the end, giving it to God and trusting that He’ll make the outcome wonderful.”

Ultimately, Sluyter finds the Christian angle one of the most exciting aspects of the group. Former student John Khouri shares,

“None of us were perfect in any means, but God was glorified through our common brokenness as we came together as a community determined to exalt his name through song and dance.” — TRAVIS MERCANTE

“Through Mr. Sluyter’s sermons, I learned the importance of representing God to the world, listening to what God has placed in our hearts, and loving those God puts us in a position to love.”

ABOUT THE AUTHOR: Dr. Rachel James Clevenger, editor of Productions Magazine, earned her B.A and M.Ed. degrees from Mississippi College. After finishing her PhD in Composition and Rhetoric, she taught and served as the University Writing Center Director for Birmingham Southern College and University of Alabama at Birmingham.

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By Sarah Dornink

Planning

First and foremost, when ordering costumes, plan ahead and move quickly. While many show choir companies offer fast shipping, it's best to plan ahead to avoid back order issues. On ready-to-wear dresses or suits, pick several styles as possible options. As availability of your favorite style can change daily, it's best to have more than one dress or suit that you know will work for your group. Once you have decided, place your order ASAP to avoid the disappointment of a sold out style.

Style

When picking your style, think about your set and your group. How will the style you pick work for this year's group and possibly the groups to follow? For the women, look for the most flattering style. While it's not possible to make all of your students happy, it can be a good idea to have your girl captain try on and dance in the dress. For the men, try to find a style that lets them feel important and makes them stand out like the women. Grey suits have been very popular for a few years, but don't be afraid to make a statement with color.

Sizing

Sizing and measuring your students can be one of the most stressful parts of the ordering process. For starters, have a person measure that has some experience in measuring and sizing students. For men and women, always measure at the largest section of the body. In womenswear, this is particularly important on the hips if you are ordering a fitted dress.

Another key point is the correct undergarments. Ask your girls to wear the bra they will wear with their costumes while being measured. In my experience, measuring often occurs during a dance rehearsal where girls are often in sports bras, giving a very different measurement than a strapless or a bustier. If girls haven't purchased their correct bra yet, it's better for them to wear a regular bra that is similar to what they will buy.

All costume sizes assigned to students must be based on the biggest measurement. This is the same for men and women. If a girl has a size S chest but an L waist, you will need to order the L and take in the bust. A helpful point is that many skirts are circle or a full skirt so the hip measurement is less important. While men's suits are sold as a set, you switch around within your group to get the closest possible fit.



Undergarments

The proper undergarments can make a big difference on how a dress fits. Encourage your girls to find and wear the proper undergarments that fit best with your costumes. Not all bustiers and bras fit the same, so each girl might need to try on various styles to find the best fit that works with the costume. Bustiers are always my preferred undergarment as they support from the waist up and help give dresses a smoother overall look. Other undergarments such as Spanx or slimming shapers can be worn; however, it is very important to make sure nothing is visible from stage during dancing.

Shipping

Shipping costs can add anywhere from 6-12% to your order. When you are shopping for which company to buy from, look for shipping discounts and take advantage. Additionally, planning in advance is helpful here as you will save money on shipping ground.

Alterations

On all costumes, EXPECT ALTERATIONS. Very few people are lucky enough to be a perfect size 4, 6, 8 etc. Almost all dresses and suits will need some sort of altering. Hopefully the majority of your alterations will be minor such as shortening straps or hemming

pants. However, you will most likely have a handful of students who will need more significant alterations.

Recruit any and all parents who have sewing skills in order to keep costs down. If you don't have this resource, some show choir costume companies offer alterations on costumes before they are shipped out. For instance, Dornink offers a variety of alterations such as shortening straps, adding length to dresses and increasing or decreasing the size of a costume. This can be a great resource if you have few seamstresses or tailors in your arsenal of volunteers.

When trying to calculate possible alterations costs, be sure to consider how certain fabrics or styles might be trickier to alter. Beading is the most difficult and costly fabric to alter. Good alternatives that are less difficult and costly to alter are sequins and any glued on sequin.

Finally, talk to your costume company and ask as many questions as you have. They are there to help you understand as much about your costumes as you can before you order.

ABOUT THE AUTHOR: After training in New York, designer Sarah Dornink joined her mother's long-running custom costuming business, where they strive to make each custom costume unique and beautiful. In 2013, they expanded their show choir apparel to include men's and women's ready to wear. Visit www.dorninkshowchoir.com

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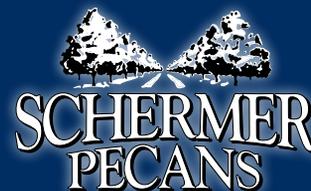
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CREATES A DARK CLOUD OVER SHOW CHOIR

by Rachel Clevenger

The Background

Over the last few months in particular, there has been a movement in show choir that seeks to educate directors and boosters more fully about copyright protections, as well as promote a service developed to presumably make applying for custom licensing a more fluid and simple process. In fact, *Productions Magazine* offered space in two of our previous issues for these protections to be explained and the process to be highlighted (“Copyright for Show Choirs” in October 2014 and “YouTUBE and Show Choir Music,” in November 2014). We would encourage you to read those stories if you have not yet, as there is some useful information about the workings of licensing and copyright law. We were happy to feature Tresóna whose licensing exchange was labeled as a “joint venture” between Tresóna and Hal Leonard. Even the Hal Leonard site forwarded all requests for show choir licensing to the Tresóna Licensing Exchange.

Soon after these stories ran, we were shocked to hear from many of our readers, reporting distressing stories of the methods being used to procure payments on these song rights, whether they were in ongoing shows or from shows used in the past. Directors were reporting receiving bills from a company they had never heard of, which—when ignored—soon turned to demands that were sent to their principals and school districts. Some were being fined significant fees for alleged non-compliance (one example of which was a 150 dollar song fee listed at almost 2000 dollars a song, once late fees were assessed). Some boosters and directors even reported disturbances being created at their public show choir events, all by this same Tresóna representative.

Certainly, some show choirs are not having a problem with the licensing system they must use to access Hal Leonard music, and that’s great. Obviously, the system works for some, and we hope it continues to go smoothly for anyone not experiencing problems. However, many other choirs may soon be getting the same types of correspondence that have been stunning directors and administrators over the last few months: calls that music teachers should be fired for alleged violations, threats of lawsuits against music programs and schools, and talk of arrangers being blacklisted. All of this is happening even as some schools and programs are still trying to get their bearings, working to understand what seems to be a gray area in copyright compliance law.

Any choir that is fully compliant with copyright law is presumably not at risk: of course, that would only include choirs



that secure permissions for every bar of music used—any recognizable sliver of a song—including special licensing for every change when music has to be adjusted for the skillsets of the group or individual parts within the group. Reportedly, the show choir community is being told to comply with one man’s interpretation of the law, even as that interpretation is being questioned.

The Conflict

A popular analogy has sprung up about this interesting surge in copyright compliance and show choir laws, one referenced several times in interviews with directors, boosters,

small music publishers, and arrangers. To some, this feels like directors and arrangers have been driving 57 in a 55 speed zone—in other words, some did not consider that behavior to be breaking the law at all, while others recognized they perhaps weren’t strictly obeying the letter of the law; either way, no one seemed concerned with pulling them over. Then, abruptly, 55 really meant 55. Not only were people in trouble for speeding right now, but they also were caught speeding on YouTube two years ago. Additionally, they must now immediately pay the man who pulled them over, and he may be assessing additional fines, if the car they are driving looks flashy and expensive.

Ultimately, after years of operating within the status quo, several schools and programs suddenly found themselves under siege. Many had long harbored the assumption that Educational Fair Use protected them from securing permissions in the same way, say, producers and show runners would. The way things had been done for decades in show choir had a “new normal” apparently, and they were being told to get with the program or risk everything they had worked for. Some might say that’s not the way to do business.

If you have followed the postings that the Tresóna representative started in the public forum

on the highly popular website showchoir.com, you are familiar with some of the reactions to Tresóna’s statements. Some posters derided the scare tactics being used against music directors and the strong-arming of school administrators. Doubts were raised about a company of murky origins that was simultaneously contacting these aggrieved parties, identifying itself as “Copyright Control & Compliance,” urging the besieged directors to pay the fees or face the consequences. Five schools identified by the licensing representative were not eligible for “A Revised Grade Period—A Copyright Peace Offering from Tresóna” posted in the Showchoir.com community, but he offered this “amnesty” gesture to everyone else. Otherwise, it seemed clear that the deadline was approaching, and more choirs would certainly be next.

In another posting, this same representative mentioned a deal he had offered one school: “Pay for the approximate 96 licenses for the music that your school infringed over the last two years and make a \$20,000 donation to a 501c3 foundation that provides music lessons to underprivileged kids. That choir director and school refused this offer, and now it is the hands of attorneys.” Interestingly, what he fails to mention is that he is on the board of a charity that fits that precise description. In addition to sharing a



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tax document from that school in this public forum, he also posted this: "That choir director and school could have written that check in ten minutes."

Moving Forward

Though a few have said they will try to avoid Hal Leonard completely, I believe that would be a shame, as Hal Leonard has long supported schools and music programs. Surely, there are other ways to move forward. First, arm yourself with knowledge. Learn all there is to know about current copyright law, especially as it may likely be shifting and changing over the next few years; talk to other directors and talk to arrangers who have faced these problems. Secondly, be transparent with your administrators about the shifts happening in the world of copyright compliance and what it means to the program.

In the same series of postings alluded to before, the Tresóna representative noted: "I would say that we are a nation of laws, and for the literal handful of schools involved, it is a teaching moment and an important one. This moment says that no one has the right to take the property (intellectual or physical) of someone else without asking permission, that no one, not even an educator of our youth has this right, and that there are consequences for our actions."

This is where he and I agree: We *are* a nation of laws, and this *is* a teaching moment. Perhaps

STATEMENT FROM HAL LEONARD

First we must state that Hal Leonard Corp. has no ownership or investment in Tresóna nor have we been a part of any threat of law suits or litigation by Tresóna. If this has been implied, it's not true. Whatever steps Tresóna has taken with any schools regarding possible copyright infringement has been done by Tresóna under its own judgment and has not been directed to do so or authorized by Hal Leonard.

In the past, certain music publishers we represented have also allowed Tresóna to represent them. Some time ago, in an effort to make licensing songs easier for schools, we decided to let Tresóna represent us for songs that we both had the right to license. It didn't make sense to us to put schools in a position of having to choose their licensing source. We also agreed to, on a limited basis, let Tresóna license songs to schools that we controlled, and they didn't, in an attempt to make it easier for a school to have one source to license from.

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the lesson to be taught and learned should be how to go about enforcing those laws. Regardless of legal standing, no one has the moral right to bully and demean hard-working educators and administrators, not even someone who would appear to have the weight of powerful corporations behind him and lawyers eager to sue public schools. Ethically speaking, no one should threaten your job or require you to donate to the charity of his choosing, all to make the specter of a lawsuit disappear. To some degree, you can choose who you do business with, and

you can encourage people who line their pockets on the artistry of others to police their behavior in your schools and your auditoriums. Because there certainly should be consequences for our actions, we should choose wisely who we do business with, as should music publishers.

Recommendations

First and most importantly, take steps to ensure your choir is fully compliant with copyright law and that you have secured the permissions you need. Educate yourself, and protect yourself

and your school. Draw on the expertise of any parents who may have experience in this area, and make sure that your team—from your administrators to your boosters, parents, and arrangers—is on the same page.

Secondly, if you receive a bill or other communication that you did not expect, especially if that bill raises red flags for you, request a full accounting from the music publisher of the rates/fees/penalties being assigned to your school for music used. If there is a threat made of litigation, inquire if the party making the threat has any legal standing to file suit against you—in other words, would the person making the claims against you be able to file suit against you as the plaintiff? One of the key pieces of information uncovered by one school during this siege was that the person threatening litigation was not a rights holder and would have no basis for a lawsuit. Of course, please don't misunderstand: If you violate copyright law you could be sued by the actual rights holders of the songs; however, a third party would not bring

We are a nation of laws, and this is a teaching moment. Perhaps the lesson to be taught and learned should be how to go about enforcing those laws.

suit against you on behalf of rights holders. This is particularly important when hefty late fees and penalties have been assigned by a third party. Though Tresóna's representative posted on Showchoir.com that 100% of fines collected were paid out to rights holders and their representatives, an accounting of that money should be encouraged if not required.

Finally, I would strongly urge you to immediately turn over any correspondence to your district lawyers, and let them sort it out. Some educators and administrators have been hesitant to do this, choosing to pay whatever sums have been demanded, rather than involve lawyers and the potential problems that could entail for them at a personal level. Yet, other impacted schools have reported that bringing in their district lawyers has been highly effective. Ironically, the schools that can least afford their music programs to bleed thousands of dollars are also the ones least likely to investigate and allow attorneys to take over. Don't let fear shut down a music program.



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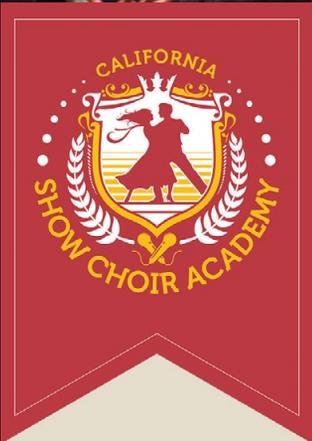


ABOUT THE AUTHOR: Dr. Rachel James Clevenger, editor of Productions Magazine, earned her B.A and M.Ed. degrees from Mississippi College. After finishing her PhD in Composition and Rhetoric, she taught and served as the University Writing Center Director for Birmingham Southern College and University of Alabama at Birmingham.

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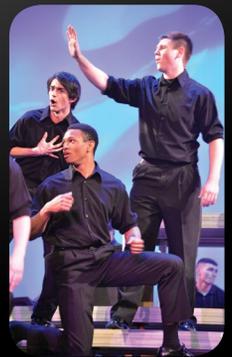


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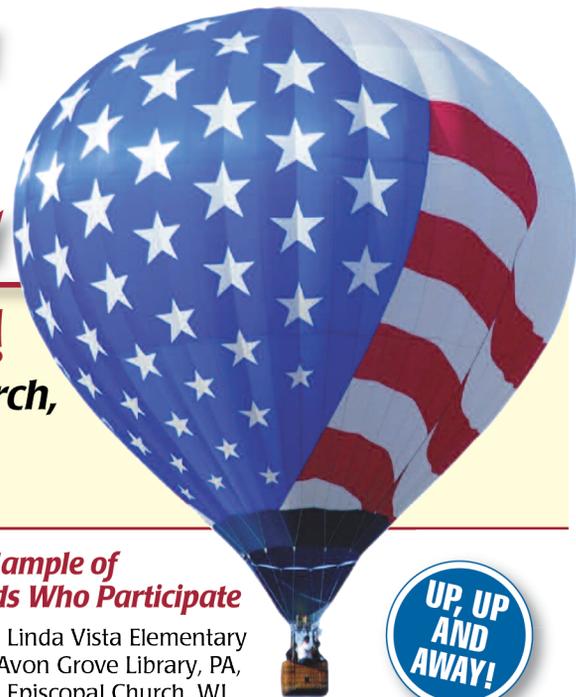


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