FREQUENTLY ASKED QUESTIONS (FAQ): LIVESTREAMING AND VIDEO RECORDING DURING COVID-19

Locals and Members have raised a variety of questions about remote learning. As much as locals have concerns about the return to in-person instruction, there are also many concerns about the way educational employers are shifting to provide remote learning or a hybrid of in-person and remote learning. This document compiles a series of frequently asked questions and answers (FAQ).

Q. Does my local have the right to bargain with the employer over hybrid or remote learning plans?

A.   A hybrid or remote learning plan that contemplates providing instruction via livestream and/or recorded lessons brings forth bargaining implications. Locals should reach out to their UniServ Director to discuss bargaining implications further.

Q. Does IEA have an official position regarding livestreaming?

A.   IEA believes that Locals are in the best position to bargain with the District over the best modes of delivering content to students who are learning remotely. ISBE's Fall 2020 Learning Recommendations state that remote learning activities may include, but are not limited to, the teacher delivering instruction via recorded video or synchronous (live) platform, remote small group work via breakout room or conference call, independent/flexible student work time, and virtual/telephone teacher-student check-ins. If using non-interactive platforms, students must have means to confer with an educator and receive feedback before assignments are graded or assessments are administered.

Q. With respect to livestreaming, how can a teacher balance the requirements of presenting a lesson, looking out for questions, and addressing behavior issues simultaneously?

A. Without a doubt, there will be challenges to teaching in a livestream format. Locals are encouraged to work with employers to identify lesson formats and user-friendly software platforms that assist the instructor to balance various needs in a remote environment. Also, remote learning planning days can be opportunities for districts to provide training on navigating classroom management in a virtual environment. This is also an opportunity for locals to raise with districts how ESPs can help in implementing remote learning. Just like ESPs are vital to success in the regular classroom, they can equally support success in the virtual classroom.

Q. Does IEA have an official position regarding simultaneous in-person and livestreamed instruction?

A. Yes. Sound pedagogy does not support the concept of in-person instruction while simultaneously livestreaming to other students who are learning from home. ISBE has put out guidance advising districts to prepare for different levels of instruction: in person, hybrid and remote. In discussing remote or hybrid instruction, the guidance discusses the supports needed to deliver curriculum remotely making clear that there is a difference between in-person and remote instruction. Setting pedagogy aside, there are bargaining implications for the bargaining unit as

well as questions as to whether the employer has provided appropriate notice and secured the appropriate permission from parents to livestream what is going on in a classroom in a way that can be observed by others.

Q. My employer wants me to report to school to present lessons, is this allowed?

A. Locals have the right to bargain with the employer regarding remote instruction performed by bargaining unit members. Provided that an employer can implement appropriate health and safety precautions and there is no restriction imposed by the state that would prohibit it, employers may have instructors report to work to provide remote learning.

Q. My employer will allow me to teach from home but says that I cannot have distractions while I am teaching, is this allowed?

A. Members at home will be dealing with a variety of issues – attempting to teach students remotely; other family members working from home; having their own children who are at home learning remotely, etc.   That said, it is not unreasonable for an employer to ask that lessons be delivered with minimal distractions. Locals can bargain with their employer to soften such requirements to better reflect the realities of teaching from home.

Q.   Will an instructor inadvertently be violating FERPA if a non-student observes virtual classroom interaction/instruction?

A. Generally, no. Assuming that during the virtual lesson, personally identifying information from student education records is not disclosed, FERPA would not prohibit a nonstudent from observing the lesson. Especially in the case of younger students, caregivers are likely going to be nearby the student and/or need to provide in-person support for the lesson to be successful.

Q. How can an instructor address student behavior during a live streamed lesson in a manner that doesn't violate student privacy?

A. Locals should talk with districts regarding how classroom management should be handled. How employees will be trained should be part of the discussion.

EDUCATOR CONSIDERATIONS FOR REMOTE INSTRUCTION

Districts moving to remote, online education are responsible for ensuring that the instructional methods and use of technology meet all requirements of federal and state law. Districts are responsible for providing appropriate direction and guidance to employees as to how that instruction will occur, including but not limited to the items below. Staff must adhere to their district's directives and guidance when planning, preparing, and engaging in remote, online instruction. Members with concerns related to a district's plan for online learning should consult with their UniServ Director.

- Determine whether learning will be asynchronous, synchronous, or some combination.
- Designate learning management platforms, educational tools, and any videoconferencing platforms that will be used.
- If the district directs that videoconferencing with students will occur, provide accounts for employee use. In addition, districts should provide instructions as to the required privacy and security settings and guidelines for use.
- Revise and update district policies as necessary to account for online instruction during the COVID-19 pandemic, including acceptable use, social media, electronic communications, and data security policies.
- Approve websites and videos used for instruction and provide clear guidelines for design of online instruction.
- Provide instructions as to how student work is to be saved and graded.
- Provide specific direction and procedures related to virtual IEP meetings.
- Designate a person to assist educators with technology issues and an administrator to serve as a contact for special education issues.

To the extent that an employer is using livestreaming/videoconferencing technology, it should be considering privacy and security concerns that have been raised with the use of these platforms and should develop procedures related to utilization of this technology, including:

- Employers should provide parents/guardians/students training in setting up videoconference.
- Employers should provide accounts for employee use and should provide clear instructions for required privacy settings and for how meetings should be set up (i.e. through unique links, required use of passwords or pre-registration by attendees, etc.).
- Livestreaming/videoconferencing meeting links should not be public or shared on social media
- Employers should train educators on livestreaming/video conferencing platform including on features that can assist with virtual classroom control, such as:
  - Host can mute others.
  - Host can remove participants from meeting.

- o Host can turn off private chat feature.
- o Host can ask in advance that students engage in conference in front of a wall to minimize background disruptions.
- o Host should be the only person who can share his/her screen

- The employer should be responsible for obtaining any necessary parent/guardian permission for all students appearing in the recording.

Educators should conduct themselves in videoconference classes or sessions as they would in a regular classroom, including:

- Do not leave the session/virtual classroom while it is in session.
- Use professional language and conduct just as in a regular classroom.
- Wear appropriate attire.
- Preview how your screen looks on camera before initiating the conference to ensure there is nothing personal or inappropriate in the background that could be viewed by others.

Below are some general tips for engaging in online learning. Of course, these do not replace district policies and directives related to online learning.

- Follow school district policies and directions with regard to online educational tools, acceptable use, and social media.
- Only use educational platforms, social media, and tools that have been approved by the district.
- Do not ask students to access websites or educational resources that require the student to set up an account or otherwise enter personal information unless the district has directed you to do so.
- Follow district policy or guidance when saving student work electronically.
- Be professional in all online communications.
- In devising online instruction, be mindful of copyright protections that may apply to instructional materials.
- Always preview websites, links, videos, and other materials before sharing them.
- If it is necessary to send sensitive information electronically, follow any applicable district policy related to encrypting the email or attachment. Double check the recipient's email address before sending.
- Ensure the use of strong passwords for email, social media, and educational platforms.
- When using your home internet, ensure that your wireless network is protected with a strong password. Do not use a public network unless directed to do so by your district.
- Follow school policies regarding telephone contacts to students and parents. When using your mobile phone to make phone calls to students and parents, use *67 before the call so that your number is not visible.

- Ensure that you know who to contact within the district for assistance in implementing IEPs or for students who have difficulty accessing online instruction.
- Ensure that you are familiar with the district's procedures for virtual IEP meetings.