



Guidance For Local Presidents

Addressing Issues Related to Online Video Conferencing/Live Streaming as Part of a District Remote Learning Plan during COVID19 School Closures

Many school districts have asked our members to utilize online video conferencing/live streaming as part of a plan to provide remote learning to the students they serve during the state mandated closure of schools. While there are many platforms available, no remote learning plan should be implemented without full consideration of the concerns that arise about proper training for both faculty and students. What follows are responses to questions and concerns that have been raised on this issue and best practices that should be considered when identifying how technology should or should not be integrated into a remote learning plan. Locals are encouraged to obtain a copy of the "Continuity of Education" plan your district submitted to NYSED.

Commonly Asked Questions

Q: Is parental consent required before utilizing a live video conference platform for remote learning purposes?

A: Probably. Under normal circumstances, video recordings/live streams may be considered education records under FERPA and should have parental consent prior to utilization. Contact your district administration to find out how they received parental consent and ask for verification that they have parental consent for any students with whom you are directed to do video conferencing.

Q: Can viewers repost videos, or alter videos and then repost them?

A: Yes, through the use of screen capturing software for live broadcasts, or download tools for posted videos that are pre-recorded, anyone with access to the video has the ability to capture the video and repost OR edit and repost, broadcasting through other platforms. The District needs to set clear requirements for acceptable use of image editing and sharing as unauthorized activity may violate multiple laws and regulations for students and faculty alike.

Q: What if our members witness something inappropriate in the home during the video conference?

A: When asking educators to utilize video conferencing with students, there is a risk that something inappropriate, whether intentional or unintentional, will be viewed by participants. In the event that happens, as the host, you should end the conference for all participants and immediately notify your administration and, if appropriate, Social Services.

Q: What if a member does not have the necessary technology or their own child needs to be using it?

A: Your employer should supply you with equipment necessary to implement any remote learning plan. If they do not supply you with the necessary equipment, each member must determine what equipment they have available and when it can be used. If using personal equipment, including personal internet access, talk with your employer about when you (and your equipment) are available to do specific work (e.g., live video conference).

Q: Can observations take place over an online video platform?

A: Only if it was agreed to when your APPR plan was developed. While permitted by NYSED, it cannot be implemented without your agreement. Please contact your LRS about how your plan addresses (or does not address) this issue.

Q: What is an employee's privacy right with respect to broadcasting from their home?

A: The decision to video record or live stream from an employee's home should rest with the employee. If an employee is uncomfortable recording from their home, they should discuss their concerns with the appropriate administrator to identify alternatives to address that aspect of the remote learning plan. Employees are

responsible for adhering to those aspects of a remote learning plan that do not constitute an invasion of privacy and are consistent with the work they typically do in the workplace and, absent an exception from the District, may face insubordination charges if they fail to comply.

Q: How do I advise members about addressing challenging situations?

A: If your employer directs employees to utilize online instruction, it should indicate in writing that the type of activity (synchronous, asynchronous, etc.), is the formal directive of the District for providing the Continuity of Learning Plan during this crisis and as such all indemnification statutes and rules apply. For employees using personal technology, that should include any unauthorized access of private teacher files--of any nature--obtained by any method other than a direct sharing by the employee. Anyone engaging in live streaming or any other form of direct online interaction with students should utilize only district-approved platforms to minimize personal liability exposure.

Q: How do I advise members who are asked or directed to conduct 1:1 online sessions with students for counseling, psychological services, IEP reviews or the like?

A: Review your District's "Continuity of Learning Plan" to determine if it includes this mandate. Talk with your District about delaying any reviews that require a 1:1 meeting until the closure ends. Members who conduct a 1:1 session are encouraged to demand a copy of the parent's written permission to conduct the session and to advise, at the beginning of the session, that the member does not agree to have the session recorded in any format. Members who voluntarily conduct such sessions should be advised that doing so may raise additional risks and they should be encouraged to find alternative ways to meet the needs of their students.

Best Practices for Our Members

Participants in online learning should be prepared to address inappropriate behavior by students or online hackers/predators with web-based platforms. Employees cannot utilize the same behavior management techniques they rely on in the classroom and unruly students in an online environment may pose a challenge to productive learning. In addition, there have been numerous reports of hackers gaining access to online conferences and causing a disruption, often with content that would be extremely inappropriate for students. The NY Times reported about "Zoombombing" on March 20, 2020 and there are recent, local incidents in which Zoom meetings have been hacked.

If you want to use video, use it to record a message, instructional guidance, demonstration, etc. rather than broadcast live. The same thing goes for audio – many educators have been utilizing podcasts (audio only) for quite some time. These are pre-recorded to ensure the content is vetted and edited before shared with an audience.

Before doing any video recording, review the camera frame and confirm that everything in the background is appropriate. The best place to record video footage is in front of a solid background that won't be distracting to your students/audience (find a wall as a background, hang a sheet over a window, etc.) With high definition video and webcams, we can easily broadcast a lot of detail in the view of the camera.

Any video footage should be recorded in a setting that minimizes background noise/conversation. This can be difficult to do with family members at home.

Members should ensure that during any phone/video contact with students/parents they protect their private contact information by using *67 (for cellphone use) and using a website platform that protects their phone number and contact information.

Members should be reminded that their social media posts may come under scrutiny during this period and that they should observe all normal cautionary practices when posting anything on any social media platform.

***Please contact your Labor Relations Specialist
with additional concerns and/or questions.***