

Online Learning Considerations

Prepared by the PSEA Legal Division

April 15, 2020

On March 27, 2020, Governor Wolf signed into law Act 13, which added section 1508.1 to the Public School Code to provide emergency relief for school employees and school entities that are subject to school closures due to the COVID-19 pandemic. Section 1508.1 requires all public school entities to make a good faith effort to plan to offer continuity of education to students using alternative means during the school closures. Many districts are planning to offer remote, online instruction to provide continuity of education.

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 Representatives.

- 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.
- Determine whether recording of synchronous class sessions or student meetings is prohibited or required.
- Obtain parent or guardian permission prior to requiring recording of synchronous class sessions or student meetings.
- 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 districts are requiring the use of Zoom or other video-conferencing technology, districts should be considering privacy and security concerns that have been raised with the use of Zoom¹ and should develop procedures related to utilization of this technology, including:

- District should require that parents/guardians should assist in setting up videoconference with student and attend any one-on-one sessions.
- Districts 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.).
- Meetings should not be public.
- Zoom meeting links should not be shared on public social media posts.
- Districts should train educators on use of Zoom, including on features that can assist with virtual classroom control, such as:
 - Host can mute others.
 - Host can remove participants from meeting.
 - Host can turn off private chat feature.
 - Host can ask in advance that students engage in conference in front of a wall to minimize background disruptions.
- Host should be the only person who can share his/her screen, and host duties should not be assigned to other participants.
- Zoom sessions should not be recorded unless directed by the district. If the district directs such recording, the district should be obtaining 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.

¹ See, for example, <https://www.washingtonpost.com/education/2020/03/20/schooling-rapidly-moves-online-across-country-concerns-rise-about-student-data-privacy/> and https://www.fbi.gov/contact-us/field-offices/boston/news/press-releases/fbi-warns-of-teleconferencing-and-online-classroom-hijacking-during-covid-19-pandemic/layout_view

- 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.

In this COVID-19 pandemic, distance learning has potential and can provide solutions. It also comes with pitfalls and shortfalls. Educators may have concerns about the type of technology selected and whether all students will be able to access the platforms or programs. Educators may themselves encounter problems in using or understanding the technology and may worry about the possible misuse of technology by others. They may be concerned about their ability to provide quality instruction via an electronic medium and whether such instruction will be successful. Educators will need to take on new responsibilities, as will their students whose attitudes towards online learning will certainly vary.

PSEA local associations can work with school administrations to address these concerns. While the decision to provide remote, online learning is not a mandatory subject of bargaining, many hurdles and anxieties can be addressed with collaboration between local associations and school districts. It may be possible to bargain the impact of the district's plan to implement remote, online instruction. In the end, the decisions related to the delivery of online instruction, including the designation and provision of educational platforms and tools and guidelines for use, are the responsibility of school employers. Clear communication about each district's directives, guidance, and expectations will assist educators in successfully transitioning to a distance learning environment.

For additional information related to online learning, please see [Teaching with Technology during COVID-19: Best Practices to Take Care of Ourselves and Our Students](https://www.psea.org/globalassets/issues--action/key-issues/files/teaching-in-the-time-of-quarantine-2020_v2.pdf) at https://www.psea.org/globalassets/issues--action/key-issues/files/teaching-in-the-time-of-quarantine-2020_v2.pdf.