The following FAQs and best practices are intended as informational only and to assist UEA members in navigating the amazing and quick transition to online and distance learning caused by the COVID-19 soft closure of Utah’s public schools. Please keep in mind the following priorities as you review this document:

• First, familiarize yourself with your local district policies for technology use in the classroom and any relevant internet use policy;

• Second, employ district provided or recommended and approved platforms (if you are unsure of the platform you intend to use consult with your UniServ Director);

• Third, please follow district directives and seek clarification from district administrators regarding any directive you believe conflicts with the information provided to you or that seems unreasonable. (For example, if you are concerned about making/creating a recording as directed by the district, reach out and ask the district if following the directive implicates FERPA and if so, what protections or cautions are afforded you in order to comply with the directive and the law.)

• Lastly, this pandemic environment requires us to be fluid in our practices; flexible in our thinking; collaborative with our colleagues and administrators; and creative in our ability to use best efforts to deliver meaningful instruction to your students!
1. FERPA – Family Educational Rights and Privacy Act

Is every record or recording a “FERPA” record or recording?
Almost but no. FERPA defines student education records BROADLY as records that are directly related to a student and maintained by an educational institution or by a party acting for an institution such as a licensed educator providing virtual instruction from home. Student records include student grades, class lists, student course schedules, health records, and student discipline files.

Exceptions to the broad definition of student records under FERPA include: records that are kept in the sole possession of an educator, are used only as a personal memory aid, and are not accessible or revealed to any other person (except to a temporary substitute educator).

What is PII information?
Personally Identifiable Information – identifiable information maintained in education records and includes direct identifiers, e.g. student’s name, identification number, date of birth; information that can be used to distinguish or trace a student’s identity directly or indirectly when linked with other information.

You can take this information home so long as:
   a) You have a legitimate educational interest in the record;
   b) Do not further disclose the information in the record unless permitted by FERPA;
   c) Use reasonable methods to protect the information in the record.

2. THE VIRTUAL CLASSROOM/EDUCATION ENVIRONMENT

Can you hold virtual classes?
Yes! Holding a virtual class does not violate FERPA laws. FERPA requires a record. So long as the virtual class is not recorded there is no record. If the district has instructed to record the class then be sure you are using district provided or approved equipment and you are on a district platform or your platform has been specifically approved by the district.
In addition, avoid speaking about any personal information just as you would during an in-person class. Always make sure your virtual class is secure with a password and the link is only given to those who need to attend the meeting. (If you are using a district approved platform, the password may be automatically included in the platform.)

**Know your employer’s rules for online engagement and follow them or seek clarification.**

Most districts have internet use policies to define what is allowable on work computers and networks. In addition, check to see if your district has policies that address appropriate and inappropriate online interactions with students and families (see also R277-215 and R277-217). If you can’t find relevant policies, reach out to your UniServ Director.

**If educators hold a virtual class, who can appear on camera?**

Students can be on camera; however, it is important for both educators and parents to think about best practices. For example, educators should be sure to have a professional background. Also, showing student's homes or rooms could be uncomfortable for some as it could reveal socio-economic status. Students could be positioned in front of a wall in a public, not personal, area. This would protect both educator and student. Students, of course, do not need to have their camera on at all. Educators may mute students so that no one hears any background information.

**Be aware of your professional online presence.** Be familiar with the online learning platform you plan to use. Be present when online and minimize distractions and personal interruptions (refrain from eating, drinking, multitasking, how you are dressed, what is viewable in your background). If a student presents with an inappropriate background (from a bedroom) gently remind the student that you would not teach them in their bedroom and gently reschedule the meeting for another time. Use the same level of professionalism you would use in the school building.
Keep in mind you continue to be a Mandatory Reporter even from home. Again, review district policy. Utah law requires you to report to law enforcement or Division of Child and Family Services (DCFS) if you have reason to believe that a child has been subjected to abuse or neglect.

3. PRIVACY CONSIDERATIONS FOR 1:1 INTERACTIONS AND WEB CONFERENCING

When may an educator have a one-on-one conversation with a student using web conferencing software?
If you are answering general content related questions or providing one-on-one help, this likely does not breach any privacy laws. However, if you are discussing grades, IEPs, 504s, or similar information take extra care to make sure this conversation is private. You can make a note that the meeting was private but do not record the meeting as that creates a record and implicates FERPA protections. (Again, follow your district’s directive first and if the district directive conflicts with this information seek clarification from the district or from your UniServ Director.)

Be conscious of and ensure student privacy. Be sure the platform you are using does not automatically record the conversation. Be sure you are instructing or communicating from a private space. Do not send your students to websites or social media apps that are not approved by your district or principal. Check with your district or principal about a list of allowable apps and websites that meet FERPA guidelines. If you have concerns, contact your UniServ Director.

Which privacy/security requirements must be met for web conferencing or other software to be approved?
Whichever website is used, it should not claim control/ownership over the information, and they do not redisclose personally identifiable information. If it does collect personally identifiable information, the students and their parents will have to sign a data privacy agreement. It is possible that students and parents have already signed this at the beginning of the school year. If you are not sure contact your UniServ Director.

Be sure to maintain your own online privacy in your interactions with students. Do not use your private accounts for professional purposes. Establish professional accounts on all platforms and applications that you need for work.
Ask your student if s/he is recording the communication or lesson and make clear that the communication or lesson should not be recorded (because of FERPA). Remember, if you are using a district computer or district network you do not have any right to privacy. If you think a student or parent is recording the lesson or communication, report that to your UniServ Director or directly to your principal.

4. What else do I need to know?

Be aware of copyright laws just as you are in your classroom. For more information see Library of Congress Copyright Laws.

Commit to creating a positive community online. Stay positive about ALL of your students and be patient with their progress. You ARE doing enough. Be patient with parents and administrators and colleagues.

As much as you can, focus on instruction. Students will need more reassurance than usual right now but set good boundaries and recognize if the student needs a referral to a counselor. Do not try to be all things to all people. Do not turn to your student to meet your need for reassurance.

Put your oxygen mask on first. More than ever, this is the time where you must be deliberate and diligent in exercising self-care about all else:

- Follow the CDC Guidelines for Control and Prevention
- Have a schedule for every workday.
- Get dressed for the workday and have a set beginning and end to the workday.
- Make time for exercise on most days (walk, bike ride, dance, stretch, find an online free exercise program).
- Intentionally seek out socialization.
- Be sure to get essential time AWAY from your screen.

What other resources are there about virtual learning?

- U.S. Department of Education Protecting Student Privacy While Using Online Educational Services: Requirements and Best Practices (Feb 2014)
- U.S. Department of Education FERPA and Virtual Learning Related Resources (Mar 2020)
Check in with your local UniServ Director and check the UEA website for additional information (www.myuea.org)