

# Sylvan Heights Science Charter School

Policy Title: Livestreaming

Policy Number: 831

Adopted: September 21, 2020

## **Purpose**

The Board recognizes that livestreaming may be helpful to the Sylvan Heights Science Charter School (School) and its employees in both fulfilling its educational mission and in expanding the reach of School events and activities to those not able to attend in person. The Board further recognizes that without parameters, livestreaming may pose risks to the School, its employees, students and their families, and may otherwise disrupt the educational environment. The Board authorizes the use of livestreaming for instructional and other educational purposes. This policy does not prevent employees, students, parents, and/or members of the public from livestreaming School events open to the public.

## **Delegation of Responsibility**

The Principal/CAO shall delegate to his/her designee(s) the right to enforce this policy.

## **Definitions**

A **hybrid class** is one in which the teacher and a portion of the students in the class are located in the brick and mortar classroom on School property, and a portion of the students are located off School property, participating in livestreamed instruction and other educational activities. Additional staff may engage with the hybrid class, whether on or off School property.

**Livestreaming**, as used in this policy, shall mean utilizing any camera located on School property, to broadcast live video content through the Internet and virtual platforms, which may include social media platforms.

**Personal device** include but is not limited to the use of a student's/family's own laptop, cell phone, personal digital assistant, or other Internet-enabled hand-held device.

## **Guidelines**

### Development of Administrative Guidelines

The Principal/CAO or his/her designee shall develop administrative guidelines to implement this policy. The Principal/CAO shall ensure that all students and employees are made aware of this policy and any administrative guidelines by means of the employee and student handbooks, the School website, and other reasonable means.

### Use of Livestream Video for Educational Purposes

The Principal/CAO or designee shall ensure that adequate precautions are in place to limit the sharing of personal information with individuals not directly affiliated with the School, and those who do not qualify as "school officials."

In accordance with The Children's Online Privacy Protection Act, the School shall:

1. Ensure that the use of online learning platforms is for school-authorized educational purposes, and not for commercial purposes.
2. Review the privacy and security policies of each online learning platform company utilized by the School to understand how the each company will collect, use, and disclose personal information from School students.
3. Provide parents with notice of the website and online learning platform companies whose collection they have consented to on behalf of the parent.

Parents/Guardians and students enrolled in a hybrid class shall be notified of the use of livestreaming. The administrative guidelines shall ensure that students are not captured in the livestream whose parents/guardians have elected to opt them out of video or audio recording.

Recording of a hybrid class livestream of academic instruction and/or educational activities may occur and shall not be maintained for longer than two (2) weeks. Only School employees given explicit permission by administration to record a hybrid class livestream may do so. The School shall not share these recordings or any educational records with anyone who does not have a legitimate educational interest without written parental consent. The recordings may, however, be shared with other students for instructional purposes, in which case the parents of recorded students will be notified. Anyone with a legitimate educational interest who requests and thus receives the recording shall abide with privacy protections and shall utilize the recording only for the remote instruction of his or her child. Any person who violates such privacy requirements shall be prohibited from gaining access to future recordings. [15]

Students and employees participating in the hybrid class off of School property shall not record the livestream unless given explicit permission by the administration. The administration shall make reasonable efforts to ensure that remote participants to a livestream of academic instruction and/or educational activities do not make an unauthorized recording of a hybrid class livestream. However, the School provides no guarantee that an outside party will not access or record the instruction. By participating in a livestream, all participants acknowledge and accept the risk of the access or recording of the livestream by an outside party and have no expectation of privacy in the recording.

### Students

Students in a hybrid class shall:

1. Dress in proper attire consistent with the School's dress code. [1]
2. Comply with the School's Acceptable Use Policy, whether using a School device or a personal device. [2]
3. Abide by the School policies and Code of Conduct and shall be held accountable for violations of polices and the Code of Conduct while participating in the livestream. [3][4]

Students participating in the hybrid class off School property shall abide by attendance policies and procedures in place for remote instruction in order to be considered present for those hours during which they received instruction. [5]

### Employees

At all times while engaging the hybrid class in livestreaming, employees on and off School property shall:

1. Be dressed in proper attire consistent with the School's dress code. [6]
2. Shall comply with the School's Acceptable Use Policy, whether using a School device or a personal device. [2]
3. Conduct themselves in a professional manner consistent with appropriate and orderly behavior. [7]

Employees engaging the hybrid class in a livestream while off School property shall adhere to the assigned work schedules and procedures as outlined in administration regulations pertaining to working periods. [8][9]

### Livestream of School Events Open to the Public

This policy does not prevent employees, students, parents, and/or members of the public from livestreaming School events open to the public. Students, parents, employees, and members of the public should not have any expectation of privacy while attending public events; they may be captured and broadcast on a livestream just as they could at any other public or community event, or facility open to the public.

However, School administrators may prohibit livestreaming at specific events hosted by the School on a case-by-case basis to comply with the law, to comply with contract terms, or to prevent a substantial disruption to the public event.

The Board prohibits livestreaming of copyrighted musical performances, theatrical performances, or any material or performance in violation of copyright law. [10]

### Accommodations for Disabilities

The School must provide qualified individuals with disabilities equal access to their programs, services, or activities in part by ensuring that government websites have accessible features for people with disabilities. The Board directs that livestreams, depending on the use and as defined and authorized via this policy, be as accessible as reasonably feasible for students, employees, and members of the public with disabilities as their nondisabled peers. Such accessibility may include, but is not limited to, the provision of closed captioning. [11][12][13][14]

### Student Initiated Use of Livestream Video

The Board prohibits student livestreaming at any time during the school day, including while on School-provided transportation to and from school, or at any school-sponsored event that is not open to the general public, unless the building administrator has authorized the livestreaming by giving written consent.

## Penalties for Violations

Violation of this policy, its administrative guidelines, and/or state or federal laws will result in discipline. Employees may be subject to discipline up to and including dismissal. Students may be subject to discipline up to and including expulsion. [3][4][7]

### **Legal**

1. Pol. 221
2. Pol. 815
3. Pol. 218
4. Pol. 233
5. Pol. 204
6. Pol. 325
7. Pol. 317
8. Pol. 332
9. Pol. 318
10. 17 U.S.C. § 101 et seq.
11. 42 U.S.C. § 12101 et seq.
12. 29 U.S.C. § 701 et seq.
13. Pol. 103.1
14. Pol. 104
15. Pol. 800

## **Acknowledgement of Virtual and Livestream Instruction Privacy Concern**

In order to adhere to the requirements issued by the Pennsylvania Department of Education on re-opening schools for the 2020-2021 school year, and to maintain the health and safety of the Sylvan Heights Science Charter School (School) student and staff community by allowing learning to occur from a remote location if and as necessary, the School will engage its teachers and students in various types of instruction such as live virtual lessons, recorded virtual lessons and readings/exchanges, and one-to-one virtual instruction/interaction with a teacher or other support professional.

Additionally, the Board has adopted Policy 831, Livestreaming, to allow for “live” learning from a remote location. The main purpose of Policy 831 is to authorize the creation of hybrid classes. A hybrid class is one in which the teacher and a portion of the students in the class are located in the brick and mortar classroom on School property, and a portion of the students are located off School property, participating in livestream instruction and other educational activities. Additional staff may engage with the hybrid class, whether on or off School property. The School will livestream instruction through the broadcast of live video content through the Internet and virtual platforms, which may include social media platforms.

The Family Educational Rights and Privacy Act (FERPA) is a federal law created to protect personally identifiable information (PII) located in a student’s education record from unauthorized disclosure. The School annually distributes a FERPA notice to provide a comprehensive description of parent and student rights as well as School obligations in relation to those rights. This notice applies to recorded virtual and livestream instruction. The School’s FERPA notice can be accessed at: [INSERT LINK TO ANNUAL NOTICE ON SCHOOL WEBSITE].

The School is making reasonable efforts to protect PII found in education records; however, this notice serves to apprise families that School cannot entirely ensure student privacy when utilizing virtual instruction and/or livestream instruction. Live lessons with teachers or other educational professionals may be recorded, and thus, contain student interaction.

### **Expectations for When a Student is Engaged in Virtual and/or Livestream Instruction From a Remote Location**

To the maximum extent possible, the student must engage in virtual or livestream instruction in a space away from noises and distraction.

- The student may need to put a curtain or object in the background to prevent others in the hybrid class from viewing items in the remote setting.
- The student may need to wear headphones or earbuds to prevent noise in the remote setting from distracting the hybrid class. Should ongoing distractions occur, and if student does not utilize headphones or earbuds, the teacher may have to mute the student in the remote setting.

Only the invited student may attend the virtual and/or livestream instruction from a remote location.

- Families must not disrupt or engage in students' instructional processes. Families/parents who wish to assist in their child's instruction from a remote setting must have prior approval from the School.
- If a parent or third party happens to be present when protected information is shared via virtual and/or livestream instruction, that person is prohibited from re-sharing the information.

Student behavior in a remote setting will be handled in a manner similar to in-person classroom settings. Policy 831 incorporates the Code of Conduct and its disciplinary processes, including suspension and expulsion.

Parents/guardians and students are prohibited from recording virtual and/or livestream instruction without School permission.

Electronic communication with teachers (audio and/or video) must be for legitimate educational purposes only. Legitimate educational purposes include matters relating to teaching, educational support, counseling, athletics, and extracurricular activities.

We ask that all members of the school community make every reasonable effort to abide by and implement these privacy guidelines. The School staff thank you and appreciate your cooperation with the above matters as we provide valuable educational opportunities to your child during the 2020-2021 school year. Please direct any questions about this letter to Susan Roth, Principal/CAO at [sroth@shscs.org](mailto:sroth@shscs.org).

**\*\*Additional Notice to Parents/Guardians Relative to Livestreaming**

Livestream instruction may be recorded, and thus, contain student interaction. The School will not share these recordings or any educational records with anyone who does not have a legitimate educational interest without written parental consent. **The recordings may, however, be shared with other students for instructional purposes, in which case you will be notified.**

**For families who are offered and consent to the option of their child attending a hybrid class, please indicate consent by initialing both statements.**

\_\_\_\_ If/when a child is in the classroom on the School campus, his or her interactions may be captured and livestreamed to students engaged in instruction off the School campus.

\_\_\_\_ If/when my child is engaging in instruction from a site not located on the School campus, the livestream may capture the visual and audio interactions taking place in the remote setting.

**For families who receive a copy of a hybrid class livestream recording (initial ALL if you consent)**

\_\_\_\_ I understand that recordings of hybrid class livestreams are the property of the School.

\_\_\_\_ I understand that should I receive a recording of a hybrid class livestream it is because I have a legitimate educational interest in my child's education.

\_\_\_\_ I understand that if I receive a recording of the livestream I am obligated to abide by privacy protections and shall not share this livestream recording with anyone, even if it is the parent of another student in my child's class. Only the School is authorized to share livestream recordings.

\_\_\_\_ I affirm that I shall utilize the livestream recording only for the remote instruction of my child.

\_\_\_\_ I understand that should I violate such privacy requirements – i.e. share this livestream recording with anyone or on the website or on social media – I will be prohibited from gaining access to future recordings.

Child's Name: \_\_\_\_\_

Parent's Name (Please Print) \_\_\_\_\_

Parent Signature: \_\_\_\_\_

Date: \_\_\_\_\_

