



Virtual LEARNING

Teaching In A Virtual Environment During the Pandemic

At this time, when in-person learning has paused for many educators because of the pandemic, ETFO is providing this resource to assist members in exercising professional judgement, delivering quality learning and supporting students.

ETFO's position on in-person learning remains unchanged. The Federation firmly believes that the daily, in-personal model of instruction and support best meets the educational, developmental and social needs of students, provides the best experience for support, and is the most equitable learning model for all students.

ETFO's expectation is that elementary virtual learning in any capacity, including through hybrid models of instruction, will end once the pandemic ends.

Your union will continue to demand action from the Ontario government, school boards and public health units to ensure in-person learning and support can resume quickly and safely.

Copyright Laws, Fair Dealing Guidelines and Online Teaching

There are no provisions in the *Copyright Act* and no judicial decisions altering the law on fair dealing in Canada during a pandemic.

Teachers can read books aloud to students, even in an online classroom. Teachers cannot record themselves reading a book aloud, and they cannot share the video on a password-protected platform such as Google Classroom or Brightspace.

Sharing a recording requires permission from the copyright owner because it is a reproduction of the book. A portion of the book could be read and recorded, however the excerpt must be within limits (a chapter of a book, for example, is acceptable). Subsequent chapters cannot be recorded and shared in a manner that entire book being reproduced over time.

There are many 'read alouds' freely available on YouTube that appear to have appropriate sharing permissions. These recordings can be linked or embedded into a password-protected learning management system post that is limited to your students. [Youtube.com/user/StorylineOnline/videos](https://www.youtube.com/user/StorylineOnline/videos) is one example.

- Please note that Access Copyright's 'Read Aloud Canadian Books Program' is only available to teachers in British Columbia.

Consumables that are intended for one-time use, such as workbooks in which a student records answers, cannot be shared. A reproducible that is not intended for one-time use can be reproduced for educational use. If you create your own template, then it can be shared.

Check with knowledgeable colleagues about copyright, such as the Teacher-Librarian. Information about copyright can also be found at [Fair Dealing Guidelines - fairdealingdecisiontool.ca](https://fairdealingdecisiontool.ca)

In addition, The Fair Dealing Decision Tool was created to help teachers determine whether their use of a copyright-protected work is fair dealing. fairdealingdecisiontool.ca/DecisionTool

Several students have been exempted from synchronous learning minutes for portions of the day. Are educators obligated to record and post these videos online?

No. ETFO educators can use their understanding of their classroom and students, as well as their professional knowledge and training, to implement the curriculum in a meaningful way. Members should be prepared to provide a rationale for the decisions they make, if asked.

Some members may find it helpful to record and post lessons online as a part of their synchronous learning and online learning materials. For example, you may decide to record a math lesson in advance of their synchronous lesson. That video can be used a part of their 'live' lesson and it can be posted to their online classroom.

Remember: the manner in which you choose to teach and post work online is based on your professional judgement. Learn more at etfo.ca/link/profjudgement

As part of [PPM 164 \(Requirements for Remote Learning\)](#), parents and caregivers have the option to request an exemption from synchronous learning during times of extended interruption to in-person learning. Alternative learning approaches must be provided for all exempted students. Some examples of alternative learning instruction include correspondence, print or broadcast media instruction.

Exempted students must be provided with a daily schedule or timetable in accordance with the 300-minute instructional day. Members should reach out to their administrator regarding obligations for providing work to students with exemptions.

If members choose to record their synchronous lessons, they should ensure media release forms have been signed by each family, and they should be very cautious about recording students' images and voices. Videos should only be posted in a password-protected online classroom provided by the school board (i.e. Brightspace, Google Classroom), and any option to download the videos should be disabled.

Resources to Help

The Ontario Ministry of Education's licensed learning platform Brightspace by D2L has tutorial videos for beginners and more advanced users on its [YouTube channel](#).

You can also join the [Brightspace Community](#) to access articles, webinars and post questions.



Synchronous Classes and Posting on Twitter

As virtual platforms for teaching and learning are implemented for our workplace during the current pandemic, members must be mindful of student privacy at all times.

The Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) applies to the personal information of students, teachers and others. The definition of "personal information" in *MFIPPA* is very broad. Under *MFIPPA*, anyone who "willfully" discloses personal information in contravention of the statute is guilty of an offence and may have to pay a fine of up to \$5,000. These provisions apply not just to school boards but also to educational staff. This means that educational staff must be diligent in working to understand what *MFIPPA* requires of them as they carry out their professional duties.

Members should not capture images of students and post them to e-platforms. It is critical that members respect student privacy at all times.

Personal information regarding students, teachers and others is largely private.

Educational staff are subject to a number of obligations concerning the collection, use, storage, disclosure and disposal of private and personal information.

In addition to raising a number of privacy concerns, recording a virtual classroom and capturing images or other information, even inadvertently, could be considered professional misconduct by both the Ontario College of Teachers (OCT) and the College of Early Childhood Educators (CECE).

Both Regulation 437/97 of the *Ontario College of Teachers Act* and Regulation 233/08 of the *Early Childhood Educators Act* define professional misconduct in a manner that could include conduct related to videotaping in the classroom. Professional misconduct under both regulations includes the unauthorized disclosure of personal information, disgraceful, dishonourable or unprofessional acts or omissions, or conduct unbecoming a member, any of which could be triggered as a result of videotaping in the classroom.

Take the time to read ETFO's [PRS Matters Bulletin](#) on this topic.

