DECLARATION OF EMERGENCY DIRECTIVE 038

WHEREAS, on March 12, 2020, I, Steve Sisolak, Governor of the State of Nevada, issued a Declaration of Emergency to facilitate the State's response to the COVID-19 pandemic; and

WHEREAS, on March 13, 2020, Donald J. Trump, President of the United States, declared a nationwide emergency pursuant to Sec. 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act"); and

WHEREAS, the World Health Organization advises that transmission occurs through both droplet and airborne transmission, where droplet transmission occurs when a person is in close proximity to someone who is infected with COVID-19; and

WHEREAS, infectious disease and public health experts advised that minimizing interpersonal contact slows the rate at which the disease spreads, and is necessary to avoid overwhelming healthcare systems; and

WHEREAS, on March 5, 2020, Clark County and Washoe County both reported the first known cases of COVID- 19 in the State of Nevada; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a pandemic; and

WHEREAS, on March 12, 2020, I, Steve Sisolak, Governor of the State of Nevada issued a Declaration of Emergency to facilitate the State's response to the COVID-19 pandemic; and

WHEREAS, on March 13, 2020, Donald J. Trump, President of the United States declared a nationwide emergency pursuant to Sec. 501 (b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act"); and

WHEREAS, on March 14, 2020, I formed a medical advisory team to provide medical guidance and scientifically based recommendations on measures Nevada could implement to better contain and mitigate the spread of COVID- 19; and

WHEREAS, on March 15, 2020, I directed that" ... [a]ll kindergarten through 12th grade schools will close to students effective March 16, 2020 ... " and " ... may reopen no earlier than April 6, 2020, and only upon the approval of the Chief Medical Officer of the State of Nevada after a review of the risk of transmissions within the geographic areas defined by the Chief Medical Officer"; and

WHEREAS, the Nevada Department of Education (NDE) released its Path Forward Plan - Response to COVID-19 on April 29, 2020, and announced the creation of the Re-Opening of Schools Committee (Committee) whose members include State health officials, district superintendents and staff, charter school leaders, school safety experts, and social and emotional learning and school counseling experts who created the Nevada's Framework for a Safe, Efficient, and Equitable Return to School Buildings (Framework) and presented the Framework to the State Board of Education on June 4, 2020; and

WHEREAS, Nevada's hospitalization rate for suspected and confirmed COVID-19 cases has trended downward since mid-January 2021; and

WHEREAS, the State Medical Officer has reviewed the risk of transmission in Nevada and determined that schools may return to in-person instruction, subject to the conditions set forth in this Directive and any subsequent directives that may be issued based on any change in the risk of transmission in Nevada; and

WHEREAS, the lack of opportunities for social connections and typical life events for our youth, such as interacting with peers in-person during athletic events, increase the risk of isolation, anxiety, depression, substance abuse, and unrecognized distress; and

WHEREAS, youth participation in recreational and competitive sports promotes healthy connections with other caring adults who are trained to detect youth distress and signs of abuse and neglect; and

WHEREAS, re-engaging in sports activity in a balanced way has physical, mental, and psychological benefits for youth and adults, including overall fitness and well-being; reducing isolation; and returning to a more structured routine and healthy interaction; and

WHEREAS, Nevada Revised Statutes Chapter 385B authorizes the Nevada Interscholastic Activities Association (NIAA), which is composed of all of the school districts of the State for the purposes of controlling, supervising, and regulating all interscholastic athletic events and other interscholastic events in the public schools; and

WHEREAS, NRS 414.060 outlines powers and duties delegated to the Governor during the existence of a state of emergency, including without limitation, directing and controlling the conduct of the general public and the movement and cessation of movement of pedestrians and vehicular traffic during, before and after exercises or an emergency or disaster, public meetings or gatherings; and

WHEREAS, NRS 414.070 outlines additional powers delegated to the Governor during the existence of a state of emergency, including without limitation, enforcing all laws and regulations relating to emergency management and assuming direct operational control of any or all forces, including, without limitation, volunteers and auxiliary staff for emergency management in the State; providing for and compelling the evacuation of all or part of the population from any stricken or threatened area or areas within the State and to take such steps as are necessary for the receipt and care of those persons; and performing and exercising such other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS, NRS 414.060(3)(f) provides the administrative authority vested to the Governor in times of emergency may be delegated; and

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of Nevada and the United States, and pursuant to the March 12, 2020, Emergency Declaration,

Section 1: The limitations imposed by previous Directives or regulations are hereby superseded by the explic provisions of this Directive. Any provisions not addressed by this Directive shall remain in force as provided by previous Directives or regulations promulgated pursuant to the March 12, 2020 Declaration of Emergency.

Section 2: Section 3 of Directive 022 is hereby terminated. Effective February 18, 2021, once a county school district, charter school, or private school has been open for in-person instruction for at least 20 da it may increase the occupancy of school buildings or facilities but must not exceed the lesser of 25 students or 75% of maximum occupancy based on listed fire code capacity of a single space withir school site and must abide by all guidelines promulgated by the Nevada Department of Education

Section 3: Section 2 of Directive 028 is hereby terminated. Effective February 18, 2021, once a county school district, charter school, or private school has been open for in-person instruction for at least 20 da it may adopt social distancing protocols with a minimum allowable distance of not less than 3 feet apart between students at all levels, including pre-school, elementary, middle school, and high school, while in school buildings and facilities. For district and school staff and any other adults in school buildings or facilities at all levels, adults must be not less than 6 feet apart from students ar not less than 6 feet apart from other adults. County school districts, charter schools, and private schools may maintain social distancing protocols that are stricter than the standards in this Directi but they may not adopt standards that are less restrictive without an approved variance as describ in Section 3 of Directive 028. Physical distancing of 6 feet or more between students (to the greate extent possible) is encouraged, per the recommendations of the Centers for Disease Control and Prevention.

Section 4: School transportation vehicles, including school buses, may operate at 66% capacity. Social distancing of at least 3 feet between students and 6 feet between students and adults should be maintained to the maximum extent practicable.

Section 5: Section 4 of Directive 028 regarding face coverings remains in effect with the following amendmer applicable to county school districts, charter schools, or private schools: Students may remove thei mask when playing an instrument that requires use of their mouth. When students are not playing instrument that requires use of their mouth, they must wear a face covering, unless playing outdoc and social distancing of not less than 6 feet can be maintained between students and adults. Wher singing, students must wear a face covering.

Section 6: Section 7 of Directive 034 is hereby amended, effective February 18, 2021, such that full-contact ar close-contact sports, as defined by Section 5(1) of Directive 034, may resume for competitions subject to the limitations set forth in Directive 034 and this Section. Full-contact and close-contact sports governed and regulated by the NIAA may commence practice and competitions for full-contact and close-contact sports in accordance with guidance promulgated by the NIAA and the applicable conditions set forth by this Directive.

The NIAA must promulgate a mandatory COVID-19 testing and mitigation plan for full-contact an

close-contact sports. The plan must require at a minimum weekly testing of coaches, staff and athletes participating in these sports. The plan must include rules and guidance for the use of face coverings by student athletes while both actively and not actively participating in the sporting activity.

Prior to the commencement of practice of practice of full-contact and close-contact sports, the loc county school district or county school superintendent must approve commencement of the full-contact and close-contact sport in writing to the Nevada Department of Education.

Prior to the commencement of competitions of full-contact and close-contact sports between separate schools, the individual schools must implement the NIAA testing and mitigation plan and begin the weekly testing protocols required by such.

Section 7: Spectators will be allowed to attend all NIAA sporting events subject to the applicable limitations s forth in Directive 037 for gathering and events. Host schools will be responsible for ensuring compliance with applicable gathering and event guidelines, capacity limitations and protocols as s forth in Directive 037.

Section 8: If county school districts, charter schools, or private schools require the use of public or private facilities outside of school grounds for educational purposes, including but not limited to instructional activities or administering assessments, such facilities are subject to the mitigation requirements included herein.

Section 9: County school districts, charter schools, or private schools wishing to host, organize, or conduct a gathering, event, performance, or other congregation of people in excess of 250 persons must submit a Large Gathering Plan as prescribed in Directive 037, except that the submission process shall be as set forth in this Section. The Large Gathering Plan must first be submitted to the local health authority for approval. Upon such approval, the Large Gathering Plan must be submitted, w written confirmation of approval by the local health authority, to the Nevada Department of Education for review and to the State Chief Medical Officer for final approval.

Section 10: This Directive shall become effective at 12:00 a.m. on February 18, 2021, and remain in effect until terminated by a subsequent Directive promulgated pursuant to the March 12, 2020 Declaration of Emergency to facilitate the State's response to the COVID-19 pandemic or upon dissolution or lifti of the Declaration of Emergency.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol in Carson City, this 17th day of February, in the year two thousand twenty-one.

Governor of the State of Nevada

Barbara K. Cegavske

Secretary of State

Deputy Secretary of State

[Nevada COVID-19 Guidance – Adult & Youth Sports (Updated 2/17/2021)]

[Large Gathering Venue COVID-19 Preparedness & Safety Plan Submission Guide (Updated 2/17/2021)]

[Nevada's Roadmap to Recovery: Pre-K – 12 Education]

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Version 3.0.010