COVID-19

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Nevada Governor Steve Sisolak

State of Nevada

Executive Department

DECLARATION OF EMERGENCY DIRECTIVE 005

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(6) 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 (WHO) and United States Centers for Disease Control and Prevention (CDC) have advised that there is a correlation between density of persons gathered and the risk of transmission of COVID-19; and*

WHEREAS, *close proximity to other persons is currently contraindicated by public health and medical best practices to combat 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, *on March 20, 2020, I issued Declaration of Emergency Directive 003 ordering the closure of non-essential businesses until April 16, 2020; and*

WHEREAS, *County School Districts and Charter Schools and the teachers, staff, educators, administrators, and superintendents they employ are essential to the State's commitment to provide services for all students, including for disadvantaged populations, and Nevada Revised Statutes 388.132 declares that, "[p]upils are the most vital resource to the future of this State"; and*

WHEREAS, *Nevada Revised Statutes NRS 414.060(3)(3) states: "In performing his or her duties under this chapter and to effect its policy and purpose, the Governor may: (a) Make, amend and rescind the necessary orders and regulations to cany out the provisions of this chapter within the limits of the authority conferred upon the Governor in this chapter, with due consideration of the plans provided by the Federal Government;" and*

WHEREAS, *Nevada Revised Statutes 385.005 states:" ... public education in the State of Nevada is essentially a matter for local control by local school districts"; and*

WHEREAS, *Nevada Revised Statutes 385.175 states: "The Superintendent of Public Instruction is the educational leader for the system of K.-12 public education in this State"; and*

WHEREAS, *Nevada Revised Statutes 388.826 defines distance education as "[I]nstruction which is delivered by means of video, computer, television, or the Internet or other electronic means of communication, or any combination thereof, in such a manner that the person supervising or providing the instruction and the pupil receiving the instruction are separated geographically for a majority of the time during which the instruction is delivered"; and*

WHEREAS, *the closure of public school buildings and social distancing requirements make traditional in-person education impractical and unsafe during this time of emergency; and*

education impractical and unsafe during this time of emergency; and

WHEREAS, *certain County School Districts and Charter Schools have already undertaken emergency efforts to offer distance learning to their pupils and so long as distance education is the only method available to educate the general population during this time of emergency these Emergency Programs of Distance Education need to be continued, improved upon, and expanded; and*

WHEREAS, *on March 20, 2020, the United States Department of Education Secretary Betsy DeVos sent a letter to Chief State School Officers stating that" ... pursuant to [the Secretary's] authority under section 8401 (b) of the [Elementary and Secondary Education Act (ESEA)], [the Secretary] is inviting [states] to request a waiver, for the 2019-2020 school year, of the assessment requirements in section 1111(6)(2) of the ESEA, the accountability and school identification requirements in sections 1111 (c)(4) and 1111 (d)(2)(C)-(D), and certain reporting requirements related to assessments and accountability in section 1111 (h)"; and*

WHEREAS, *on March 20, 2020, State Superintendent of Public Instruction Jhone M. Ebert submitted a request for a waiver of assessments, accountability, school identification, and reporting requirements established in the ESEA to the U.S. Department of Education on behalf of the State; and*

WHEREAS, *on March 20, 2020, the State of Nevada's request for a waiver of assessments, accountability, school identification, and reporting requirements established in the ESEA to the U.S. Department of Education was approved the U.S. Department of Education; 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,*

IT IS HEREBY ORDERED THAT:

SECTION 1:	County School Districts, Charter Schools, and Private Schools may reopen no earlier than April 16, 2020, and only upon the approval of the Chief Medical Officer of the State of Nevada after a review of the risk of transmission within the geographic area defined by the Chief Medical Officer; and
SECTION 2:	County School District and Charter School administrators, licensed educators, and other staff shall continue to provide vital services and distance education to Nevada's students as directed by the State Superintendent of Public Instruction and provide such services under the direction of their superintendents and charter school leaders throughout the period of the school building and district office site closure; and 1. a. Shall be paid in accordance, with local collective bargaining agreements; and 2. b. May be re-assigned as necessary to support students, including support ·with distance learning and the instructional needs of children, food distribution, and other emerging needs; and 3. c. May perform duties while away from school buildings and district office sites, including from their homes.
SECTION 3:	All statutory and regulatory requirements related to applications for Programs of Distance Education are suspended for the duration of the Declaration of Emergency regarding COVID-19; and
SECTION 4:	Each County School District and Charter School in the State shall submit a Request for an Emergency Program of Distance Education to the Superintendent of Public Instruction in a format and timeline prescribed by the Superintendent of Public Instruction; and
SECTION 5:	Each Request for an Emergency Program of Distance Education shall provide for the commencement of County School District- or School-wide distance education no later than March 23, 2020 or the next regularly scheduled school session day thereafter; and
SECTION 6:	In addition to the methods of distance education allowed in NRS 388.826, County School Districts and Charter Schools may provide distance education through paper correspondence; and
SECTION 7:	The Superintendent of Public Instruction shall provide guidance and minimum requirements regarding Emergency Programs of Distance Education; and
SECTION 8:	In approving these Requests for an Emergency Program of Distance Education, the Superintendent of Public Instruction shall prioritize the health and safety of pupils and County School District and Charter School employees. The Superintendent of Public Instruction shall also consider the ability of the Emergency Program to continue the meaningful and substantive education of all children. The Superintendent is granted the sole authority to approve and revoke Requests for an Emergency Program of Distance Education; and

SECTION 9:	Upon approval of a Request for an Emergency Program of Distance Education pursuant to this article, each pupil enrolled in the County School District or Charter School shall be automatically be enrolled in the Emergency Program; and
SECTION 10:	Any County School District or Charter School in the State that fails to receive approval of a Request for an Emergency Program of Distance Education from the Superintendent in accordance with Section 2 or which has their plan revoked by the Superintendent at any time will be required to submit an updated school calendar to the Department of Education indicating its plan to make up lost instructional days due to the school building closures; and
SECTION 11:	The Superintendent of Public Instruction is further delegated the authority to allow County School Districts and Charter Schools to modify existing calendars and granted the authority to approve calendars that fail to comply with the provisions of NAC 387.120 or NAC 387.125; and
SECTION 12:	The requirements to conduct criterion referenced examinations pursuant to Nevada Revised Statutes section 390.105 and college and career readiness assessments pursuant to Nevada Revised Statutes section 390.610 and all related reporting requirements are suspended in accordance with the approval of the accountability waiver approved by the Superintendent of Public Instruction to the U.S. Department of Education; and
SECTION 13:	The requirements to administer end of course exams pursuant to Nevada Revised Statutes 390.700 and all accompanying regulations are suspended and the Superintendent of Public Instruction is directed to provide guidance to County School Districts and Charter Schools regarding calculation of pupils' grades in accordance with this suspension; and
SECTION 14:	Sections 1 through 10 of this Directive shall remain in effect for each district and charter school until the Chief Medical Officer of the State of Nevada approves the opening of a majority of schools in the County in which the district or charter school operates or until the Governor rescinds this Order, whichever is sooner; and
SECTION 15:	This Directive may be renewed 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.
SECTION 16:	

2020-03-?? - COVID-19 Declaration of Emergency Directive 005 Orders

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 day of , in the year two thousand .

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