DECLARATION OF EMERGENCY DIRECTIVE 028

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 20, 2020, I issued Declaration of Emergency Directive 005 requiring all County Districts and Charter Schools to submit a Request for an Emergency Program of Distance Education to the Superintendent of Public Instruction, and enrolling each pupil then enrolled in the County School District or Charter School in the Emergency Programs upon approval of said Programs; and

WHEREAS, Declaration of Emergency Directive 005 delegated the authority to allow county school districts and charter schools to modify existing calendars and granted the authority to the Superintendent of Public Instruction to approve calendars that fail to comply with the provisions of NAC 387.120 or NAC 387.125; and

WHEREAS, on April 30, 2020, I introduced the Nevada United: Roadmap to Recovery plan that outlined a phased approach to reopening Nevada businesses and industry; and

WHEREAS, on May 28, 2020, I issued Declaration of Emergency Directive 021 defining social distancing as guidance promulgated by the United States Centers for Disease Control and Prevention, including without limitation, maintaining at least six feet of physical distancing from other individuals; and

WHEREAS, the Nevada United: Roadmap to Recovery plan set forth a collaborative partnership between state and local governments that included the formation of the Local Empowerment Advisory Panel ("LEAP") to serve as a resource to local governments and local communities; 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 far a Safe, Efficient, and Equitable Return to School Bttildings (Framework) and presented the Framework to the State Board of Education on June 4, 2020; and

WHEREAS, on June 9, 2020, the Re-Opening of Schools Committee released Nevada's Path Forward: A Framework far a Safe, Efficient, and Equitable Return to School Buildings; and

WHEREAS, on June 9, 2020, I issued Declaration of Emergency Directive 022 requiring that county school districts, charter schools, and private schools, in consultation with the State Superintendent for Public Instruction, develop plans for reopening school buildings, providing instruction, and related activities, based on Nevada's Path Forward: A Framework for a Safe, Efficient, and Equitable Return to School Buildings and any subsequent guidance issued by the Nevada Department of Education; and

WHEREAS, *Directive 022 directed the Superintendent of Public Instruction to prescribe nurumum requirements and a timeline for each county school district and charter school to develop, receive governing board approval for, and submit to the Department of Education a plan for a Path Forward Program of Distance Education and such guidance was promulgated on June 24, 2020; and*

WHEREAS, on June 24, 2020, I issued Declaration of Emergency Directive 024 requiring individuals to cover their nose and mouth with a mask or face covering when in a public space with certain exemptions; and

WHEREAS, On June 25, 2020, the American Academy of Pediatrics released its COVID-19 Planning Considerations: Guidance for School Re-entry including the advice and guidance regarding school re-entry designed to foster the overall health of children, adolescents, staff, and communities and are based on available evidence; and

WHEREAS, Nevada Revised Statutes Chapter 385B authorizes the Nevada Interscholastic Activities Association, 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, county school districts, charter schools, and private 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, the Chief Medical Officer has reviewed the risk of transmission in Nevada and determined that schools tnay reopen 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, social distancing and behavioral change measures were effective in reducing individual and community risk for spreading and contracting COVID-19, the disease has not been eliminated and measures that protect safety, wellbeing, and public health of Nevadans must remain in effect; and

WHEREAS, on July 13, 2020, Nevada's Medical Advisory Team issued recommendations related to the safe reopening of schools for the 2020-2021 school year including certain recommendations related to social distancing, school capacity, and face coverings; and

WHEREAS, circumstances regarding COVID-19 are fluid and social distancing protocols and other health and safety requirements are subject to change based on the advice of public health officials, including the State's Chief Medical Officer; 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, pursuant to the March 12, 2020, Emergency Declaration,

IT IS HEREBY ORDERED THAT:

SECTION 1:	County school districts, charter schools, and private schools shall monitor local and statewide COVID-19 data and community transmission rates and consult with local public health officials when making determinations regarding delivering instruction through in-person, distance or hybrid learning models.
SECTION 2:	County school districts, charter schools, and private schools may adopt social distancing protocols with the following minimum allowable distances, in accordance with recommendations by the American Association of Pediatricians and Nevada's Medical Advisory Team: (1) For pre-school, elementary and middle school students, not less than 3 feet apart from other pre-school, elementary, or middle school students; (2) For high school students and district and school staff at all levels, including pre-school elementary, and middle school, not less than 6 feet apart from all other individuals; (3) Regardless of age, for all passengers on school buses while on school buses 3 feet apart from other passengers and 6 feet apart from the driver. County school districts, charter schools, and private schools may maintain social distancing protocols that are stricter than the standards in this Directive, but they may not adopt standards that are less restrictive without an approved variance.
SECTION 3:	County school district, charter school, and private school leaders may request a variance for all school facilities or specific buildings among school facilities from the requirements of Section 2 of this Directive or minimum occupancy standards under Directive 021 as extended or modified by any subsequent directive so long as: (1) The district or school can demonstrate the existing requirements impermissibly restrict educational opportunities for students; and (2) Community transmission rates are sufficiently low that it can be determined that it will not endanger students or staff. Variance requests will be submitted in a format prescribed by and are subject to review by the Nevada Department of Education and approval by the State's Chief Medical Officer.
	Face covering directives will apply to county school district and charter school settings as follows: (1) All kindergarten through 12th grade students (regardless of whether they would be exempt from a face covering ordinance based on their age) and all school

SECTION 4:	would be exempt from a face covering ordinance based on their age) and all school staff must wear cloth face coverings while on school buses, in school buildings, or on school campuses unless approved for an exemption under this section as follows: a. School building administrators may approve exemptions for students: i. Who are medically fragile as documented per an existing Individualized Education Program or health-related 504 Plan; or ii. Who can produce documentation from a medical professional that they are exempt in accordance with subsection 3 of section 7 of Directive 024. b. School building administrators may approve exemptions for school staff who can produce documentation from a medical professional that they are exempt in accordance with subsection 3 of section 7 of Directive 024. (2) Parents, vendors, volunteers, visitors, and guests who are unable or unwilling to wear cloth face coverings under any circumstances or exemptions should not be allowed on school buses, in school buildings, or on school campuses.
SECTION 5:	County school districts, charter schools, and private schools shall require all students and school staff to follow isolation and quarantine guidelines and instructions provided by local health officials when a positive COVID-19 case, presumptive positive case, or contact with a case or presumptive positive case occurs.
SECTION 6:	County school district and charter school administrators, licensed educators, and other staff shall continue to provide vital services and instruction 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 State of Emergency; and (1) Shall be paid in accordance with local collective bargaining agreements; and (2) 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) May perform duties while away from school buildings and district office sites, including from their homes.
SECTION 7:	County school districts, charter schools, and private schools may reopen school athletic fields and facilities for student athletics training, practices, and competition in accordance with guidance promulgated by the Nevada Interscholastic Activities Association (NIAA) and any applicable conditions set forth by directive regarding athletic events.
SECTION 8:	County school district superintendents and charter school leaders are delegated the authority to implement hybrid learning models through which in-person instruction is offered concurrently with distance education to accommodate social distancing requirements. District and charter school leaders may consider the following approaches to implementing hybrid learning: (1) Evaluating students' Individualized Education Programs or 504 Plans to determine whether the provision of services requires in-person instruction or interaction; (2) Prioritizing in-person instruction for students based on English Learner status; (3) Determining that certain grade levels or courses are better suited to in-person instruction or distance education; or (4) Considering documented student and family medical circumstances. Districts and charter schools may not determine whether students receive in-person instruction or distance education based on perceived access to technology, at-home support, or any other considerations of means or determinations of district or school personnel not based on evidence. Upon each school district superintendent's or charter school leader's determination of how to implement a hybrid learning model, each pupil enrolled in the County School District or Charter School shall be automatically be enrolled in the hybrid learning model.
SECTION 9:	Whenever Nevada Ready! State Pre-K. providers are unable serve students at statutorily required levels while complying with prevailing public health guidance and emergency directives, the providers may, without decreases in state funding, implement modified scheduling to provide prekindergarten instruction to all students currently enrolled while ensuring the health and safety of students, staff and communities.
SECTION 10:	The statutory and regulatory requirements related to applications for Programs of Distance Education previously suspended by Declaration of Emergency Directive 5, Section 3 are hereby reinstated. Path Forward Programs of Distance Education are exempt from all statutory and regulatory requirements related to Programs of Distance Education and may provide distance education through paper correspondence.
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 387.121

	387.131.
SECTION 12:	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.

Declaration of Emergency Directive 024 hereby 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 28th day of July, in the year two thousand twenty.

Governor of the State of Nevada

Secretary of State

Deputy Secretary of State

Executive

Governor

Lt. Governor

Secretary of State

Attorney General

State Treasurer

State Controller

Legislature

Legislature Website

NELIS

Legislature Meetings

Find Your Legislator

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Nevada State Assembly

Alerts

Amber Alerts

Consumer Affairs

Weather Alerts

211- Service Information

511 - Road Conditions

911 - Emergency Help

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Version 3.0.010