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MEMORANDUM

TO: All Local Education Agency Title III Directors

FROM: Karl Wilson, Assistant Director, Nevada Department of Education

DATE: March 19, 2020

RE: COVID-19 and English Learners

The following information and resources are provided to outline the general responsibilities of a local educational agency (LEA) during the emergency closure of school buildings caused by the Coronavirus Disease of 2019 (COVID-19) to students identified as English Learners (ELs) as defined in section 8101(20) of the Every Student Succeeds Act (ESSA) and outlined in Chapter 388 of the Nevada Revised Statutes (NRS) and Chapter 388 of the Nevada Administrative Code (NAC). Neither the ESSA nor the NRS and NAC specifically address closure of school buildings due to this type of emergency situation.

In order to provide the most reliable information regarding each LEA's responsibility for, and accountability to, English Learners (EL) enrolled in the LEA, this guidance from the Nevada Department of Education's Office of Student and School Supports (OSSS) is based primarily on the guidance provided by the United States Department of Education. Most of the information provided by the U.S. Department of Education related to ensuring individual rights has addressed LEA responsibilities to ensure that the rights of students with disabilities are protected. References to safeguarding students' rights within the documents refer to Section 504 of the Rehabilitation Act of 1973 (Section 504) prohibits disability discrimination by schools receiving federal financial assistance. Title II of the Americans with Disabilities Act of 1990 (Title II) prohibits disability discrimination by public entities, including schools. Title VI of the Civil Rights Act of 1964 (Title VI) prohibits race, color, and national origin discrimination by schools receiving federal funds. This guidance can be found at: <https://www2.ed.gov/about/offices/list/ocr/docs/ocr-coronavirus-fact-sheet.pdf>.

If the general student population will be receiving educational services through distance learning or independent study beginning no later than March 23 and ending no sooner than April 6, 2020 (outside of periods already designated for spring break), LEAs will be required to provide services to ELs during that same period of time. The Nevada Department of Education (NDE) recognizes that given this situation, it is unlikely that LEAs will be able to duplicate precisely the Language Instruction Educational Program (LIEP) and services during this emergency closure of school buildings. Virtual schools should continue to service students according to their standard practice as aligned to NRS/NAC. When traditional school operations resume, NDE recommends that RTI/MTSS team along with an EL

Specialist should determine on an individual basis whether there had been a “significant loss” in the provision of services to the student and whether or not additional language instructional supports would need to be considered.

LEAs are also encouraged to communicate proactively with the parents/guardians of ELs during this emergency school closure on this and other related matters impacting the student, including any plans for after school resumes. Please ensure that all communications to parents are in a language/format that they can understand.

The U. S. Department of Education guidance related to the COVID-19 LEA/school closure plans clarifies that if an LEA closes its school [buildings] to slow or stop the spread of COVID-19, and does not provide any educational services to the general student population, then an LEA would not be required to provide services to ELs during that same period of time. If an LEA continues to provide educational opportunities to the general student population during a school closure, the school must ensure that ELs also have equal access to the same opportunities, including the protection and educational rights under Title VI of the Civil Rights Act of 1964.

If LEAs are providing services to the general student population during this emergency closure of school buildings (outside of periods already designated for spring break), the LEA will need to consider ways to deliver services to ELs to meet their English language development and academic achievement needs.

As more information becomes available, the OSSS will provide further technical assistance and clarification to assist LEAs in fulfilling their unique responsibilities to ELs during this emergency school closure.

For questions, please contact Mr. Karl Wilson, Assistant Director, Office of Student and School Supports, kwilson@doe.nv.gov.

Additional Resources

[OCR Dear Colleague Letter \(2015\)](#)

[Resources WIDA Listserv](#)

[Free Resources for English learners](#)

[U. S. Department of Education Protecting Students Civil Rights - COVID -19](#)

[Colorincolorado.org - COVID-19 EL Resources](#)