

Steve Sisolak
Governor

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GUIDANCE MEMORANDUM 22-05

TO: School District Superintendents
Charter School Sponsors

FROM: Jhone M. Ebert, Superintendent of Public Instruction

A handwritten signature in black ink, appearing to read "Jhone M. Ebert".

DATE: May 19, 2022

SUBJECT: End of State of Emergency Declaration

This guidance supersedes all previous guidance issued by the Nevada Department of Education (NDE or Department) related to the COVID-19 State of Emergency.

Background and Purpose

The Governor's State of Emergency declaration, which has been in place since March 2020, provided flexibilities that allowed the State and local entities to respond to challenges quickly and effectively throughout the pandemic to ensure the health and safety of our communities. NDE recognizes the herculean efforts of school administrators, educators, and staff to support educational continuity and needed supports for students and families while navigating unprecedented challenges.

On May 6, 2022, Governor Steve Sisolak announced the end of the State of Emergency related to the COVID-19 pandemic effective May 20, 2022. This memo addresses the impact of the end of the State of Emergency declaration on local education agencies (LEAs) and school communities.

Reopening Plans and Distance Education

There is no requirement that districts or schools will offer distance learning for the 2022-23 school year. However, the federal American Rescue Plan (ARP) Act requires all LEAs receiving ARP Elementary and Secondary School Emergency Relief (ESSER) funds to maintain Plans for a Safe Return to In-Person Instruction and Continuity of Services (Plans).

Plans for a Safe Return to In-Person Instruction and Continuity of Services

LEAs must continue to review and update these federally required Plans every six months as well as have them available on their websites through September 30, 2023. The only change in plan expectations as a result of the end of the State of Emergency is that the Plans will no longer have to include information related to distance learning offerings.

The expectations detailing what an LEA's Plan must address can be found in the [federal register](#). Please note that while the Plans must include how the LEA will maintain the health and safety of students and the extent to which the LEA has adopted policies in accordance with the Centers for Disease Control and Prevention (CDC) recommendations, there is no requirement that LEAs adopt any specific policies around masking, social distancing, or any other measures.

Distance Education

The flexibilities enabling what NDE has referred to as "Path Forward Programs of Distance Education" are suspended upon the lifting of the State of Emergency. There is no expectation that districts will offer distance learning for the 2022-23 school year. School districts and charter schools can continue to provide distance education in accordance with Nevada Revised Statutes (NRS) 388.838, which is subject to the approval of the [Nevada Department of Education](#). If a school district or charter school wishes to continue providing distance education services affiliated with their Path Forward Plans that are not currently included in their approved distance education program, they can submit an amendment to the Office of Career Readiness, Adult Learning, and Education Options.

[Senate Bill \(SB\) 215](#) (2021) states that a school district or charter school that provides a program of distance education must:

- (a) Develop a plan for conducting a program of distance education.
- (b) Present the plan for conducting a program of distance education to the public at a public meeting or, if the plan was developed by the governing body of a university school for profoundly gifted pupils the sponsor of the university school **at least 45 days** before the first day of each school year.
- (c) Provide a copy of the plan for conducting a program of distance education to the school community, parents and employees of the school district or university school for profoundly gifted pupils.
- (d) On or before **December 31 of each year**, develop a plan to make technology available to all pupils and teachers or other school employees involved in a program of distance education. The plan must include, without limitation, an estimate of the cost to make technology available to the pupils and teachers or other school employees. The board of trustees of each school district and governing body of each university school for profoundly gifted pupils shall post the plan created pursuant to this paragraph on its Internet website.
- (e) On or before **August 1** of each year, implement the plan developed pursuant to paragraph (d).

Section 7 of SB 215 further specifies that the governing body of each charter school must "develop a plan for conducting a program of distance education for at least 10 school days in the event of an emergency that necessitates the closing of all public schools in this State."

If you have questions regarding *distance education programs and plans*, please contact Craig Statucki, Director of the Office of Career Readiness, Adult Learning, and Education Options at cstatucki@doe.nv.gov.

If you have questions regarding approved distance education *courses*, please contact Dave Brancamp, Director of the Office of Standards and Instructional Support, at dbrancamp@doe.nv.gov.

Assessments

All mandated State and federal assessments are expected to be administered in the 2022-23 school year. Under [Emergency Directive 05](#), the requirement to administer end of course exams (EOCs) was waived in the [2019-20 school year](#) and continued through the [2020-21](#) and 2021-22 school years. With the end of the State of Emergency, pursuant to NRS 390.700 and all accompanying regulations, the requirements to administer EOCs is reinstated for the 2022-23 school year.

If you have questions, please contact Peter Zutz, Director of the Office of Assessment, Data, and Accountability Management at pzutz@doe.nv.gov.

Emergency Substitute Teachers

With the lifting the State of Emergency, in accordance with [Regulation 028-21](#) adopted February 28, 2022, the Clark and Washoe County School Districts will be unable to hire emergency substitutes for the 2022-23 school year. As noted in the text of the regulation “a person employed pursuant to this subsection may serve as a teacher for the remainder of the school year in which the state of emergency or declaration of disaster is proclaimed, regardless of when the state of emergency or declaration of disaster is terminated.” This means that teachers may serve through the end of the current school year, including summer programming, but not in the 2022-23 school year.

In addition, any individuals in possession of an emergency substitute license will remain licensed up to one year from the date it was issued and are eligible to substitute in rural school districts. As always, districts and schools maintain discretion over the hiring and placement of staff and are never required to hire someone solely because they are licensed.

The [Commission on Professional Standards in Education](#) (COPS) maintains authority over educator licensure requirements and continues to explore flexibilities to address the educator workforce shortages being experienced across the State. Districts and schools are encouraged to review COPS [agendas](#) and participate in regulatory workshops related to policies that support efforts to recruit and retain staff.

For further information or if you have questions, please contact Jeff Briske, Director of the Office of Educator Development, Licensure, and Family Engagement at jjbriske@doe.nv.gov.

Regional Training Programs (RPDPs)

Following the lifting of the State of Emergency, the Regional Training Programs created by NRS 391A.120 (i.e., the Regional Professional Development Programs) will no longer report to the Superintendent of Public Instruction. The RPDPs return to being solely governed by their respective boards. NDE will continue to facilitate the work of the Statewide Council for the Coordination of Regional Training Programs.

In addition, Dave Brancamp, Director of the Office of Standards and Instructional Support, will remain on each of the Boards as a non-voting member and is included in upcoming meetings with the Governing Boards of the Regional Training Programs, as well as in the Regional Training Programs' quarterly directors meeting in order to meaningfully collaborate on Statewide work.

If there are further questions, please reach out to Dave Brancamp at dbrancamp@doe.nv.gov.

School Nursing and COVID-19 Tests

Under [Emergency Directive 048](#), districts and charter schools were required to implement regular COVID-19 testing programs for students, staff, and volunteers. Such requirements are suspended in accordance with the end of the State of Emergency.

The Division of Public and Behavioral Health of the State Department of Health and Human Services circulated guidance regarding next steps for school districts and school nurses related to administering COVID-19 tests on May 18, 2022, and will continue to share updates with the field as available.

If there are further questions, please reach out to Breana Taylor, School Nurse Coordinator, at taylorb@doe.nv.gov.

Next Steps

NDE remains committed to supporting districts and schools throughout our collective COVID-19 recovery and renewal. As additional information becomes available from State or federal partners, NDE will provide updates to the field and coordinate efforts to minimize any gaps in services.

If you have any questions related to this guidance, please contact Dr. Seng-Dao Yang Keo, Chief Strategy Officer, at skeo@doe.nv.gov or 775-430-0703.