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GUIDANCE MEMORANDUM 20-05

TO: School District Superintendents
State Public Charter School Authority

FROM: Jhone M. Ebert
Superintendent of Public Instruction

DATE: June 24, 2020

SUBJECT: Guidance for Path Forward Programs of Distance Education

This guidance supersedes all previous guidance issued by NDE related to Emergency Programs of Distance Education, approval for which expires at the end of the 2019-20 extended school year.

Background

On June 9, 2020, Governor Sisolak issued Declaration of Emergency Directive 022 requiring that school districts and charter schools 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 (NDE). In addition, Directive 022 directed the Superintendent of Public Instruction to prescribe minimum requirements and a timeline for each county school district and charter school to develop, share with their community, receive governing board approval for, and submit to NDE a plan for a Path Forward Program of Distance Education.

Directive 022 indicated that such plans will contemplate 2020-2021 school year instruction offered through:

1. In-person instruction following social distancing protocols;
2. Distance education under an approved Path Forward Program of Distance Education; or
3. A combination of distance education and in-person instruction, referred to in this guidance as hybrid learning.

Each of these scenarios is addressed in this guidance.

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. Therefore, as described in the *Framework for a Safe, Efficient, and Equitable Return to School Buildings*, districts/schools should create reopening plans to address multiple potential

reopening scenarios, including full-time distance education for all students, in-person instruction following social distancing protocols, and hybrid learning as described in the guidance below.

In-Person Instruction

Districts and charter schools will be required to adhere to emergency directives, public health protocols, and NDE guidance throughout the 2020-21 school year. While directives, protocols, and guidance may evolve to reflect changes in public health conditions, at any point in time the prevailing guidance will need to be upheld. Therefore, districts/schools should plan to reopen in the fall under Phase 2 social distancing and public health protocols, which are reflected in the *Framework for a Safe, Efficient, and Equitable Return to School Buildings*.

All school districts and charter schools must develop, share with their community, receive governing body approval for, and submit to NDE a plan for a Path Forward Program of Distance Education, even if a district/school has sufficient space to open for full-time in-person instruction under Phase 2 social distancing and public health protocols. Path Forward Programs of Distance Education will serve as contingency plans in the case of future school building closures due to COVID-19 or other extraordinary circumstances.

Path Forward Programs of Distance Education

As school districts and charter schools develop reopening plans, this guidance is intended to promote flexibility and ensure transparency and accountability in the continued implementation of distance education. The top priority is to continue to provide high-quality and accessible learning opportunities to all students – without regard to means, ability, or at-home support – while ensuring the health and safety of students, staff, and communities. School districts and charter schools operating under programs of distance education approved by the Nevada Department of Education in accordance with Nevada Administrative Code (NAC) 388.830 only need to create plans for Path Forward Programs of Distance Education if their approved distance education plans do not contemplate providing distance education to 100 percent of enrolled students as would be required if school facilities close for a period of time in response to extraordinary circumstances.

Minimum Requirements for Path Forward Programs of Distance Education

Minimum Requirements for Implementation

In implementing Path Forward Programs of Distance Education, school districts and charter schools must ensure that:

- (1) A licensed teacher or substitute teacher will attempt to contact each student via electronic means or by telephone at least once per instructional day; if a student's lack of access to a telephone or phone service results in an inability to be contacted, a licensed teacher or licensed substitute teacher will record attempted contact once per week;
- (2) The program of instruction provides appropriate education for English Learners, students with Individualized Education Programs, and students with 504 Plans;
- (3) All students have an ability to access and participate in distance education. Such access may include access to the technology necessary to participate in distance education, such as access to a computer and internet connectivity, or a plan to provide accommodations for students without access to such technology;
- (4) Any student who is quarantined on the advice of local public health officials receives access to distance education;
- (5) Licensed teachers and/or licensed substitutes are accessible to students through the internet or by telephone during the school's regularly scheduled instructional hours;

- (6) All licensed educators have access to and participate in professional learning regarding high-quality distance education and health and safety requirements related to preventing the spread of COVID-19 and other illnesses;
- (7) Students will receive access to the nutrition services to which they are entitled; and
- (8) Parents receive general updates regarding the district/school's implementation of distance education at least weekly and, in districts or charter schools where English Learners comprise at least 10 percent of the student population, such updates are made available in any language that is the native language of at least 50 percent of English Learners enrolled in the school district or charter school to the extent practicable.

Districts and charters schools must use a consistent method in Infinite Campus for recording contact with students, which may include students demonstrating regular weekly progress in their classwork that can be verified through a learning management system.

In addition, school districts and charter schools must:

- (1) No later than October 1, 2020, identify all students who do not have a device and/or internet access at home with which to participate in distance education and report to the Nevada Department of Education the number of:
 - a) Students lacking a device with which to participate in distance education; if multiple students in one home are sharing devices, then the total number of students without devices should be reported as the difference between the number of enrolled students in the home and the number of devices in the home that can be used to participate in distance education;
 - b) Students without a subscription to home or residential broadband or high-speed internet service;
 - c) Households with a subscription to home or residential broadband or high-speed internet service in which multiple students are sharing the same internet connection and the number of students in those households; and
 - d) Students who fit the descriptions in both (a) and (b).
- (2) No later than December 31, 2020, create a plan that includes a cost estimate to make devices and internet access available to all students who do not have a device and/or internet access at home with which to participate in distance education and submit such plan to the Nevada Department of Education.

The reports described in (1) and (2) above will enable the Nevada Department of Education, in partnership with the Governor's Office of Science, Innovation & Technology, to maintain accurate and complete information regarding access to technology across the State of Nevada that can be used to support ongoing efforts to attract grant and philanthropic funding to our communities and schools.

Failure by a school district or charter school to meet the minimum requirements of a Path Forward Program of Distance Education described above may result in intervention by the Nevada Department of Education to ensure that students and families are receiving the services to which they are entitled. If the intervention is not successful, the Superintendent of Public Instruction retains the authority to revoke a school district or charter school's authority to implement Path Forward Programs of Distance Education in cases of significant non-compliance, which may result in loss of instructional time and related funding.

Minimum Requirements for Distance Education Plans

Plans for Path Forward Programs of Distance Education must include but are not limited to how the school district or charter school will:

- (1) Implement contingency plans to provide distance education as public health protocols require, including but not limited to:
 - a) Full-time distance education for all students as a result of a school building closure; and
 - b) A hybrid learning model to accommodate social distancing requirements while providing instruction to all students.
- (2) Transition between in-person instruction, full-time distance education, and hybrid learning models as necessitated by public health conditions;
- (3) Expand access to technology and internet connectivity for students, families, and educators, as well as provide accommodations for students without access to such technology, which may include providing distance education through paper correspondence;
- (4) Determine students' academic needs as a result of the COVID-19 pandemic and provide support as necessary;
- (5) Determine students' and staff members' social emotional needs as a result of the COVID-19 pandemic and provide support as necessary;
- (6) Track student attendance and engage parents/families regarding the importance of attendance in a distance education setting;
- (7) Provide and ensure participation in professional learning for educators and staff regarding high-quality distance education and health and safety requirements related to preventing the spread of COVID-19 and other illnesses; and
- (8) Provide assistance and advice to parents/families so they can support students participating in distance education.

Review and Approval of Distance Education Plans

School districts and charter schools shall develop plans for Path Forward Programs of Distance Education pursuant to the requirements prescribed in this guidance and any additional guidance issued by the Nevada Department of Education. School districts and charter schools shall communicate their plans to their school communities, including parents and staff, and present their plans for the 2020-2021 school year to their governing body as follows:

- School districts shall present their plans to the trustees for the county school district for approval in a public meeting at least 20 days before the first day of the 2020-2021 school year; and
- Charter schools shall present their plans for approval in a manner prescribed by their sponsor at least 20 days before the first day of the 2020-2021 school year.

Plans for Path Forward Programs of Distance Education may be included in and approved by the school district or charter school governing board simultaneously with the reopening plans required by Section 1 of Directive 022.

Upon approval by the governing body, school district plans for Path Forward Programs of Distance Education must be submitted to the Nevada Department of Education along with the signed certification form attached and a copy of the agenda of the governing board meeting at which it was approved via email to Amelia Thibault at acthibault@doe.nv.gov. Upon approval by the governing body, charter school plans must be submitted to their sponsor; sponsoring authorities will compile and transmit the plans to the Nevada Department of Education.

Implementing Path Forward Programs of Distance Education Hybrid Learning

For the purposes of this guidance, "hybrid learning" is defined as any arrangement under which a school district or charter school is providing in-person instruction concurrently with distance education either through electronic means or through paper correspondence. This may include scenarios under which some students are learning in-person and others are learning through distance education, as well as scenarios

under which all students are alternating between in-person instruction and distance education on a regular schedule.

Districts and charter schools may, but are not required to consider the following approaches to implementing hybrid learning:

- Evaluating students' Individualized Education Programs or 504 Plans to determine whether the provision of services requires in-person instruction or interaction;
- Prioritizing in-person instruction for students based on English Learner status;
- Determining that certain grade levels or courses are better suited to in-person instruction or distance education; or
- 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 that are not based on evidence.

Attendance

The attendance requirements for Path Forward Programs of Distance Education are adapted from distance education course attendance requirements in NAC 387.193. These requirements apply when a district/school is offering full-time distance education to all students; NDE will be working with district and school leaders to determine an approach and promulgate guidance regarding attendance in hybrid learning models.

There are three ways a pupil may demonstrate attendance in distance education:

- (1) The pupil makes regular weekly progress in their classwork leading toward mastery of Nevada Academic Content Standards and/or a course's completion that can be verified through a learning management system or other means; and/or
- (2) The pupil participates in a real-time class session; and/or
- (3) The pupil meets with or otherwise communicates with a licensed teacher or licensed substitute teacher who is able to discuss the pupil's progress in the course.

If the pupil demonstrates any one of the three criteria, the pupil is considered present for the whole week. If the pupil does not demonstrate at least one of the three criteria, they are considered absent for the whole week.

Weekly attendance tracking does *not* abridge a school district or charter school's responsibility to ensure students are contacted by a licensed teacher or licensed substitute teacher at least once per instructional day as prescribed in the minimum requirements of a Path Forward Program of Distance Education.

Calendar Revisions

Delayed Start of School

School districts and charter schools that wish to delay the start of school to accommodate a longer period to plan for reopening may submit a *Request for Calendar Adjustment* form to the Superintendent of Public Instruction. School districts and charter schools requesting calendar adjustments in accordance with this guidance must communicate such changes to their community, including parents and staff, as well as seek approval from their governing body prior to submitting the request to the Superintendent of Public Instruction. Requests must be submitted to the Superintendent of Public Instruction via email to Amelia Thibault at acthibault@doe.nv.gov no later than July 31, 2020 or immediately upon approval of the calendar revision by the governing body, whichever is sooner.

Additional Professional Development Days

To support adequate instructional time for students as well as professional learning time for educators and staff, all school districts and charter schools may use up to an additional five (5) scheduled instructional days during the 2020-21 school year for professional development directly related to the school district/charter school's response to COVID-19 (beyond the allowance per Nevada Administrative Code 387.120). Content of such professional development may include but is not limited to:

- Delivering distance education;
- Developing methods to evaluate and/or support students' preparedness for or progress during the 2020-21 school year;
- Health and safety requirements related to preventing the spread of COVID-19 and other illnesses; or
- Social emotional support for students and/or staff.

For additional professional development days offered in accordance with this guidance to count toward the required minimum instructional time, the professional development must be mandatory for all licensed educational personnel. Additional district or school employees may be included in the professional development at the school district/charter school leader's discretion.

School districts and charter schools may submit a *Request for Additional Professional Development Days* form to the Superintendent of Public Instruction via email to Amelia Thibault at acthibault@doe.nv.gov no later than November 30, 2020.

Nutritional services should be made available to students and families on any days that are converted from instructional days to professional development days.

Attachment(s): Certification for Path Forward Programs of Distance Education
Request for Calendar Adjustment
Request for Additional Professional Development Days