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GUIDANCE RECOMMENDATION

TO: State Public Charter School Authority
FROM: Rebecca Feiden, Executive Director
SUBJECT: Recommendation to Issue COVID-19 In-Person Learning Guidance
DATE: August 14, 2020

Recommendation

The Centers for Diseases Control and Prevention¹, the American Academy of Pediatrics² and other prominent medical groups agree that reopening our school buildings for in-person instruction should be a top priority. Equally important is that we make every effort to protect the health and safety of our students, educators, and school support staff. The continued spread of COVID-19 in many of our communities puts these two priorities at odds with each other.

On Monday, August 3, 2020, Governor Sisolak announced that Nevada would be moving to a county-level approach to mitigate the spread of COVID-19 that will rely on weekly, county-level data used to identify counties with elevated COVID-19 transmission. This approach is detailed in the [Road to Recovery: Moving to a New Normal](#), and a copy of this document is provided as supporting material for this agenda item.

Following the Governor's announcement on August 3, 2020, on August 5, 2020, I issued a recommendation to all SPCSA-sponsored public charter schools. In that recommendation, I indicated that SPCSA-sponsored schools located in Clark, Elko and Washoe counties scheduled to open prior to Monday, August 24, 2020 should open under a distance education model and continue to operate under a distance education model through at least Friday, August 21, 2020. This recommendation included a possible limited exception for students significantly impacted

¹ <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/reopening-schools.html>

² <https://services.aap.org/en/pages/2019-novel-coronavirus-covid-19-infections/clinical-guidance/covid-19-planning-considerations-return-to-in-person-education-in-schools/>

by loss of in-person instruction. A copy of my [recommendation](#) is provided along with the supporting materials for this agenda item. My recommendation was based upon review of the *Road to Recovery: Moving to a New Normal* as well as state and county-level data that was previously used to inform decisions about restriction on the operations of certain local businesses. As detailed in my recommendation, this approach will allow schools to monitor the newly released data and criteria and review updated guidance expected to be released by local health districts in order to potentially prepare for a hybrid or in-person opening with a more complete understanding of the local circumstances. The August 5, 2020 recommendation will remain in place through Friday, August 21, 2020.

After review of the first set of county-level data and following consultation with the Governor's Office, the Nevada Department of Education and local health districts, SPCSA staff is recommending the Authority adopt the following *COVID-19 In-Person Learning Guidance*:

Effective August 24, 2020, at which point three weeks of county-level data will have been released:

1. A charter school sponsored by the SPCSA *may, but are not required to*, operate under **an in-person or hybrid model** in accordance with Emergency Directives 022 and 028 when the county in which the school is located is subject to **Baseline Mitigation**, as defined in the *Road to Recovery: Moving to a New Normal*.
2. Except with written approval of an exemption from the SPCSA's Executive Director, a charter school sponsored by the SPCSA *shall* operate under a **distance education model**, with the option to provide in-person instruction at a very limited scale (less than 25% of the school's enrollment) for students most significantly impacted by the loss of in-person instruction and in accordance with Section 8 of Emergency Directive 028, when the county in which the school is located is subject to **Mitigations Levels 1 or 2**, as defined in the *Road to Recovery: Moving to a New Normal*.
3. In addition, the Executive Director *may*, in unique circumstances require additional restrictions for specific schools and/or counties based on public health data and/or non-compliance with prevailing Emergency Directives.

Until August 24, 2020, my August 5, 2020 [Recommendation](#) will remain in place. In addition, schools are still required to comply with all prevailing Emergency Directives and Guidance from the Governor, Nevada Department of Education and/or local officials.

Note that included in the Appendix is a list of SPCSA-sponsored charter schools, their opening dates for the 2020-2021 school year, and a summary of their current (as of August 12, 2020) reopening plans. In summary, the vast majority of SPCSA-sponsored charter schools indicated a preference to open under a hybrid model. However, over the last few weeks, several schools adjusted their plans for the beginning of the school year towards a distance education model and in light of my recommendation, all schools set to open prior to August 24, 2020 will open under

a distance education model with a limited number of schools providing limited in-person instruction. These schools will be abiding by all health and safety directives, and the SPCSA is monitoring these schools closely. Of the 27 school campuses set to open on or after August 24, 2020, nine currently indicate a plan to open under a hybrid model while the remainder plan to open with distance education.

County-Level Approach

There are three mitigation levels defined in *Road to Recovery: Moving to a New Normal*: Baseline Mitigation, Mitigation Level 1, and Mitigation Level 2. A county’s mitigation level can increase or decrease based on three criteria that serve as indicators of risk of elevated COVID-19 transmission.



1. Criteria

The following criteria are established in the *Road to Recovery: Moving to a New Normal* as indicators of risk of elevated COVID-19 transmission.

1. Average number of tests per day (per 100,000) < 150
2. Case rate (per 100,000) > 200
3. Case rate (per 100,000) > 50 AND testing positivity > 7.0%

2. Mitigation Levels

As defined in the *Road to Recovery: Moving to a New Normal*, each county’s mitigation level is based on the number of criteria met and, if a county meets two or more criteria, how many weeks in a row the county has met two or more criteria.

	Mitigation Level	County Restrictions	What causes a County to be at this level?
Increased Restrictions ↓	Baseline Level	Current Directives	<ul style="list-style-type: none"> • Default Level • “Warning week” – one week of meeting 2 or more criteria
	Mitigation Level 1	Targeted approach or reduced capacity and gatherings	<ul style="list-style-type: none"> • 2 or more weeks of 2 or more criteria met • Level determined by degree of severity and the duration at the level • The speed at which mitigation levels may increase is implemented at a shorter duration than relaxing mitigation levels. Therefore, increases in mitigation measure may occur within a week or two if the trend is showing increased spread but lessening or relaxing of those mitigation levels will be reviewed at longer intervals
	Mitigation Level 2	Potential return to Phase 1 Compliance Requirements	

3. COVID-19 In-Person Learning Guidance

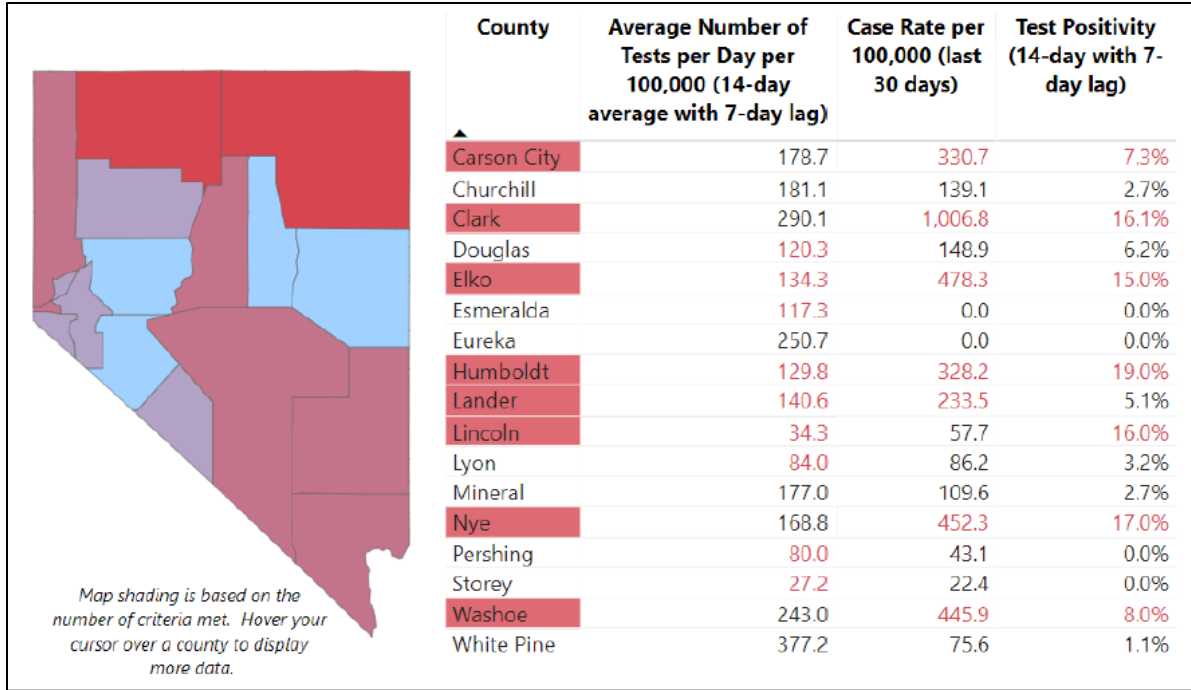
The table below summarizes the recommendation for COVID-19 In-Person Learning Guidance:

Mitigation Level	SPCSA COVID-19 In-Person Learning Guidance
Baseline Level	A charter school sponsored by the SPCSA <i>may, but are not required to</i> , operate under an in-person or hybrid model in accordance with Emergency Directives 022 and 028.
Mitigation Level 1	<p>Except with written approval of an exemption from the Executive Director, a charter schools sponsored by the SPCSA <i>shall</i> operate under a distance education model, with the option to provide in-person instruction at a very limited scale (less than 25% of the school’s enrollment) for students most significantly impacted by the loss of in-person instruction and in accordance with Section 8 of Emergency Directive 028.</p> <p>In accordance with Section 8 of Emergency Directive 028, schools may consider the following when identifying students for in-person instruction:</p>
Mitigation Level 2	<ul style="list-style-type: none"> • 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; • Considering documented student and family medical circumstances.
<p>In addition, the Executive Director <i>may</i>, in unique circumstances require additional restrictions for specific schools and/or counties based on public health data and/or non-compliance with prevailing Emergency Directives.</p>	

Until August 24, 2020, my August 5, 2020 [Recommendation](#) will remain in place. In addition, schools are still required to comply with all prevailing Emergency Directives and Guidance from the Governor, Nevada Department of Education and/or local officials.

Initial Results on County-Level Criteria

Below are the results based on the three criteria for each county as of August 7, 2020. Data highlighted in red indicates that a criterion has been met. County names highlighted in red met two or more criteria as of August 7, 2020.



Based on the first week of data outlined above, the following eight counties met two or more criteria. If these counties meet two or more criteria for a second consecutive week, the county would be moved into a Mitigation Level.

- Carson City
- Clark
- Elko
- Humboldt
- Lander
- Lincoln
- Nye
- Washoe

If the Authority approves the Recommended School Opening Thresholds, schools in counties designated as Mitigation Level 1 or 2 would be required to operate in a Distance Education model with a limited exception for in-person instruction until the county is moved back to Baseline Mitigation.

Looking Ahead

I am committed to using the best information that we have to support charter schools in their efforts to safely re-open schools and meet the needs of their students and families. As we continue to learn about COVID-19, the new criteria, and counties mitigation efforts I will provide monthly updates to the Authority. In the event that new information impacts our approach I will recommend changes to incorporate what we learn as we strive to realize our vision of *equitable access to diverse, innovative, and high-quality public schools for every Nevada student.*

Appendix A: Background

Below is a summary of major events related to schools over the last six months.

March 15, 2020	Governor Sisolak announced that all school must close to students, effective March 16, 2020 and open no earlier than April 6, 2020.
March 20, 2020	Governor Sisolak signs Emergency Directive 005 , extending the school building closure through April 16, 2020 and establishing requirements related to Emergency Programs of Distance Education.
April 14, 2020	Governor Sisolak signs Emergency Directive 014 , extending the school building closure through April 30, 2020.
April 28, 2020	Governor Sisolak signs Emergency Directive 015 , extending the school building closure through the end of the 2019-20 school year
June 9, 2020	Governor Sisolak signs Emergency Directive 022 , allowing school buildings to open for certain purposes during the summer and setting forth requirements for schools to develop re-opening plans for the 2020-21 school year. This directive established the requirements for social distancing and maximum capacity for school facilities.
June 24, 2020	Governor Sisolak signs Emergency Directive 024 , requiring face coverings for most individual over 9 years old. The Department of Education issues Guidance for Path Forward Programs of Distance Education.
June 26, 2020	The Authority approved a motion prescribing the process for SPCSA-sponsored schools to approve and submit their re-opening plans.
July 28, 2020	Governor Sisolak signs Emergency Directive 028 , reducing the social distancing requirement for elementary and middle schools to three feet and requiring face coverings for all students in grades K-12 while on school buses, in school buildings and on school campuses.
August 3, 2020	Governor Sisolak outlines the Road to Recovery: Moving to a New Normal , a county-level mitigation approach based on weekly evaluation of three criteria.
August 5, 2020	Executive Director Feiden make recommendation that SPCSA-sponsored charter schools located in Clark, Elko and Washoe counties scheduled to open prior to Monday, August 24, 2020 should open under a distance education model, with a possible limited exception for students significantly impacted by loss of in-person instruction, and continue to operate under a distance education model through at least Friday, August 21, 2020.

Appendix B: National Context

States across the country are working to safely reopen schools. While many states are leaving re-opening decisions up to local school districts, some, such as Texas, have made requirements to offer in-person instruction to as an option to students.³ Other states have established requirements based on specific public health conditions. For example, in California, schools and school districts may only open in-person if the county has not been on the monitoring list within the last 14 days.⁴ Similarly, New York is only allowing schools to open if they are located in a region that is in Phase IV of reopening and if its daily infection rate remains below 5 percent.⁵ Michigan's statewide approach requires that if the state is in Phases 1 through 3, schools may not offer in-person instruction and instead must provide remote instruction. However, in-person instruction is permitted beginning in Phase 4.⁶ Washington State's Department of Health has developed a "Decision-Tree" for districts and schools to use to determine whether to provide in-person instruction as shown to the right.⁷ A wide range of approaches are being used by states. For more information, refer to the [State-by-state map](#) published by Education Week.

Similar to several states listed above, Nevada's move towards a county-level mitigation approach relies on key data to inform local mitigation efforts. The recommendation from SPCSA staff would align our schools to this county-level approach and limit in-person instruction in circumstances where increased mitigation efforts are necessary.

With regard to public health data, several sources provide up-to-date data, graphs and charts mapping the national impact of the COVID-19 pandemic. These included the [CDC COVID Data Tracker](#) and the [Johns Hopkins University Coronavirus Resource Center](#). Additionally, state data is published on the [Nevada Health Response](#) website.

³ <https://tea.texas.gov/sites/default/files/covid/SY-20-21-Public-Health-Guidance.pdf>

⁴ <https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/Schools%20Reopening%20Recommendations.pdf>

⁵ <https://www.governor.ny.gov/news/governor-cuomo-announces-new-data-driven-guidance-reopening-schools>

⁶ https://www.michigan.gov/documents/whitmer/MI_Safe_Schools_Roadmap_FINAL_695392_7.pdf

⁷ <https://www.doh.wa.gov/Portals/1/Documents/1600/coronavirus/DecisionTree-K12schools.pdf?fbclid=IwAR2RK8aHOH4FXR3MtOyfkK3pNSj85Yso0a2J35HL6hN6bNiw-1Pznyf9beU>

Appendix C: Summary of School Planned Opening Model

Planned Opening Model Summary	Number of Schools
Distance Education	58
Full Distance Education	51
Distance Education with Limited In-Person	7
Hybrid	9
Hybrid (alternative days)	7
Hybrid (certain grade levels in person)	1
Hybrid (half days)	1

Planned Opening Model by Week	Week of 8/3	Week of 8/10	Week of 8/17	Week of 8/24	Week of 8/31	Week of 9/7	Week of 9/14
Distance Education	2	18	20	18			
Full Distance Education	2	16	19	14			
Distance Education with Limited In-Person		2	1	4			
Hybrid				4	2	1	2
Hybrid (alternative days)				4		1	2
Hybrid (certain grade levels in person)					1		
Hybrid (half days)					1		

Full list of SPCSA-Sponsored Schools			
School Name	County	First Day for Students	Planned Opening Model
Alpine Academy	Washoe	8/17/2020	Full Distance Education
Amplus Academy - Durango	Clark	9/14/2020	Hybrid (alternative days)
Amplus Academy - Rainbow	Clark	9/14/2020	Hybrid (alternative days)
Beacon Academy	Clark	8/24/2020	Distance Education with Limited In-Person
Coral Academy - Centennial	Clark	8/24/2020	Full Distance Education
Coral Academy - Eastgate	Clark	8/24/2020	Full Distance Education
Coral Academy - Nellis AFB	Clark	8/24/2020	Full Distance Education
Coral Academy - Sandy Ridge	Clark	8/24/2020	Full Distance Education
Coral Academy - Tamarus	Clark	8/24/2020	Full Distance Education
Coral Academy - Windmill	Clark	8/24/2020	Full Distance Education
Democracy Prep	Clark	8/17/2020	Full Distance Education
Discovery - Hillpointe	Clark	8/10/2020	Full Distance Education
Discovery - Sandhill	Clark	8/10/2020	Full Distance Education
Doral Academy - Cactus	Clark	8/24/2020	Full Distance Education
Doral Academy - Fire Mesa	Clark	8/24/2020	Full Distance Education

Full list of SPCSA-Sponsored Schools			
School Name	County	First Day for Students	Planned Opening Model
Doral Academy - Pebble	Clark	8/24/2020	Full Distance Education
Doral Academy - Red Rock	Clark	8/24/2020	Full Distance Education
Doral Academy - Saddle	Clark	8/24/2020	Full Distance Education
DANN	Washoe	8/24/2020	Hybrid (alternative days)
Elko Institute	Elko	8/26/2020	Hybrid (alternative days)
Equipo Academy	Clark	8/10/2020	Distance Education with Limited In-Person
Explore Academy	Clark	8/6/2020	Full Distance Education
Founders Academy	Clark	8/12/2020	Full Distance Education
Freedom Classical Academy	Clark	8/17/2020	Full Distance Education
Futuro Academy	Clark	8/24/2020	Full Distance Education
GALS	Clark	8/17/2020	Distance Education with Limited In-Person
Honors Academy of Literature	Washoe	9/8/2020	Hybrid (alternative days)
Imagine School at Mountain View	Clark	8/17/2020	Full Distance Education
Leadership Academy of Nevada	Clark (Statewide Virtual)	8/10/2020	Full Distance Education
Learning Bridge Charter School	White Pine	8/31/2020	Hybrid (half days)
Legacy Traditional - Cadence	Clark	8/12/2020	Full Distance Education
Legacy Traditional - North	Clark	8/12/2020	Full Distance Education
Legacy Traditional - Southwest	Clark	8/12/2020	Full Distance Education
Mater Academy - Bonanza	Clark	8/24/2020	Distance Education with Limited In-Person
Mater Academy - East	Clark	8/24/2020	Distance Education with Limited In-Person
Mater Academy - Mountain Vista	Clark	8/24/2020	Distance Education with Limited In-Person
MANN	Washoe	8/24/2020	Hybrid (alternative days)
Nevada Connections Academy	Washoe (Statewide Virtual)	8/4/2020	Full Distance Education
NSHS - Downtown	Clark	8/10/2020	Full Distance Education
NSHS - Henderson	Clark	8/10/2020	Full Distance Education
NSHS - Henderson 2	Clark	8/10/2020	Full Distance Education
NSHS - Meadowood	Washoe	8/10/2020	Full Distance Education
NSHS - Northwest	Clark	8/10/2020	Full Distance Education
NSHS - Southwest	Clark	8/10/2020	Full Distance Education
NSHS - Summerlin	Clark	8/10/2020	Full Distance Education
NSHS - Sunrise	Clark	8/10/2020	Full Distance Education

Full list of SPCSA-Sponsored Schools			
School Name	County	First Day for Students	Planned Opening Model
Nevada Virtual Academy	Clark (Statewide Virtual)	8/10/2020	Full Distance Education
Nevada Prep	Clark	8/24/2020	Full Distance Education
Nevada Rise	Clark	8/17/2020	Full Distance Education
Oasis Academy	Churchill	8/31/2020	Hybrid (certain grade levels in person)
PANN	Washoe	8/24/2020	Hybrid (alternative days)
Pinecrest - Cadence	Clark	8/17/2020	Full Distance Education
Pinecrest - Horizon	Clark	8/17/2020	Full Distance Education
Pinecrest - Inspirada	Clark	8/17/2020	Full Distance Education
Pinecrest - Sloan Canyon	Clark	8/17/2020	Full Distance Education
Pinecrest - St. Rose	Clark	8/17/2020	Full Distance Education
Quest Academy	Clark	8/10/2020	Distance Education with Limited In-Person
Signature Prep	Clark	8/17/2020	Full Distance Education
Silver Sands Montessori	Clark	8/24/2020	Full Distance Education
Somerset Academy - Aliante	Clark	8/17/2020	Full Distance Education
Somerset Academy - Lone Mount	Clark	8/17/2020	Full Distance Education
Somerset Academy - Losee	Clark	8/17/2020	Full Distance Education
Somerset Academy - North LV	Clark	8/17/2020	Full Distance Education
Somerset Academy - Sky Pointe	Clark	8/17/2020	Full Distance Education
Somerset Academy - Skye Canyon	Clark	8/17/2020	Full Distance Education
Somerset Academy - Stephanie	Clark	8/17/2020	Full Distance Education
SLAM	Clark	8/17/2020	Full Distance Education