



# Nevada State Public Charter School Authority

## Plan for the Safe Return to In-Person Instruction

*July 29, 2022*

*Changes are highlighted in yellow.*

## Introduction

The American Rescue Plan Act of 2021 (ARP) was signed into law on March 11, 2021 and includes numerous provisions aimed at responding to the COVID-19 pandemic and providing relief to address its impacts. Among these provisions is the allocation of \$122 billion to the ARP Elementary and Secondary School Emergency Relief (ARP ESSER) Fund to be used to “help safely reopen and sustain the safe operation of schools and address the impact of the coronavirus pandemic on the Nation’s students.”<sup>1</sup> As a condition of receiving funding, each Local Education Agency (LEA) must, within 30 days of receiving the ARP ESSER allocation, develop and post a plan for the “safe return of in-person instruction and continuity of services.” The LEA is also required to seek public comment on the plan and take any comments into account in the development of the plan.<sup>2</sup>

This document, along with the individual charter school re-opening plans that were developed for the 2021-22 school year and can be found on the State Public Charter School Authority website<sup>3</sup>, meet the requirements for the Plan for the Safe Return to In-Person Instruction under Section 2001(i) of the American Rescue Plan.

Pursuant to federal and state guidance, the State Public Charter School Authority reviews and updates this plan, with input and feedback from the public, at least every six months.

*This plan is available in Spanish on the SPCSA’s website and will be provided in another format or language upon request.*

---

<sup>1</sup> <https://oese.ed.gov/offices/american-rescue-plan/american-rescue-plan-elementary-and-secondary-school-emergency-relief/>

<sup>2</sup> See Section 2001(i) of the American Rescue Plan

<sup>3</sup> [https://charterschools.nv.gov/News/2020/SPCSA\\_School\\_Reopening\\_Plans/](https://charterschools.nv.gov/News/2020/SPCSA_School_Reopening_Plans/)

## Input on the Development of this Plan

Throughout 2020 and early 2021, the SPCSA engaged with stakeholders on numerous occasions to understand the impacts of the COVID-19 pandemic and inform our actions. When schools closed in March of 2020, the SPCSA initiated a communications strategy whereby each school leader was assigned an SPCSA Liaison who regularly spoke to the school leader to discuss recent developments, understand challenges the school was facing, address questions that the school leader had, and collect information to monitor school operations. Internally, SPCSA Liaisons met regularly, initially twice per week, to discuss common themes, challenges, and questions. Information collected through these SPCSA Liaisons informed the actions and priorities of the SPCSA. In addition, the SPCSA's Executive Director regularly held "All School Calls" to share important updates and answer questions. Many of the topics addressed in the *All School Calls* were informed by the trends observed by the SPCSA Liaisons. In addition, twice during the 2021-22 school year, the SPCSA's Executive Director held a series of Focus Groups with school leaders and board chairs to gather input and inform key decision points. While these activities were not specifically intended to gather input on the SPCSA's Plan for the Safe Return to In-Person Instruction, the information collected has inherently shaped the work over the last year and the contents of this plan.

In developing the SPCSA's Plan for the Safe Return to In-Person Instruction, public comment was sought during the State Public Charter School Authority (SPCSA) board meeting on April 23, 2021. In addition, the SPCSA launched two surveys seeking input from parents, families, educators, students, and community members. The first survey was open from April 16 through May 7, 2021. The second survey was available in both English and Spanish from June 2 through June 15, 2021. In addition to using this survey data to inform this plan, the SPCSA disseminated the data to each school to help inform their planning. The SPCSA also held a special meeting of our Community Working Group which is comprised of community and business leaders, representatives from local municipalities, representatives from the charter school community, and education representatives from local school districts and the Nevada Department of Education. Details regarding the input received from these stakeholders can be found in Appendix B.

This plan was discussed during the State Public Charter School Authority's board meetings in November and December of 2021, as well as in February and July of 2022.

## Background

On March 15, 2020, Governor Sisolak announced that all schools would close to students. This closure remained in place until early June when the Governor signed Emergency Directive 022<sup>4</sup>, allowing school building 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. On June 26, 2020, the State Public Charter School Authority approved a motion prescribing the process for SPCSA-sponsored schools<sup>5</sup> to approve and submit their re-opening plans.

During the summer of 2020 and in accordance with Emergency Directive 022, the Nevada Department of Education's Guidance for Path Forward Programs of Distance Education<sup>6</sup>, SPCSA-sponsored charter schools developed and submitted reopening plans to the SPCSA. Importantly, in accordance with Section 1 of Emergency Directive 022 and the process established by the Authority on June 26, 2020, charter schools were required to present their re-opening plans to their governing body for approval at least 20 days before their first day of school for the 2020-2021 school year. While many schools engaged their communities in the development of their re-opening plans through a variety of ways such as focus groups, committees, and surveys, at minimum, each plan was presented in a public meeting with an opportunity for public comment.

Once approved by the school's board, the SPCSA reviewed re-opening plans for compliance with prevailing directives and guidance and transmitted to the Nevada Department of Education (NDE). This included review of the plan itself, as well as the board agenda in which the plan was presented. In accordance with NDE's direction, all of the reopening plans contemplated three scenarios for the 2020-21 schools year: (1) full in-person instruction, (2) a hybrid instructional model, and (3) a full distance education model. However, most, if not all of the SPCSA charter school reopening plans contemplated as its primary or preferred model the hybrid instructional model. These hybrid models contemplated a variety of approaches such as students coming into the school building for in-person instruction on an AM / PM schedule, or a Monday / Tuesday or Thursday / Friday cohort model.

On August 14, 2020, the SPCSA adopted the COVID-19 In-Person Learning Guidance<sup>7</sup> which contemplated a distance education model, with limited in person instruction for any SPCSA-sponsored charter school located in a county that is subject to Mitigation Level I or II pursuant to the Governor's COVID-19 Mitigation and Management Task Force. The SPCSA In-Person Learning Guidance allowed for 25 percent of a school's enrollment to learn in-person, even for those schools in counties subject to Mitigation Level I or II, and enabled the SPCSA Executive Director to grant additional exemptions. While many schools started the school year under a fully distance learning model, in September and October,

---

<sup>4</sup> [https://gov.nv.gov/News/Emergency\\_Orders/2020/2020-06-09 - COVID-19 Declaration of Emergency Directive 022 - K-12 School Re-Opening for Summer Learning and Activities \(Attachments\)/](https://gov.nv.gov/News/Emergency_Orders/2020/2020-06-09_-_COVID-19_Declaration_of_Emergency_Directive_022_-_K-12_School_Re-Opening_for_Summer_Learning_and_Activities_(Attachments)/)

<sup>5</sup> <https://www.dropbox.com/s/h24r9musp6igq7p/Attach%201-Guidance%20Memo%20on%20Reopening%20Plans%20%28003%29.pdf?dl=0>

<sup>6</sup>

[https://doe.nv.gov/uploadedFiles/ndedoenvgov/content/News\\_Media/Guidance\\_Memos/2020/PathForwardDistanceEducationGuidanceMemo20-05\(1\).pdf](https://doe.nv.gov/uploadedFiles/ndedoenvgov/content/News_Media/Guidance_Memos/2020/PathForwardDistanceEducationGuidanceMemo20-05(1).pdf)

<sup>7</sup> <https://charterschools.nv.gov/uploadedFiles/CharterSchoolsnvgov/content/News/2020/COVID-19%20In-Person%20Learning%20Guidance.2020.08.17.pdf>

many schools that had not previously conducted any in-person learning began taking advantage of the 25 percent of enrollment provision, with limited numbers of students coming into school buildings.

In November, the Authority adopted Updated and Revised COVID-19 In-Person Learning Guidance<sup>8</sup> increasing the limit on in-person learning from 25 percent to 40 percent of the school's enrollment for those schools located in counties subject to Mitigation Level I or II pursuant to the Governor's COVID-19 Mitigation and Management Task Force.

In February, the Authority lifted the in-person learning limit on schools located in counties subject to Mitigation Level I or II, though schools continue to be subject to all prevailing emergency directives. This action was based on three primary factors:

1. A significant decline in COVID-19 cases and the test positivity rate;
2. The availability of vaccines to educators within all counties in which SPCSA-sponsored schools are located;
3. Experience of school staff in implementing mitigation COVID-19 mitigation measures; and
4. Updated guidance from the Centers for Disease Control and Prevention (CDC), including an Operational Strategy for K-12 School through Phased Mitigation. This guidance provides concrete recommendations for in-person learning at varying levels of community transmission.

By the end of the 2020-21 school year, of the 67 charter school campuses sponsored by the SPCSA, the vast majority were already offering in-person instruction in some form. Two school campuses were fully in-person, 51 school campuses were providing some form of hybrid instruction, 11 school campuses were providing limited in-person instruction for some students, and 3 school campuses remained fully virtual. However, it is important to note that all three of these schools that remained fully virtual, are approved for full-time virtual instruction pursuant to NAC 388.830.

Pursuant to section 16 of Emergency Directive 044 and Guidance Memorandum 21-02 (see Appendix C), charter schools were required to create re-opening plans and plans for Path Forward Programs of Distance Education for the 2021-22 school year. Similar to plans developed for the 2020-21 school year, the SPCSA reviewed re-opening plans for compliance with prevailing directives and guidance and transmit them to the Nevada Department of Education (NDE). In addition, these 2021-22 school year re-opening are included in the SPCSA's Plan for the Safe Return to In-Person Learning in Appendix A. During the 2021-22 school year, SPCSA-sponsored schools operated largely in-person with limited interruptions, except for schools classified as a charter school for distance education pursuant to NRS 388A.705. Pursuant to Emergency Directive 044 and Guidance Memorandum 21-02, charter schools were required to provide distance education options to students who a) had documentation from a medical professional related to a condition that would be compromised by attending school in-person, or b) were quarantined on the advice of local public health officials. Additionally, schools established plans for transitioning to distance education should the school experience a significant number of COVID-19 cases. Throughout the course of the 21-22 school year, some schools briefly transitioned to fully distance education due to the impacts of COVID-19, but all brick-and-mortar schools were able to operate largely in-person.

---

<sup>8</sup> <https://charterschools.nv.gov/uploadedFiles/CharterSchoolsnvgov/content/News/2020/COVID-19%20In-Person%20Learning%20Guidance.2020.11.12.pdf>

As we enter the 2022-23 school year, the circumstances regarding COVID-19 have significantly changed. On May 20, 2022, the Governor terminated the State of Emergency regarding COVID-19. Therefore, for the 2022-23 school year, all schools will return to fully in-person instruction, except for schools classified as a charter school for distance education pursuant to NRS 388A.705. Schools must continue to work with local health authorities regarding outbreaks of COVID-19. Additionally, the five new schools expected to open in the fall of 2023, which do not have previous plans in place for mitigating the spread of COVID-19, must establish protocols and policies for mitigating the spread of COVID-19 and responding to cases. Recent communication with the Nevada Department of Health and Human Services indicates that additional COVID-19 guidance for the 2022-23 school year is likely forthcoming.

## The SPCSA's Approach

The State Public Charter School Authority (SPCSA) is a statewide authorizer<sup>9</sup> and as of the 2022-23 school year sponsors 43 Nevada public charter schools, encompassing 78 separate campuses serving over 55,000 Nevada students. As a statewide charter school sponsor that authorizes charter schools, but does not directly run any schools, the SPCSA's role as a local educational agency (LEA)<sup>10</sup> is unique. To that end, the SPCSA's approach to ensuring a safe return to in-person instruction for the 2021-2022 school year is based on the following principles:

- **Clear Guardrails and Oversight:** The SPCSA has and will continue to establish minimum standards, where appropriate, and conduct oversight that ensures that SPCSA-sponsored charter schools are complying with all prevailing state-issued emergency directives and any applicable guidance.
- **Flexibility and Support:** To honor the local decision making that is central to charter schools, the SPCSA will ensure flexibility for SPCSA-sponsored charter schools, while at the same time providing any needed support.
- **Consistent Communication:** The SPCSA has and will continue to serve as a conduit for information to and from schools.

---

<sup>9</sup> See NRS 388A.150

<sup>10</sup> See NRS 388A.159

## Plan for the Safe Return to In-Person Instruction

Each charter school was required to have a re-opening plan for the 2020-21 school year, pursuant to Emergency Directive 022, and was required to have a re-opening plan for the 2021-22 school year pursuant to Emergency Directive 044. These plans can be found on the SPCSA website<sup>11</sup>. In addition, the SPCSA's Plan for the Safe Return to In-Person Instruction covers the key topics addressed in the Nevada Department of Education's Framework for a Safe, Efficient, and Equitable Return to School Buildings<sup>12</sup> as well as the U.S. Department of Education's ED COVID-19 Handbook, Volume 1: Strategies for Safely Reopening Elementary and Secondary Schools<sup>13</sup> and ED COVID-19 Handbook, Volume 2: Roadmap to Reopening Safely and Meeting All Students' Needs<sup>14</sup>.

### Establishing a Safe Learning Environment

#### Clear Guardrails and Oversight

Throughout the State of Emergency, the SPCSA worked in conjunction with the Nevada Department of Education, Nevada Department of Health and Human Services, the Governor's Office, and local health authorities to ensure that sponsored schools understood and were complying with Emergency Directives. This included careful review of several iterations of re-opening and mitigation plans, ensuring schools were aware of and following key mitigation measures such as face-covering requirements and contact tracing, and ensuring that schools were providing accommodations to those students who were not able to attend school in-person. Now that the State of Emergency related to COVID-19 has ended, the SPCSA has shifted our efforts towards support, guidance, and communication. However, any requirements established by the Nevada Department of Health and Human Services or local health authorities will be communicated to schools and reinforced by SPCSA staff.

#### Flexibility and Support

- **COVID-19 Testing:** The SPCSA worked with Nevada's Department of Education and Department of Health and Human Services to provide access to COVID-19 testing for interested schools during the late winter and spring of 2021. While a variety of testing programs have been available to schools throughout the last two years, the following testing programs continue to be available at no cost to schools during the 2022-23 school year.
  - *PCR testing through PerkinElmer:* Participating schools that sign up through the SPCSA receive access to a portal to order PCR tests which arrive by mail. These tests can be self-administered by adults and students and then are mailed to the lab which provides results within 48 hours.
  - *Over-the-Counter (OTC) Tests to provide to staff and students:* Participating schools were able to order OTC tests that can be given to school staff and parents/families on behalf of their students' for at-home testing.

---

<sup>11</sup> [https://charterschools.nv.gov/News/2020/SPCSA\\_School\\_Reopening\\_Plans/](https://charterschools.nv.gov/News/2020/SPCSA_School_Reopening_Plans/)

<sup>12</sup>

[https://doe.nv.gov/uploadedFiles/ndedoenvgov/content/News\\_Media/Press\\_Releases/2020\\_Documents/Nevada\\_Path\\_Forward.pdf](https://doe.nv.gov/uploadedFiles/ndedoenvgov/content/News_Media/Press_Releases/2020_Documents/Nevada_Path_Forward.pdf)

<sup>13</sup> <https://www2.ed.gov/documents/coronavirus/reopening.pdf>

<sup>14</sup> <https://www2.ed.gov/documents/coronavirus/reopening-2.pdf>



- **Personal Protective Equipment (PPE):** During the 2020-21 school year, the SPCSA assisted in securing PPE for sponsored schools.
- **Social Distancing and COVID-19 Mitigation Measures:** The SPCSA has provided schools with most recent guidance from the CDC<sup>15</sup> and encourages schools to follow this guidance with regard to COVID-19 health and safety mitigation measures including face coverings, handwashing, respiratory etiquette, and cleaning. The SPCSA also encourages schools to stay informed about the COVID-19 Community Level<sup>16</sup> for the county in which they are located. It is expected that this guidance will continue to be refined and the SPCSA will ensure schools are kept apprised and informed regarding any changes.
- **Ensuring Proper Handwashing and Respiratory Etiquette:** The SPCSA has provided schools with guidance for how to ensure proper handwashing and respiratory etiquette.
  - CDC Guidance regarding hygiene and etiquette: [https://www.cdc.gov/healthywater/hygiene/etiquette/coughing\\_sneezing.html](https://www.cdc.gov/healthywater/hygiene/etiquette/coughing_sneezing.html)
  - CDC Flyers regarding *Stop the Spread of Germs*: <https://www.cdc.gov/coronavirus/2019-ncov/downloads/stop-the-spread-of-germs.pdf>
- **Ensuring Proper Cleaning and Disinfection:** The SPCSA has provided schools with guidance for cleaning and disinfecting public spaces. Several resources have been shared with schools to ensure they are aware of recommended cleaning and disinfection practices.
  - Guidance for Cleaning and Disinfecting Public Spaces, Workplaces, Businesses, Schools, and Homes: [https://www.cdc.gov/coronavirus/2019-ncov/community/pdf/Reopening\\_America\\_Guidance.pdf](https://www.cdc.gov/coronavirus/2019-ncov/community/pdf/Reopening_America_Guidance.pdf)
- **Communicating and Reinforcing Safety Measures:** The SPCSA has provided schools with state and county health guidelines for proper hygiene and social distancing. Several resources have been provided to schools to communicate and reinforce key safety measures including physical distancing, handwashing, and respiratory etiquette.
  - COVID-19 Downloadable Graphics & Signage: <https://nvhealthresponse.nv.gov/community-resources/social-media/>
  - COVID-19 Communications Toolkit from the Southern Nevada Health District: <https://covid.southernnevadahealthdistrict.org/toolkit/>
  - Customizable social distancing flyers <https://www.adobe.com/express/create/poster/social-distance>
- **Face Coverings:** Current CDC guidance recommends universal indoor masking at a “high” COVID-19 Community Level. While individual charter schools may determine policies regarding the use of face coverings, the SPCSA has provided schools with information regarding consistent and correct mask use:
  - CDC Consistent and Correct Mask Use: <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/k-12-guidance.html#mask-use>

<sup>15</sup> <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/k-12-childcare-guidance.html>

<sup>16</sup> [https://covid.cdc.gov/covid-data-tracker/#county-view?list\\_select\\_state=all\\_states&list\\_select\\_county=all\\_counties&data-type=CommunityLevels&null=CommunityLevels](https://covid.cdc.gov/covid-data-tracker/#county-view?list_select_state=all_states&list_select_county=all_counties&data-type=CommunityLevels&null=CommunityLevels)

- CDC Information regarding Masks: [https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/masks.html?CDC\\_AA\\_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fprevent-getting-sick%2Fdiy-cloth-face-coverings.html](https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/masks.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fprevent-getting-sick%2Fdiy-cloth-face-coverings.html)
- American Academy of Pediatrics Information Regarding Face Masks: <https://www.aap.org/en/pages/2019-novel-coronavirus-covid-19-infections/clinical-guidance/cloth-face-coverings/>
- **Improving Ventilation:** The SPCSA has provided schools with information regarding how to improve ventilation in school buildings. Specifically, Charter schools have been provided with the most recent guidance from the CDC regarding COVID-19 protection in schools, which includes specific information regarding improving ventilation<sup>17</sup> as well as the CDC guidance regarding ventilation in schools and childcare programs<sup>18</sup>.
- **Screening for Symptoms:** SPCSA-sponsored charter schools have been provided with CDC<sup>19</sup>, state, and local health district<sup>20</sup> guidelines on proper screening for COVID-19 symptoms. Schools are encouraged to remind staff, students, and families to stay home when they are sick and/or experiencing any COVID-19 symptoms. Additionally, schools have been provided with resources to help communicate the importance of symptom screening<sup>21</sup> and staying home when sick<sup>22</sup> to their school communities.
- **Supporting Students with Disabilities:** A number of other supports are in place for schools to meet the needs of students with disabilities.
  - First, when school first reopened in person, the SPCSA sought an exemption to the social distancing requirement on behalf of all sponsored schools for serving students with disabilities who may require close physical contact in order to meet their needs. This included, for example, the provision of certain services such as occupational and physical therapy. Through this exemption, SPCSA-sponsored schools were able to meet the needs of their students with disabilities.
  - Additionally, the SPCSA has provided sponsored schools with guidance from the CDC regarding serving students with disabilities or other health care needs<sup>23</sup>.

### Consistent Communication

- **Coordination with State and Local Health Officials:** Since the beginning of the COVID-19 Pandemic, the SPCSA has worked closely with Nevada's Department of Health and Human Services as well as local health authorities to ensure charter schools have access to critical information in order to mitigate the spread of COVID-19. This includes distributing information from health authorities to schools, seeking out answers and information on behalf of charter

<sup>17</sup> <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/k-12-guidance.html#ventilation>

<sup>18</sup> <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/ventilation.html>

<sup>19</sup> <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>

<sup>20</sup> <https://covid.southernnevadahealthdistrict.org/facts/>

<sup>21</sup> <https://www.cdc.gov/coronavirus/2019-ncov/downloads/COVID19-symptoms.pdf>

<sup>22</sup> <https://www.cdc.gov/coronavirus/2019-ncov/downloads/communication/print-resources/StayHomeFromWork-card.pdf>

<sup>23</sup> [https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/k-12-guidance.html#anchor\\_1625662037558](https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/k-12-guidance.html#anchor_1625662037558)

schools, ensuring charter schools have information and contact information necessary to execute contact tracing protocols, as well as helping to develop documents for charter schools with clear guidance, such as the Southern Nevada Health Districts COVID-19 Preparedness and Response Plan for schools<sup>24</sup>.

- **Updates to Guidance:** The SPCSA provides schools with the most recent information from the Centers for Disease Control, the Nevada Department of Health and Human Services, local health districts regarding strategies to prevent the spread of COVID-19.
- **Efforts to Provide Vaccinations to Charter School Communities:** In early 2021, the SPCSA worked with local health officials to disseminate information regarding the vaccination process for education staff. With the recent emergency authorization of certain COVID-19 vaccines for children ages five and older, the SPCSA has shared information with schools about how they can request vaccine clinics at their school sites, if they are interested.

## Meeting the Social, Emotional, and Mental Health Needs of Students and Staff

### Clear Guardrails and Oversight

- **Responding to Tips:** The SPCSA monitors school responses to SafeVoice<sup>25</sup> tips and ensures these are followed up on. In partnership with Nevada’s Department of Public Safety, the SafeVoice program provides students a safe place to submit tips concerning their own safety or that of others. A fully trained professional team of experts responds in an appropriate manner. Additionally, during the fall of 2021, the SPCSA coordinated with the Nevada Department of Education to have a refresher training provided to interested school staff.

### Flexibility and Support

- **Surveying Students and Staff:** The SPCSA supports charter schools in their efforts to implement school climate and social emotional learning surveys so that schools can have accurate data about student and staff well-being. Once surveys are completed, the SPCSA supports schools with utilizing school climate and social emotional learning survey data to make data-based decisions in creating social emotional learning lesson plans and selecting social emotional learning programs.
- **Multi-Tiered Systems of Support (MTSS):** The SPCSA, through our Project Aware grant, is providing schools with the opportunity to participate in a year-long program with dedicated coaching support to implement a multi-tiered system of support within their school. Equity is deeply embedded in the MTSS and Project AWARE framework — which, at its core, provides a set of systems, structures, and practices to build a positive, equitable, and inclusive learning environment for each student. **As of the 2022-23 school year, 24 charter school campuses, or 31% of sponsored charter school campuses, are participating in this program.** Participating schools will complete extensive training with the Positive Behavioral Interventions and Supports

<sup>24</sup> [https://media.southernnevadahealthdistrict.org/download/COVID-19/resources/snhd\\_covid19\\_preparedness\\_and\\_response\\_plan\\_for\\_schools\\_v2\\_2021.pdf](https://media.southernnevadahealthdistrict.org/download/COVID-19/resources/snhd_covid19_preparedness_and_response_plan_for_schools_v2_2021.pdf)

<sup>25</sup>

<http://safevoicenv.org/#:~:text=Students%2C%20parents%20and%20faculty%20throughout,prevent%20violence%20and%20save%20lives.>

Technical Assistance Center, UNR and other community partners. Our cohort schools will gain an understanding of how equity fits into a Multi-Tiered System of Supports (MTSS) and is essential to ensuring academic, behavioral, and social-emotional success for all students.

- **Professional Learning:** The SPCSA, through our Project Aware grant and other federal grants, is providing schools with a range of training opportunities related to meeting the social, emotional, and mental health needs of students. During the 2021-22 school year, the SPCSA provided access to training on the following topics:
  - SafeTalk
  - ASIST
  - Youth Mental Health First Aid
  - Restorative Justice Practices
  - Diversity, Equity, and Inclusion
  - Trauma-Informed Care and Instruction
  - Social Emotional Learning

During the 2022-23 school year the SPCSA will provide access to training on the following topics:

- Suicide Prevention 101
  - LivingWorks safeTALK
  - ASIST
  - Youth Mental Health First Aid
  - Restorative Justice Practices
  - Diversity, Equity, and Inclusion
  - Trauma-Informed Care and Instruction
  - Social Emotional Learning
  - Current Trends in Drugs of Abuse
  - Data-based Decision Making (DBDM)
- **Athletics and Extracurricular Programs:** Given the positive impact that athletics and extracurricular programs can have on students, many SPCSA-sponsored schools have reinstated these programs. SPCSA-sponsored schools that participate in athletics through the Nevada Interscholastic Activities Association (NIAA) are required to comply with safety protocols established by the NIAA.
  - **Supporting the Needs of School Staff:** While the SPCSA does not employ school staff, rather, teachers, administrators, and support staff are employed by the charter school's governing board, the SPCSA has provided sponsored schools with information about how they can support their employees. This includes providing schools with the following resources:
    - ED COVID-19 Handbook, Volume 2, Section III: Supporting Educator and Staff Stability and Well-Being<sup>26</sup>
    - The CDC's Guidance for COVID-19 Prevention in K-12 Schools, Section 3: School Workers<sup>27</sup>

---

<sup>26</sup> <https://www2.ed.gov/documents/coronavirus/reopening-2.pdf>

<sup>27</sup> [https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/k-12-guidance.html#anchor\\_1625662058182](https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/k-12-guidance.html#anchor_1625662058182)

## Accelerating learning

### Clear Guardrails and Oversight

- **Monitoring Student Outcomes:** The SPCSA regularly monitors the academic performance of SPCSA-sponsored charter schools and students through statewide interim and summative assessments. Given that the COVID-19 pandemic has impacted state testing, particularly for the 2019-2020 school year, the SPCSA is conducting targeted oversight on interim assessments for schools with previous academic performance concerns and schools that have limited historical data available. Additionally, the SPCSA is looking forward to the opportunity to review statewide assessment data for the 2021-22 school year to understand student academic achievement and growth.

### Flexibility and Support

- **Internet Access:** At the start of the COVID-19 Pandemic, the SPCSA worked with several partners, including Nevada's Department of Education; the Governor's Office of Science, Innovation, and Technology; internet providers such as T-Mobile and Cox Communications to support charter schools in procuring devices and internet connectivity for charter school students. This included disseminating approximately 1,080 hotspot devices to charter school students through the support of the Governor's Office of Science, Innovation, and Technology and T-Mobile.
- **Professional Learning:** In the summer of 2020, the SPCSA partnered with the Achievement Network (ANet) to offer a 4-part, virtual professional development series to all SPCSA-sponsored Charter Leaders, in regard to the process for developing school-specific instructional recovery plans. After surveying school leaders during the spring of 2021, the SPCSA used federal grant funding to provide interested school staff with two learning opportunities during the 2021-22 school year.
  - Attendance Works three-part virtual learning series focused improving student attendance and reducing chronic absenteeism. The SPCSA funded 19 school staff members to participate in this learning experience.
  - WestEd six-part professional learning series focused on formative assessment. This professional learning series was offered to all school administrators at SPCSA-sponsored schools and ran from November through March.
- **Additional Resources:** The SPCSA coordinated with approximately half of our charter schools to apply for a competitive grant from Nevada's Department of Education to support a range of activities covering three categories: (1) High-Quality Digital Instructional Materials, (2) High-Quality Professional Development, and (3) Wrap-Around Services. The SPCSA was ultimately awarded an additional \$761,000 for these additional resources and to directly support the needs of our schools. The SPCSA facilitated the logistics of several of these activities such as targeted professional learning through the Regional Professional Development Program (RPDP). The SPCSA also plans to apply for any future competitive funding in coordination with SPCSA-sponsored charter schools.

## Charter School Re-Opening Plans

**Re-opening Plans for the 2020-21 and 2021-22 School Years:** The SPCSA provided guidance and resources to schools throughout Nevada's State of Emergency regarding COVID-19 on the development of re-opening plans. The SPCSA also ensured that schools were in compliance with requirements to maintain re-opening plans under the state of emergency. With Nevada no longer under a state of emergency, the SPCSA continues to provide guidance to schools on the latest recommendations from the CDC, as well as any guidance from the Nevada Department of Health and Human Services and local health authorities.

## Appendix A: School Plans for the 2021-22 School Year

Pursuant to section 16 of Emergency Directive 044 and Guidance Memorandum 21-02 (see Appendix C), charter schools were required create re-opening plans and plans for Path Forward Programs of Distance Education for the 2021-22 school year.

Re-opening plans for all SPCSA sponsored charter schools can be found on the SPCSA website:  
[https://charterschools.nv.gov/News/2020/SPCSA\\_School\\_Reopening\\_Plans/](https://charterschools.nv.gov/News/2020/SPCSA_School_Reopening_Plans/)

## Appendix B: Stakeholder Input of the Development of this Plan

Throughout 2020 and early 2021, the SPCSA has engaged with stakeholders on numerous occasions to understand the impacts of the COVID-19 pandemic and inform our actions. When schools closed in March of 2020, the SPCSA initiated a communications strategy whereby each school leader was assigned an SPCSA Liaison who regularly spoke to the school leader to discuss recent developments, understand challenges the school was facing, address questions that the school leader had, and collect information to monitor school operations. Internally, SPCSA Liaisons met regularly, at first twice per week, to discuss common themes, challenges, and questions. Information collected through these SPCSA Liaisons informed the actions and priorities of the SPCSA. In addition, the SPCSA's Executive Director regularly held "All School Calls" to share important updates and answer questions. Many of the topics addressed in the All School Calls were informed by the trends observed by the SPCSA Liaisons. In addition, twice during the 2021-22 school year, the SPCSA's Executive Director held a series of Focus Groups with school leaders and board chairs to gather input and inform key decision points. While these activities were not specifically intended to gather input on the SPCSA's Plan for the Safe Return to In-Person Instruction, the information collected has inherently shaped the work over the last year and the contents of this plan.

In developing the SPCSA's Plan for the Safe Return to In-Person Instruction, public comment was sought during the State Public Charter School Authority (SPCSA) board meeting on April 23, 2021. In addition, the SPCSA launched two surveys seeking input from parents, families, educators, students and community members. The first survey was open from April 16 through May 7, 2021. The second survey was available in both English and Spanish from June 2 through June 15, 2021. In addition to using this survey data to inform this plan, the SPCSA disseminated the data to each school to help inform their planning. The SPCSA also held a special meeting of our Community Working Group which is comprised of community and business leaders, representatives from local municipalities, representatives from the charter school community, and education representatives from local school districts and the Nevada Department of Education.

### Board Meeting on April 23, 2021

During the Board Meeting on April 23, 2021, the SPCSA heard from three school leaders regarding the challenges they see within their school community and how they are planning to address these needs through federal emergency funds. Additionally, four individuals provided public comment regarding the Plan for the Safe Return to In-Person Instruction either in writing or during the meeting. The minutes from that meeting can be found here:

<https://charterschools.nv.gov/uploadedFiles/CharterSchoolsnvgov/content/News/2021/210423-April-23-Final-Minutes.pdf>



## Survey

The SPCSA launched two surveys seeking input from parents, families, educators, students and community members. The first survey was open from April 16 through May 7, 2021. The second survey was available in both English and Spanish from June 2 through June 15, 2021. In total, the SPCSA received 2,609 responses to these surveys. A breakdown of participants by role and school is provided below:

Role	Participants
Charter School Board Member	2
Charter School Staff	358
Charter School Parent	2116
Charter School Staff and Parent	18
Charter School Student	100
Member of the Public	9
Other/Did not indicate	6
<b>Total</b>	<b>2609</b>

Charter School	Participants
Alpine Academy	3
Amplus Academy	2
Coral Academy of Science - Las Vegas	3
Democracy Prep	1
Discovery Charter School	12
Doral Academy of Nevada	803
Doral Academy of Northern Nevada	111
Elko Institute for Academic Achievement	3
Freedom Classical Academy	20
GALs	5
Imagine Schools at Mountain View	80
Leadership Academy of Nevada	2
Legacy Traditional	24
Mater Academy	40
Mater Academy of Northern Nevada	13
Nevada Preparatory Charter School	2
Nevada Rise Academy	1
Pinecrest Academy	447

Charter School	Participants
Pinecrest Academy of Northern Nevada	99
Quest Academy	2
Silver Sands Montessori	2
Somerset Academy of Las Vegas	746
Sports Leadership and Management Academy	73
More than 1 school	21
Did not indicate	94
<b>Total</b>	<b>2609</b>

Survey Participants provided substantial information regarding the successes and challenges of returning to in-person learning, as well as priorities going forward. The major themes are summarized below by stakeholder group:

**Charter School Parents and Family Members:**

- The vast majority of parent/family respondents indicated that full-time in person instruction is a priority for the upcoming school year. A number of parents spoke about the challenges of distance learning and hybrid learning, and some referenced the particular challenge of these learning models with multiple children.
- Some individuals indicated that they are not yet ready for their child to return to school in person and that they would like choices regarding learning model going into the next school year.
- In addition, many indicated that health and safety are top priority. A range of strategies were referenced in responses including cleaning and sanitation, use of temperature checks or symptom screeners, maintaining small class sizes, handwashing, face masks, social distancing, minimizing visitors, use of Personal Protective Equipment (PPE), and ensuring sick students are sent home from school.
- A number of respondents indicated that they are concerned about children being required to wear masks and suggested that face coverings not be required in schools. Some requested that schools provide mask breaks during the school day. However, there were also many respondents that indicated that face coverings should be a priority.
- Several respondents indicated that promoting vaccines should be a priority. Additionally, some parents/family members indicated vaccines should be mandatory for those that are eligible, while other indicated that vaccines should not be mandatory.
- Many parents and family members wrote about the need for students to engage with their peers.
- Additionally, many parents and family members indicated concerns for students social, emotional, and mental wellbeing. Several responses indicated that counselors and support staff should be a priority.
- Many respondents wrote about the importance of quality education and helping students to catch up on content they missed during the last school year.

- Many parent and family respondents indicated they have been very satisfied with their child's school and school staff.
- Additionally, many parents and family members indicated that strong communication from schools to parents is critical.
- Many respondents wrote about the importance of teachers and other staff members. Some indicated that more staff should be hired to reduce staff to student ratios while others wrote about increases to staff pay.
- Several respondents wrote about the importance of ensuring that students have access to technology, ensuring that teachers have quality curricular materials, and providing professional development and tutoring to bridge the gap from the 2020-21 school year.

### **Charter School Staff**

- Many school staff members indicated that providing full time, in-person instruction for all students is a priority for the upcoming school year. Many staff members wrote about the importance of address learning gaps through high quality, face-to-face instruction.
- Additionally, many school staff indicated that health and safety are a top priority, pointing to COVID-19 mitigation measures such as face coverings, sanitation, small class sizes, reducing class rotations, social distancing, access to COVID-19 testing, personal protective equipment, ensuring that sick students and staff stay home, and the recommendations outlined by the CDC.
- Some respondents indicated that mask and social distancing requirements posed challenges for schools and teachers, and that either alternatives such as mask breaks should be implemented or that these requirements should be lifted.
- Many school staff members wrote about the challenges of teaching through a distance education or hybrid model this year. Some also suggested that distance education should not be offered in the upcoming school year.
- Many school staff members indicated that a top priority is addressing student learning gaps. Some respondents suggested hiring additional staff to support this effort and reduce the student to teacher ratio. Other suggested ensuring that teachers are adequately compensated.
- Many school staff members indicated concerns about student and staff social, emotional, and mental health. Some suggested strategies such as professional development on trauma informed instruction and/or social emotional learning.
- Several school staff members indicated that vaccinations are a priority. In some cases, respondents wrote that they believe that vaccines should be mandatory, while others indicated that they should not be mandatory.
- Several school staff members indicated that they want to ensure that students continue to have access to technology going forward.
- Several school staff members wrote about the importance of including the school community, staff, students, and families, in major school decisions.

### **Charter School Students:**

- Many students indicated that they want to return to school in-person. One student pointed out that many of his/her peers had a hard time during distance learning, but that returning to school has had a positive effect on student wellbeing. Additionally, a few students indicated that they would like to return in person but maintain one day a week of distance learning.

- Many students indicated that safety was a priority for in-person learning, pointing to a variety of COVID-19 mitigation measures such as masks, social distancing, temperature checks, small class sizes, ensuring sick students do not come to school, and alerting students when they may have been exposed to an individual that tested positive. A few students specifically said that one of their priorities was not to get COVID-19 and to protect their family members from getting COVID-19.
- Some students also indicated that social distancing and masks have been a challenge. For example, a student indicated that it can be hard to hear their teacher through a mask.
- Several students indicated that vaccines should be a priority.
- Several students indicated that distance and hybrid learning can be challenging. A few specific reasons were listed including inconsistent internet access, which can lead to missing zoom lessons, and teachers having to split their attention between in-person students and online students.
- Several students indicated that their priority is academics, some specifically stating that they wanted to get better grades.
- Other students indicated that other components of school, such as socializing, specials classes, and recess were priorities.
- Additionally, some students indicated that mental health is a priority.

#### **Charter School Board Members:**

- The board members both indicated a need to return to “normal” but to continue practicing reasonable health and safety precautions.
- One board member indicated that hybrid instruction is a challenge for working parents. Additionally, teachers have been strained by having to provide both virtual and in-person instruction.

#### **Members of the Public**

- Several members of the public wrote about the importance of student health and safety. In some cases, respondents pointed to a variety of COVID-19 mitigation measures such as masks and social distancing. In addition, some mentioned the importance of vaccinations.
- A few members of the public wrote about the importance of social and emotional well-being of students as well as providing access to quality social and emotional learning opportunities in schools.
- A few members of the public wrote about the importance of in-person learning and access to hands-on resources for students to ensure that schools can close learning gaps for students.
- Some members of the public wrote about the importance of ensuring adequate pay for educators.

## Community Working Group

The SPCSA's Community Working Group is comprised of community and business leaders, representatives from local municipalities, representatives from the charter school community, and education representatives from local school districts and the Nevada Department of Education. The purpose of the Community Working Group is to provide input on how charter schools and the SPCSA can partner with communities and stakeholders to meet educational needs. This includes an explicit focus on equitable access and creating school environments that support the needs of diverse learners.

The Community Working Group met on Thursday, June 10, 2021 to provide input on the SPCSA's Plan for the Safe Return to In-Person Instruction and priorities for the use of emergency funding. Six members joined the meeting, and others who were unable to join were encouraged to complete the SPCSA's survey. These members bring a range of expertise including family engagement, education, school leadership, serving homeless students, serving students with disabilities, and city planning. Below is a summary of the input they provided:

- Thus far, school re-openings have shown that students and school staff can adhere to COVID-19 mitigation measures.
- As students have returned to in-person learning the social engagement has been a huge positive. They are happy to be back with their peers and teachers.
- Schools must plan for welcoming students back at the beginning of the year and be prepared to support students who have experienced loss and/or trauma.
- There may be a number of students who are disengaged from school. Targeted efforts to locate and reengage these students are needed.
- It will be important for schools to assess student academic levels early. Schools should focus on accelerating learning by teaching on-grade level content, while bridging gaps, rather than strictly focusing on remediation.
- Schools will need to have robust plans to support the social and emotional wellbeing of students, families and staff. This may also include a need for additional wrap around services such as transportation, enrichment programs, and childcare.
- Schools need to evaluate the need for providing compensatory services to special education students who may not have received services during the pandemic. They also need to consider evaluating or re-evaluating students and emphasizing a return to pre-pandemic service levels.
- Some students may have moved during the pandemic or may not be living in stable housing. Schools need a plan to identify and reach out to these students so they can provide appropriate supports.
- Many high school students have been working during the pandemic to contribute to their family's' income and/or provide childcare for younger siblings. Schools may need to think creatively about how to ensure these students can return to school while supporting family needs.
- Many educators are burnt out, so there is a need to ensure they are supported and sufficiently compensated.
- We need the community, including agencies and the media, to provide clear messages about the importance of returning to in-person instruction.
- The pandemic has required increased and different engagement between educators and families. Learning from and building on this increased family engagement can help to improve

outcomes for students and ensure parents are equipped to help their child be successful in school.

- Schools and districts need strong leadership and flexibility. They will need to be creative in developing solutions and while holding true to foundational strategies that are proven. Schools must learn from the last year and incorporate these lessons as they move forward.

Appendix C: Guidance Memorandum 21-02

Steve Sisolak  
Governor

Jhone M. Ebert  
Superintendent of  
Public Instruction



Southern Nevada Office  
2080 East Flamingo Rd,  
Suite 210  
Las Vegas, Nevada 89119-0811  
Phone: (702) 486-6458  
Fax: (702) 486-6450

**STATE OF NEVADA**  
**DEPARTMENT OF EDUCATION**  
700 E. Fifth Street | Carson City, Nevada 89701-5096  
Phone: (775) 687-9200 | www.doe.nv.gov | Fax: (775) 687-9101

**GUIDANCE MEMORANDUM 21-02**

**TO:** All School District Superintendents  
Charter School Sponsors

**FROM:** Jhone M. Ebert, Superintendent of Public Instruction

**DATE:** May 28, 2021

**SUBJECT:** Guidance for 2021-22 School Year Reopening

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

---

*This guidance supersedes all previous guidance issued by the Nevada Department of Education (NDE or Department) related to Path Forward Programs of Distance Education, existing authority for which expires at the end of the 2020-21 extended school year.*

**Background**

On April 19, 2021, Governor Sisolak issued [Declaration of Emergency Directive 044](#) requiring the Superintendent of Public Instruction to update the requirements and provide written guidance to county school districts and State and district sponsored charter schools (“districts and schools”) regarding reopening plans and plans for Path Forward Programs of Distance Education for the 2021-22 school year.

This memo describes the requirements for offering distance education during the 2021-22 school year. To support districts and schools in planning ahead, the final section of this memo provides background information regarding the reopening plans federally required under the American Rescue Plan (ARP) Act.

**In-Person Instruction**

In accordance with [Directive 044](#), effective May 1, 2021, authority for managing certain COVID-19 mitigation measures is delegated to district leaders and charter school sponsors. Superintendents and charter school sponsors (“LEA leaders”) may determine capacity limits, social distancing protocols, and sanitation protocols for school transportation, spaces within school buildings or on school grounds, and for public gatherings and events of up to 250 people.<sup>1</sup> LEA leaders should make these decisions in consultation with staff and families as well as local public health authorities.

**Path Forward Programs of Distance Education**

Given local control over mitigation requirements, it is anticipated that districts and schools will open for

---

<sup>1</sup> Public gatherings and events of over 250 people organized or hosted by districts or schools or in school buildings or on school grounds require a Large Gathering Plan pursuant to Directives 044 and 041.



the 2021-22 school year with the capacity to offer in-person learning to all students. However, due to the need to accommodate student and family health and safety concerns and the potential need for students to have access to education while under quarantine, Section 15 of Directive 044 requires that all districts and schools provide a distance education option for students throughout the remainder of the Governor's Declaration of Emergency in response to COVID-19. Therefore, all districts and schools must submit a Plan for a Path Forward Program of Distance Education for the 2021-22 school year and the accompanying certification as described below. This requirement does not apply to programs of distance education as approved by NDE in accordance with Nevada Administrative Code (NAC) 388.830.

Distance education options must be available to all students, regardless of their public school of enrollment, if they have documentation from a medical professional related to a condition that would be compromised by attending school in-person or if they are quarantined on the advice of local public health officials. In addition, county school districts must provide distance education options to any student based on parent/guardian request through a process to be established by the district. County school districts may restrict entry into and exit from distance education to certain times within the academic year (i.e., beginning/end of quarter, semester, etc.)

### **Minimum Requirements for Path Forward Programs of Distance Education**

In implementing Path Forward Programs of Distance Education, districts and schools must ensure students participating in distance education have access to the technology necessary to participate in distance education, such as access to a computer and internet connectivity, or plan to provide accommodations for students without access to such technology. Districts and schools must provide opportunities for distance education as follows:

- (1) Any district or charter school student who has documentation from a medical professional related to a condition that would be compromised by attending school in-person or is quarantined on the advice of local public health officials must have an opportunity to access and participate in distance education.
- (2) All county school district students must have an ability to access and participate in distance education at the request of their parent/guardian through a process to be established by the district.

In addition, districts and schools must implement Path Forward Programs of Distance Education as follows:

- (1) A licensed teacher or substitute teacher must 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 internet service results in an inability to be contacted, a licensed teacher or licensed substitute teacher must attempt contact via other means (e.g., home visit) once per week and maintain a record of attempts.
- (2) The program of instruction must provide appropriate education for English Learners, students with Individualized Education Programs, and students with 504 Plans.
- (3) Licensed teachers and/or licensed substitutes must be accessible to students through the internet or by telephone during the school's regularly scheduled instructional hours.
- (4) Students participating in distance education must receive access to the nutrition services to which they are entitled.
- (5) Districts and schools must use a consistent method in Infinite Campus for recording contact with students participating in distance education, which may include students demonstrating regular weekly progress in their classwork that can be verified through a learning management system.

No later than July 14, 2021:

- School district superintendents must submit the signed certification form attached via email to

Amelia Thibault at [acthibault@doe.nv.gov](mailto:acthibault@doe.nv.gov). District plans describing their approach to Path Forward Programs of Distance Education must be incorporated into the federally required LEA Plans for Safe Return to In-Person Instruction and Continuity of Services, described in more detail below.

- Charter school leaders must submit the signed certification and their Plans for Path Forward Programs of Distance Education to their sponsor; sponsoring authorities will compile and transmit the forms and plans to the Department.

### ***Hybrid Learning***

For the purposes of this guidance, “hybrid learning” is defined as any arrangement under which a district or 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 schools may, but are not required to, consider the following approaches to implementing hybrid learning:

- Prioritizing in-person instruction for students most negatively impacted by COVID-19, including students from families experiencing poverty, students of color, English learners, students with disabilities, students experiencing homelessness, children and youth in foster care, and migratory students;
- Evaluating students’ Individualized Education Programs or 504 Plans to determine whether the provision of services requires in-person instruction or interaction;
- 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 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***

Daily attendance must be taken for all modes of learning: in-person, hybrid, and full distance, except for schools that have approved Programs of Distance Learning per NAC 388.830. Schools with approved Programs of Distance Learning may continue to take attendance per NAC 387.193.

*Daily attendance* may be satisfied in any of the following ways:

- (1) The student is physically present; and/or
- (2) The pupil makes 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
- (3) The pupil participates in a real-time (synchronous) class session; and/or
- (4) 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 a pupil participating in distance education full- or part-time demonstrates any one of the four criteria, the pupil is considered present for the full day. If the pupil does not demonstrate at least

one of the four criteria, they are considered absent for the full day.

### **Federally Required Plan for Safe Return to In-Person Instruction and Continuity of Services**

This section of the document is informational to provide LEAs with context that may inform the process used by LEAs to formulate and finalize their Plans for Path Forward Programs of Distance Education.

On April 22, 2021, U.S. Department of Education (USED) published an [interim final rule](#) (IFR) related to the implementation of the American Rescue Plan (ARP) Act. Per USED requirements, LEAs must either:

- (a) Within 30 days of receipt of ARP Elementary and Secondary School Emergency Relief (ESSER) funds, develop and make publicly available on the LEA’s website a plan for the safe return to in-person instruction and continuity of services; or
- (b) Have developed and made publicly available on the LEA’s website such a plan that meets statutory requirements before the enactment of the ARP Act, which must be revised no later than six months after it was last reviewed.

Given the USED guidance regarding LEA Plans for Safe Return to In-Person Instruction and Continuity of Services (“LEA Plans for Safe Return”), it is anticipated that all LEAs<sup>2</sup> must update or replace their 2020-21 reopening plans (as previously required by Emergency Directive 022) to meet the statutory requirements of the ARP Act.

The IFR regarding the LEA Plans for Safe Return is excerpted below for your ease of reference:

“First, the requirement clarifies that an LEA’s plan must include how it will maintain the health and safety of students, educators, and other school and LEA staff, and the extent to which it has adopted policies, and a description of any such policies, on each of the CDC’s safety recommendations including:

- Universal and correct wearing of masks;
- Modifying facilities to allow for physical distancing (e.g., use of cohorts/podding);
- Handwashing and respiratory etiquette; cleaning and maintaining healthy facilities, including improving ventilation; contact tracing in combination with isolation and quarantine, in collaboration with the State, local, territorial, or Tribal health departments;
- Diagnostic and screening testing;
- Efforts to provide vaccinations to school communities;
- Appropriate accommodations for children with disabilities with respect to health and safety policies; and
- Coordination with State and local health officials.

“Second, the requirement further clarifies that the plan must describe how the LEA will ensure continuity of services, including but not limited to services to address students’ academic needs and students’ and staff social, emotional, mental health and other needs, which may include student health and food services.

“Third, the requirement provides that, during the period of the ARP ESSER award established in section 2001(a) of the ARP Act (i.e., until September 30, 2023), an LEA must periodically, but no less frequently than every six months, review and, as appropriate, revise its plan. Consistent with section 2001(i)(2) of the ARP Act, which requires an LEA to seek public comment on the development of its plan, an LEA must seek public input and take such input into account in determining whether to revise its plan and, if it determines revisions are necessary, on the

---

<sup>2</sup> Districts that do not receive ARP ESSER funds via the Title I methodology do not have to complete LEA Plans for Safe Return and instead must submit a memo to the Department briefly describing their Path Forward Program of Distance Education.

revisions it makes to its plan, i.e., the LEA must seek public input on whether to revise its plan and on any revisions to its plan no less frequently than every six months (taking into consideration the timing of significant changes to CDC guidance on reopening schools). The requirement clarifies that, if the LEA revises its plan, the revised plan must address each of the aspects of safety currently recommended by the CDC or, if the CDC has updated its safety recommendations at the time the LEA is revising its plan, each of the updated safety recommendations. The requirement also clarifies that an LEA that developed a plan prior to enactment of the ARP Act that meets the requirements under section 2001(i)(1) and (2) of the ARP Act but does not address each of the required aspects of safety established in this requirement must, as part of the required periodic review, revise its plan consistent with these requirements no later than six months after it last reviewed its plan.

“Fourth, under the requirement, the plans must be: In an understandable and uniform format; to the extent practicable, written in a language that parents can understand or, if not practicable, orally translated; and upon request by a parent who is an individual with a disability, provided in an alternative format accessible to that parent.”

In addition, the [Frequently Asked Questions](#) document released by USED on May 26, 2021 indicates that “an LEA may use ESSER and GEER funds to engage the public on the development of the safe return to in-person instruction plan and for conducting active and sustained engagement with the school community. This includes using funds to cover the costs of conducting ongoing outreach, paying for translating and interpreting services as needed to ensure effective communication with individuals with limited English proficiency, providing reasonable accommodations such as interpreters and written materials in alternate formats for individuals with disabilities upon request, holding public meetings (including virtually), and conducting surveys of families, students, educators, and other staff to better understand their perceptions, needs, and concerns.”

### **Next Steps Regarding ARP ESSER**

- *Application Opens June 14, 2021:* NDE has requested an extension from USED to release the ARP ESSER application on June 14. This request was made with our LEAs in mind as, once we release the application it will start the 30-day window for LEAs to complete their Plans for Safe Return and 90-day window to complete ARP ESSER Funding plans.
- *LEA Plans for Safe Return Due July 14, 2021:* LEA Plans for Safe Return will be submitted via ePAGE and will be due per federal requirements no later than July 14.
- *LEA ARP ESSER Funding Plans Due September 10, 2021:* NDE is in the process of finalizing an ARP ESSER Resource Guide to support LEAs in creating plans and applying for ARP ESSER funds. LEA plans for ARP ESSER funds are distinct and have a separate set of federal requirements than LEA Plans for Safe Return to In-Person Instruction and Continuity of Services. LEA ARP ESSER funding plans will be due in ePAGE September 10.

If you have any questions related to this guidance, please contact Chief Strategy Officer Jessica Todtman at [jtodtman@doe.nv.gov](mailto:jtodtman@doe.nv.gov) or 702-757-7203.

Appendix D: Guidance for 2021-22 School Year Reopening and Plath Forward Distance Education Plans

Steve Sisolak  
Governor

STATE OF NEVADA

Rebecca Feiden  
Executive Director



STATE PUBLIC CHARTER SCHOOL AUTHORITY

1749 North Stewart Street Suite 40  
Carson City, Nevada 89706-2543  
(775) 687-9174 · Fax (775) 687-9113

2080 East Flamingo Road Suite 230  
Las Vegas, Nevada 89119-5164  
(702) 486-8895 · Fax (702) 486-5543

---

GUIDANCE MEMORANDUM

---

**TO:** Charter School Leaders  
**FROM:** Rebecca Feiden, Executive Director  
**SUBJECT:** Guidance for 2021-22 School Year Reopening and Path Forward Distance Education Plans  
**DATE:** June 11, 2021

---

As charter schools plan for the 2021-22 school year, there are several important requirements that must be met:

- Charter Schools are responsible for determining certain COVID-19 mitigation measures<sup>1</sup> and therefore, must develop plans for how they will ensure the safe reopening of school buildings. This plan addresses health and safety as well as how the school will respond to the impact of COVID-19 on students' opportunity to learn.
- Pursuant to [Emergency Directive 044](#) and guidance provided by the Nevada Department of Education on May 28, 2021, charter schools must develop Path Forward Program Distance Education Plans for the 2021-22 school year. This plan addresses how the school will provide distance education to students who are unable to learn in person. These students must provide documentation from a medical professional related to a condition that would be compromised by attending school in-person or be quarantined on the advice of local public health officials.
- [Senate Bill 215](#) from the 2021 Legislative Session now requires the governing body of each charter school to “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.” This plan must be submitted to the charter school sponsor and provided to the school community, parents and school employees. This plan

---

<sup>1</sup> Section 8 of Emergency Directive 044

establishes an emergency distance learning plan to be implemented in the event of a major emergency.

In an effort to streamline the planning process, the SPCSA is recommending that schools create a single “2021-22 School Year Plan” that meets all of these requirements. Below is an outline of the key information that, at minimum must be included in the 2021-22 School Year Plan in order to fulfill all three of the requirements outlined above:

Topic	Key Information to Address
<b>In-Person Learning: Health and Safety</b>	<ul style="list-style-type: none"> <li>• How will the school maintain the health and safety of students, educators, and other school staff?</li> <li>• How is the school addressing key CDC recommendations including:               <ul style="list-style-type: none"> <li>○ Use of face coverings;</li> <li>○ Handwashing and respiratory etiquette;</li> <li>○ Cleaning and maintaining healthy facilities, including improving ventilation;</li> <li>○ Contact tracing;</li> <li>○ Diagnostic and screening testing;</li> <li>○ Efforts to increase access and awareness to vaccinations; and</li> <li>○ Appropriate accommodations for children with disabilities with respect to health and safety policies.</li> </ul> </li> </ul>
<b>In-Person Learning: Student and Staff Wellbeing</b>	<ul style="list-style-type: none"> <li>• How will the school meet students’ social, emotional, mental and physical health needs and provide access to a safe and inclusive learning environment?</li> <li>• How will the school support educator and staff well-being?</li> </ul>
<b>In-Person Learning: Accelerating Student Learning</b>	<ul style="list-style-type: none"> <li>• How will the school address the impact of COVID-19 on students’ opportunity to learn, including implementing strategies for accelerating learning, effectively using data, and addressing resource inequities?</li> </ul>
<b>Distance Education: Students unable to participate in-person</b>	<ul style="list-style-type: none"> <li>• How will the school ensure that any student who falls into the one of the categories listed below is able to participate in distance education that meets the requirements established for a Path Forward Programs of Distance Education<sup>2</sup>?               <ul style="list-style-type: none"> <li>○ Students who have documentation from a medical professional related to a condition that would be compromised by attending school in-person</li> <li>○ Students who are quarantined on the advice of local public health officials</li> </ul> </li> </ul>

<sup>2</sup> See Guidance Document 21-02 for details regarding the requirements for Path Forward Programs of Distance Education

Topic	Key Information to Address
<b>Distance Education: Emergency Closure</b>	<ul style="list-style-type: none"> <li>• How will the school ensure that all students are able to continue to learn through distance education in the event that school must be closed due to the effects of the COVID-19 pandemic or another major emergency that necessitates the closure of school?</li> </ul>
<b>Distance Education: Supporting Students</b>	<ul style="list-style-type: none"> <li>• How will the school ensure continuity of services, including access to necessary technology and resources, special education and EL services, and nutrition services, for students participating in distance education?</li> </ul>

The SPCSA recommends that schools develop and submit a single plan that addresses all of the topics listed above, but schools may, alternatively, submit multiple separate plans that when combined, cover these basic requirements. In addition, schools may choose to address additional topics not listed within this memo.

### Resources

The following resources may be useful to schools in developing their 2021-22 School Year Plan:

- [COVID-19 Handbook Volume 1: Strategies for Safely Reopening Elementary and Secondary Schools](#)
- [COVID-19 Handbook, Volume 2: Roadmap to Reopening Safely and Meeting All Students' Needs](#)
- [Operational Strategy for K-12 Schools through Phased Prevention](#)