

The Nevada Department of Education (NDE) continues to work closely with local, State, and federal officials to address questions/circumstances related to COVID-19. If there is a conflict between the content of this FAQ and prior guidance, the information in this document shall prevail. Please note that this document may be superseded by future directives or guidance.

Planning for Reopening

Q1: Who has the authority to make determinations regarding whether districts/schools will provide in-person instruction, distance education, or a combination thereof?

A: Districts and schools shall monitor local and statewide COVID-19 data and community transmission rates and consult with local public health officials when making determinations regarding instructional delivery models. How districts/schools will approach instruction for the 2020-21 school year should be addressed in their reopening plan, which must be approved by their governing body no later than 20 days prior to the first scheduled day in session.

In [comments](#) delivered to the press on July 27, 2020, Governor Sisolak indicated that health officials are working on a more in-depth, data driven set of criteria that will be used to identify counties and/or communities at an elevated risk for transmission of COVID-19. Those criteria, once public, may have an implication for the permissibility of providing in-person instruction in certain communities that would shift local decision making.

Finally, Governor Sisolak retains the authority under the State of Emergency to make a statewide determination regarding school building closures based on public health conditions as was the case in March 2020.

Q2: We already received governing body approval for our reopening plan. Based on the revised protocols under Directive 028, do we need to receive approval for an amended plan 20 days prior to our first day in session?

A: No, districts/schools do not need to receive approval for an amended plan 20 days prior to the first day in session, but they do need to bring amended plans to their governing body for approval and re-submit such plans to Nevada Department of Education (NDE) upon approval.

For additional clarification: districts/schools that have already received approval of their reopening plans and submitted such plans to the Nevada Department of Education have met the requirements of Section 1 of [Directive 022](#). However, it is recommended that districts and schools continue to update their plans based on directives, local conditions, and/or emerging public health guidance to ensure preparedness and transparency. When updated plans receive governing body approval, they must be submitted to NDE (via email to acthibault@doe.nv.gov).

Q3: If we decide to provide full-time distance education to all students, do our school facilities have to be closed to students, staff, and the public?

A: Not necessarily. There are a number of reasons students and staff may need access to school buildings while implementing distance education full-time. For example, school facilities may be used to continue to prepare and distribute food and/or to distribute devices to support distance learning. In

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In addition, while all employers in the State are encouraged to implement teleworking to the maximum extent practicable, districts/schools may opt to allow staff to use school facilities to deliver distance education or carry out their essential job functions.

To the extent possible, activities such as food distribution should minimize close interaction among people and take place outdoors where the risk of transmission is diminished.

In consultation with families, staff, and local public health officials, districts/schools should continue to provide in-person services to students based on needs identified in an Individualized Education Program as long as social distancing, face covering, handwashing, and sanitation measures continue to be upheld.

Q4: Are districts/schools required to continue to provide a free appropriate public education (FAPE) to students with disabilities if we are implementing distance education full-time?

A: Yes. If a district/school shifts to distance education to slow or stop the spread of COVID-19, the district/school must ensure that students with disabilities also have equal access to the same opportunities, including the provision of FAPE. Districts and schools must ensure that, to the greatest extent possible, each student with a disability can be provided the special education and related services identified in the student's IEP or a 504 plan. Please refer to U.S. Department of Education [supplemental fact sheet](#) and [questions and answers](#) on providing services to children with disabilities during the COVID-19 pandemic.

If a student does not receive services while a district/school is implementing distance education or closed due to health and safety concerns, a student's IEP team (or appropriate personnel under Section 504) must make an individualized determination whether and to what extent compensatory services may be needed, consistent with applicable requirements, including to make up for any skills that may have been lost.

Health & Safety Standards: Social Distancing, Gatherings, and Hygiene

Q5: Do district/school employees have to wear face coverings? Do students?

A: Yes. Per Section 4 of [Directive 028](#), all school staff must wear cloth face coverings at all times (with the exception of eating and drinking), unless they have a documented medical vulnerability that would be exacerbated by wearing a cloth face covering on file with their employer, or can produce documentation from a medical professional AND receive approval for the exemption from the district/building leader or director of human resources.

K-12 students (regardless of their age) must wear a mask at all times (with the exception of eating and drinking) unless they have a medical vulnerability that would be exacerbated by wearing a cloth face covering documented in an existing Individualized Education Program (IEP) or 504 plan, or they produce documentation from a medical professional AND receive approval for the exemption from the district/building leader.

All other adults – parents, visitors, vendors, volunteers, and guests – must wear masks at all times when on school buses, in school buildings, or on school campuses. If non-staff adults are unable or unwilling to wear cloth face coverings, they should not be allowed on school buses, in school buildings,

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or on school campuses, regardless of whether they have a medical exemption.

Plastic face shields are *not* an allowable substitute for cloth face coverings and must be accompanied by a fabric face covering if worn.

Q6: Guidelines indicate that establishments may operate at 50% maximum capacity. Does that mean we can hold a class or gathering in a large space that includes more than 50 people?

A: No. The 50-person limitation on gatherings trumps all other guidelines and protocols; even if you have a room at your school site that could hold 100 people at 50% capacity, you may only have 50 people gathered in a single space at a time. Note that the 50% maximum capacity must be applied to each space (e.g., classroom, office, etc.) within the building.

Districts/schools may seek approval for a variance from occupancy standards and may receive approval if they can demonstrate that the standards impermissibly restrict educational opportunities and the community transmission risk is sufficiently low such that it can be determined that implementing the variance will not endanger students or staff.

Q7: Guidelines limit private and public gatherings to 50 or fewer people, unless individuals live in the same household. Does this mean that only 50 or fewer people can be on school grounds or in a school building at a time?

A: No. In a school setting, limits on gatherings should apply to spaces/areas within school facilities, rather than an entire school site. For example, no more than 50 individuals should be in a single office suite, classroom, gymnasium, or other confined space at a single time, and social distancing protocols should be strictly followed. If more than one group is using a shared space that is large enough to allow for students in all groups and their respective learning spaces to be six feet apart, then multiple groups of individuals can be in a space together. However, each group must be separated from the other by at least 30 feet and the total number of individuals must not exceed 50.

When more than 50 people are gathering on a school site for different purposes, plans should be put in place to minimize crowding in hallways or restrooms and individuals should be instructed to use specific exits and entrances so screening and cleaning protocols can be implemented. One-way hallways may be implemented to organize flow and maintain social distancing.

In addition, maximum capacity within each space (e.g., classroom, office, etc.) must be limited to 50% of the fire code capacity for that space.

Q8: Can partner organizations use district/school sites and, if so, for what purposes?

A: Districts/schools may decide the extent to which the use of district/school grounds by partner organizations, external entities, and community members is practicable/allowable.

Districts/schools should ensure all guidelines regarding maximum capacity of spaces, social distancing, and cleaning/hygiene are followed in such cases.

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Q9: Can districts/schools implement requirements that are stricter than what is included in this guidance?

A: Yes, local entities can impose stricter requirements than the statewide standards. They cannot impose less strict requirements without an approved variance.

Q10: What do we do if a student, staff, or community member tests positive for COVID-19 or has come in contact with someone who has tested positive?

A: When a positive, presumptive positive, or exposure to a COVID-19 case has occurred, districts/schools should consult with local public health officials and refer to [Centers for Disease Control \(CDC\) guidance](#) on quarantine and isolation, CDC [Considerations for Schools](#), CDC [Considerations for School Closure](#), and [CDC FAQs for Administrators](#). The State Department of Health and Human Services and the local health districts are updating outbreak protocols that district/school personnel can use as a reference for the 2020-21 school year, but such guidance does not eliminate the need to coordinate with local public health officials in order to ensure contact tracing and other protocols are followed.

Variance Requests

Q11: For which protocols will the State Chief Medical Officer consider approving variances?

A: While NDE has been working closely with district and school leaders to develop guidance and resources throughout the COVID-19 pandemic, we cannot anticipate the myriad of ways districts/schools may choose to design and implement reopening plans. We are willing to consider all reasonable requests, which will be reviewed for potential risk relative to each requestor's local context.

Q12: What is the turnaround time on a variance request?

A: NDE is working in close coordination with the Department of Health and Human Services (DHHS) to continue to support districts/schools in ensuring safe and healthy learning and working environments. NDE has secured a single point of contact at DHHS who understands the need for and urgency of variance requests. Once NDE has received the request, we may reach out to the district/school contact for additional details or clarification. When the variance request is considered complete by NDE, it will be forwarded to the State Chief Medical Officer for review and potential approval. Our intent is that the turnaround time on a clear and complete variance request will be 72 hours or less.

Q13: Can we request variances from social distancing requirements?

A: Yes. Per [Emergency Directive 028](#), the social distancing requirements are as follows:

- (1) For pre-school, elementary and middle school students, not less than 3 feet apart from other pre-school, elementary, or middle school students;
- (2) For high school students and adult school staff at all levels, including pre-school, elementary, and middle school in including teachers and other staff, not less than 6 feet apart from all other individuals;
- (3) Regardless of age, for all passengers on school buses while on school buses 3 feet apart from other passengers and 6 feet apart from the driver.

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Social distancing requirements are in addition to other measures to reduce transmission such as hand washing, universal masking, and sanitation measures. Requestors are encouraged to clearly explain the need for the variance as well as specify the additional measures they will put in place to reduce potential transmission risk when implementing the variance.

Q14: What if my variance is approved, but local public health officials indicate that we are out of compliance with the Governor's Directives?

A: Local public health officials have ultimate authority to implement health and safety standards that are stricter than the statewide standards. Therefore, it is highly recommended that districts/schools consult with local public health officials before submitting a variance request. Even if a variance request is approved by the State Chief Medical Officer, local public health officials may set policy to supersede the variance.

Q15: Under what circumstances would an approved variance be revoked?

A: Variances are approved based on the local health conditions and circumstances at the time the variance request is made and reviewed. Therefore, a variance may be revoked if a determination is made that the continued implementation of the variance would pose a risk to the health and safety of students, staff, and families. NDE will review approved variances on at least a monthly basis, but may do so more frequently based on changes in public health conditions.

Instructional Time & Attendance

Q16: Will school districts have the flexibility to make calendar adjustments as needed to implement different approaches to socially distant instruction (e.g., rotating cohorts of students, blended instruction, etc.)?

A: [Emergency Directive 005](#), Section 11 delegated the Superintendent of Public Instruction the authority to allow county school districts and charter schools to modify existing calendars and granted the Superintendent of Public Instruction the authority to approve calendars that fail to comply with the provisions of NAC 387.120 or NAC 387.125. In addition, through guidance promulgated on June 24, 2020, NDE provided flexibility for districts/schools to convert up to five instructional days into additional professional development days.

Additionally, Section 11 of [Emergency Directive 028](#) newly delegated the Superintendent the authority to approve calendars that fail to comply with the provisions of NAC 387.131, which is related to instructional minutes. The Nevada Department of Education will continue its work with district/school leaders to ensure that flexibility is created where necessary for districts/schools to carry out safe, efficient, and equitable reopening plans, which may include updated guidance on school calendars.

Q17: Why is there a requirement for daily contact in a distance education setting if attendance is being tracked weekly?

A: NDE [Guidance Memo 20-05](#) indicates that, when districts/schools are implementing *Path Forward Programs of Distance Education*, a licensed teacher or substitute teacher must attempt to contact each student via electronic means (e.g., virtual meeting, online learning platform, etc.) or by telephone at

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least once per instructional day; if a student's lack of access to a telephone or phone service results in an inability to be contacted, a licensed teacher or substitute teacher will record attempted contact once per week. In accordance with Section 6 of Directive 28, districts/schools are encouraged to leverage the capacity and time of all of the adults within their system to support student engagement, learning, and progress.

We know that implementing distance education can be stressful for educators, staff, students, and their families. We also know that for some students, schools may be safe havens. As a result, NDE has set the expectations noted above regarding contact to ensure that students are in touch with an adult who cares about them on a daily basis. This will continue to support the social-emotional health and academic growth of Nevada's students and should mitigate the issues that occurred in Spring of 2020 during which some students were not in contact with their schools for the duration of the school building closures.

Travel

Q18: Are district/school employees and students allowed to travel within Nevada for school/work-related purposes?

A: Yes. When planning travel, districts/schools should take into consideration the risks of staff and students spending extended periods of time in confined spaces between destinations. All social distancing protocols should be followed.

Q19: Are district/school employees and students allowed to travel outside of Nevada for school/work-related purposes?

A: No. Prevailing State guidelines direct Nevadans to avoid non-essential travel and adhere to self-quarantine and monitor health for 14 days after arriving or returning to Nevada. School- and district-sponsored out-of-state travel should be suspended until further notice. You may also wish to refer to the [May 29 travel advisory](#) issued by the Governor as well as [CDC guidance](#).

Q20: Are Nevada districts/schools allowed to host events with districts/schools from other states?

A: As of the [travel advisory](#) released on May 29, 2020, Nevada continues to strongly discourage those who have tested positive for COVID-19 and have not yet recovered, those who have been presumptively diagnosed with COVID-19, and those who are exhibiting COVID-19 symptoms from traveling to the State at this time. Additionally, Nevada recommends all travelers review [CDC travel guidelines](#), including restrictions on travelers from certain foreign countries from entering the United States.