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April 28, 2020

MEMORANDUM

TO: Nevada School District Superintendents and Charter Directors
Nevada School District and Charter School Title III Directors

FROM: Jonathan P. Moore, Ed.D.
Deputy Superintendent of Student Achievement 

SUBJECT: COVID-19 and English Learners Provisional Identification

Introduction

This memorandum provides an update to the [information](#) that was sent to Nevada Title III Directors on March 18, 2020, located under the COVID-19 - EL Guidance and Resources on the Nevada Department of Education (NDE) English Language Learners (ELL) website.

That memorandum provided information and resources that outlined the general responsibilities of a local educational agency (LEA) during the emergency closure of school buildings caused by the Coronavirus Disease of 2019 (COVID-19) to students identified as English Learners (ELs) as defined in section 8101(20) of the Every Student Succeeds Act (ESSA) and outlined in Chapter 388 of the Nevada Revised Statutes (NRS) and Chapter 388 of the Nevada Administrative Code (NAC).

The U.S. Department of Education recently stated in [Addressing the Risk of COVID-19 in Schools While Protecting the Civil Rights of Students](#): “School districts and postsecondary schools have significant latitude and authority to take necessary actions to protect the health, safety, and welfare of students and school staff. School officials have discretion to make educational decisions based on local health needs and concerns, and OCR recognizes this decision-making authority. As school leaders respond to evolving conditions related to coronavirus, they should be mindful of the requirements of Section 504, Title II, and Title VI, to ensure that all students are able to study and learn in an environment that is safe and free from discrimination.” In sum, consistent with federal and state civil rights laws, school districts must continue to provide services to English learners, consistent with the need to protect the health and safety of students and staff.

Provisional English Learner Identification Procedure

The Nevada Department of Education (NDE) has developed a provisional procedure that local education agencies are to implement in determining English learner identification and services for grades K-12 during the period of school closure as a result of the COVID-19 pandemic. The [Nevada Provisional Identification and Placement Procedures](#) for Nevada English Learners During Periods of Extended School Closures Due to COVID-19 - Grades: K-12 document is available on the Nevada Department of Education website, under the COVID 19 - EL Guidance & Resources section.

The following information provides guidance for the provisional identification of English learners during the emergency closure of school buildings caused by the Coronavirus Disease of 2019. The guidance information also includes resources for administrators, teachers and parents. During the COVID-19 emergency closure of school buildings, the approved English language proficiency (ELP) screeners may not be administered remotely. When regular schooling resumes, potential English learners, identified by the provisional identification process, will need to take the approved Nevada English Language Proficiency (ELP) screeners. Districts and charter schools must continue to identify the home language of all enrolling students using the Home Language Survey. This document provides guidance for using the Home Language Survey along with a parent/guardian and student interview to determine if the student is potentially an English learner and to determine the temporary EL programming in the best interest of the English learner. LEAs need to consider the parent/guardian preferred language of communication and provide for a language interpreter to assist with the interview, when needed.

After the emergency school closure period has ended, this guidance is no longer valid. At that time, all districts must return to the former standardized guidance for identification of English learners which includes identification and screening.

English Learners and Equity

It is important to remember that identifying students for EL programming is a matter of equity. States, districts and charter schools have clear obligations under civil rights laws to identify qualifying students for EL programming. Any student whose primary home language is not English and who has not yet reached proficiency in English has the right to participate in EL programming. As LEAs provide services to the general student population during this emergency closure of school buildings (outside of periods already designated for spring break), the LEA will need to consider ways to deliver services to English learners to meet their English language development and academic achievement needs. The NDE has provided additional teaching/learning resources for English learners on the [NDE English Language Learners \(ELL\)](#) website under the COVID 19 - EL Guidance & Resources section.

As more information becomes available, the Office of Student and School Success (OSSS) will provide further technical assistance and clarification to assist LEAs in fulfilling their unique responsibilities to English learners during this emergency school closure. For questions, please contact Karl Wilson, Assistant Director, Office of Student and School Supports, kwilson@doe.nv.gov.