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COVID-19 and English Learners Provisional Identification Amendment

TO: All Local Education Agency Title III Directors

FROM: Karl Wilson, Assistant Director, Nevada Department of Education

DATE: June 30, 2020

RE: Update: COVID-19 and English Learners Provisional Identification Amendment

Introduction

This memorandum provides notification to local education agencies (LEAs) of an amendment to the previous [NV Provisional Identification of English Learners](#) issued by the Nevada Department of Education (NDE) sent to Nevada Title III Directors on April 10, 2020. That guidance memorandum provided information that outlined the general responsibilities of LEAs during the emergency closure of school buildings resulting from 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).

On June 9, 2020, Governor Sisolak issued a Declaration of Emergency Directive 022 authorizing the re-opening of schools and requiring school districts and charter schools to develop plans for reopening school buildings, providing instruction, and related activities, based on Nevada's Path Forward: A Framework for a Safe, Efficient, and Equitable Return to School Buildings and any subsequent guidance issued by the Nevada Department of Education (NDE).

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

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

Each of these scenarios is addressed in the *Guidance for Path Forward Programs of Distance Education*, [Path Forward Programs of Distance Education](#).

Amended Guidance

This memorandum defines additional flexibility in the provisional identification of English learners during the summer interim and reopening school period for the various scenarios of the *Path Forward Programs of Distance Education*. The various scenarios for reopening schools, as specified in Governor Sisolak's Directive 022, and the availability of qualified staff during the summer interim to identify provisional English learners necessitate the need for additional guidance to LEAs and SPCSA charter schools.

Since the state of Nevada utilizes the WIDA Screener (which must be administered in person) and LEAs typically have few contracted staff during the month of July, the NDE hereby provides LEAs and SPCSA charter schools the flexibility to use the results of the Home Language Survey (HLS) without conducting a student and parent/guardian interview to temporarily designate a student as a provisional English learner. This flexibility will be effective for the period starting July 1, 2020 through the date of school reopening for the 2020–2021 school year.

When regular schooling resumes, LEAs will be required to administer the approved WIDA English language proficiency screeners to students who were identified as provisional English learners to determine if the student qualifies as an English learner. NDE recognizes that some LEAs may face challenges in administering numerous WIDA screeners with limited staff and facility capacity in a short period of time. NDE encourages LEAs and SPCSA charter schools to begin the formal assessment of provisional English learners during Phase 2, summer school/program reopening or in the interim summer period of school closure in accordance with their approved school re-opening plan and CDC guidelines.

As more information becomes available, the Office of Student and School Supports (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, Office of Student and School Supports, karlwilson@doe.nv.gov.

Educationally Yours,

Karl Wilson, Education Programs Supervisor
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Nevada Department of Education