

KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

Topic: Approval of Emergency Regulation 702 KAR 1:191E, District Employee Quarantine Leave

Date: August 2021

Action Requested: Review Action/Consent Action/Discussion

Held In: Full Board Curriculum, Instruction and Assessment Operations

SUMMARY OF ISSUE BEFORE THE BOARD:

To review and approve the emergency regulation 702 KAR 1;191E, which provides school district employees leave days when they are quarantined due to COVID-19 during the 2021-2022 school year.

COMMISSIONER’S RECOMMENDATION:

The Commissioner recommends approval of 702 KAR 1:191E to provide local school district employees with paid leave when they are subject to quarantine due to exposure to COVID-19 during the 2021-2022 school year. The promulgation of this emergency regulation is necessary to meet an imminent threat to public health, safety or welfare; and to protect human health.

APPLICABLE STATUTE OR REGULATION:

KRS 156.070, 156.160

BACKGROUND:

Existing Policy:

KRS 156.160(1)(l) requires the Kentucky Board of Education to promulgate regulations for:

The fixing of holidays on which schools may be closed and special days to be observed, and the pay of teachers during absence because of sickness or quarantine or when the schools are closed because of quarantine;

KRS 156.160(1)(h) provides the Kentucky Board of Education with authority to promulgate administrative regulations “necessary or advisable for the protection of the physical welfare and safety of the public school children.”

Currently, there is no regulation relating to leave for quarantine. This regulation establishes quarantine leave due to COVID-19 exposure for the 2021-2022 school year only.

Summary of the Issues:

As the 2021-2022 school year begins, Kentucky is once again experiencing a rise in COVID-19 cases. Many of these cases are the highly contagious Delta variant. The increase in cases seems to primarily impact the unvaccinated, and while the Pfizer vaccine has been approved for

children as young as twelve (12) years old, no vaccines are yet approved for kids under twelve. Additionally, Kentucky's population is nearing 50% fully vaccinated; while a few counties have almost 60% of their population vaccinated, other counties have vaccination rates as low as twenty percent. As such, local school districts and school district employees are rightly concerned with how COVID-19 will impact district operations over the next school year.

The proposed regulation, provides relief to local school district employees quarantined due to COVID-19 exposure. It provides paid leave days to vaccinated employees placed in quarantine by a medical provider, a public health department or by the school district. The regulation permits a district to require written proof of quarantine from the employee. Quarantine leave does not apply to active COVID-19 infections. The regulation grants the district discretion to determine whether an employee can perform their job functions remotely. If a district so-determines, then the employee may work remotely and no leave days are required. Finally, Leave days do not accumulate or carry over beyond the 2021-2022 school year.

Budget Impact:

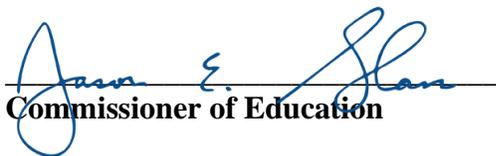
The budget impact is indeterminable at this time. Costs will depend on the number of employees placed in quarantine and any additional costs related to substitute employees.

GROUPS CONSULTED AND BRIEF SUMMARY OF RESPONSES:

The proposed regulation was reviewed at the August 3, 2021 Local Superintendents Advisory Council (LSAC).

CONTACT PERSON(S):

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Commissioner of Education

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