

**KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE**

**Topic:** Emergency Amendment to 702 KAR 7:140, School Calendar  
**Date:** August 2020  
**Action Requested:**  Review  Action/Consent  Action/Discussion  
**Held In:**  Full Board  Curriculum, Instruction and Assessment  Operations

**SUMMARY OF ISSUE BEFORE THE BOARD:**

To review the proposed emergency amendment to 702 KAR 7:140 which permits an additional 30 minutes to be counted towards instructional hours for activities conducted by local school districts related to the Novel Coronavirus (COVID-19).

**COMMISSIONER’S RECOMMENDATION:**

The Commissioner recommends approval of the emergency amendment to 702 KAR 7:140 to permit an additional maximum of 30 minutes to be counted towards the required 1,062 instructional hours each year for activities conducted by local school districts related to the COVID-19. The promulgation of this emergency regulation is necessary to meet an imminent threat to public health, safety or welfare; to protect human health; and to prevent loss of state funds.

**APPLICABLE STATUTE OR REGULATION:**

KRS 156.070, 156.160, 157.320, 158.060, 158.070. KRS 13A.190(1)(a) and KRS 39A.180 authorizes the promulgation of administrative regulations to effectuate Executive Order 2020-243.

**BACKGROUND:**

*Existing Policy:*

On March 6, 2020, Governor Andy Beshear signed Executive Order (EO) 2020-215 declaring a State of Emergency created by the COVID-19. In response to this emergency situation, all school districts closed schools to in-person classes beginning the week of March 16, 2020. On March 18, 2020, Governor Beshear entered EO 2020-243 which encouraged all Kentucky citizens take feasible measures to engage in appropriate social distancing as recommended by the Centers for Disease Control and Prevention (CDC) and Kentucky Department of Public Health (KDPH). Further, EO 2020-243 ordered the Kentucky Department of Education (KDE) to take steps to ensure appropriate social distancing, including permitting educational requirements to be satisfied through online courses, to the extent practicable. EO 2020-243 suspended statutes requiring physical presence of participants in meetings or interactions. Kentucky public schools remained closed to in-person classes for the remainder of the 2019-2020 school year to prevent the spread of COVID-19. As local school districts prepare for reopening of the 2020-2021 school year, additional flexibility measures are needed for local school district operations.

*Summary of Issue:*

702 KAR 7:140 provides for the establishment of school calendars and the requirements of local school districts for the use of the school day within the school calendars. It does not currently anticipate any amount of time for increases in responsibilities due to COVID-19 related activities to be applied toward instructional hours. Local school districts, as a result of public health expectations and guidance provided by the KDPH and KDE, will operate their schools and districts in a different manner in order to mitigate the spread of COVID-19. Districts are preparing for operations which include additional cleaning and sanitizing, instructing students on the use of masks and social distancing, hand washing, temperature taking and other activities that will require additional time to more safely move students and staff within their facilities. An additional 30 minutes of time, which may be permitted to count towards instructional hours, would allow districts the flexibility to utilize the extra minutes during the day at the times most beneficial for their particular district; in turn, this would not extend the length of the overall day. An extension of the overall school day would result in additional logistical concerns for administrators, teachers and parents. For example, district transportation services will already be impacted by COVID-19 procedures. As a result, an extension of the overall school day would likely further disrupt district transportation.

*Budget Impact:*

There is no impact on KDE funds related to the approval of the amendment to 702 KAR 7:140.

**GROUPS CONSULTED AND BRIEF SUMMARY OF RESPONSES:**

Local school district staff, including Superintendents and District Pupil Personnel, provided feedback in support of the proposed amendment. This proposal also will be presented to the Local Superintendent’s Advisory Committee (LSAC) at its July 28 meeting for consideration and feedback. Feedback from the LSAC should be received by the August board meeting.

**CONTACT PERSON(S):**

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**Interim Commissioner of Education**

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