

STATEMENT OF CONSIDERATION
Relating to 702 KAR 1:190E
District Employee Emergency Leave

Kentucky Board of Education
Department of Education

Not Amended After Comments

I. A public hearing was scheduled for the above regulation on October 22, 2020 at 10:00 a.m. eastern time at the Kentucky Department of Education, 300 Sower Boulevard, Frankfort, Kentucky, but was cancelled because no one registered to attend.

II. The following individuals submitted written comments:

<u>Name</u>	<u>Title and Affiliation</u>
Kerri Shelling	Executive Director, Kentucky School Boards Assoc

III. The following people from the promulgating administrative body responded to written comments:

<u>Name and Title</u>
Todd Allen, General Counsel, Office of Legal Services
Robin Fields Kinney, Associate Commissioner, Office of Finance and Operations
Matthew Ross, Executive Advisor, Office of Finance and Operations

IV. Summary of Comments and Responses

(1) Subject Matter: Entire Regulation

(a) Comments: The Kentucky School Boards Association (KSBA) provided a comment in support of the entire regulation as filed and effective on August 12, 2020. KSBA noted that the regulation “provides flexibility to local school boards to address employees possibly needing additional forms of leave for reasons tied to the COVID-19 pandemic.” The commenter believes that the approach taken in the regulation as filed “is preferable to any uniform statewide approach.” KSBA explained that local school boards often levy additional local taxes in order to provide competitive pay to its employees which exceeds the pay offered to employees of other entities, including the Kentucky Department of Education. As such, the commenter believes that local school boards should be permitted to determine the emergency leave it will grant to employees in light of the paid by local boards. KSBA commented that the regulation as filed take the same approach as Senate Bill 177 which was passed by the General Assembly unanimously. KSBA thanked the Kentucky Board of Education for moving swiftly to adopt the regulation in light of the expiration of Senate Bill 177. It noted that “this topic of additional paid

leave was the single topic of foremost concern for our educators statewide[...] KSBA believes this has successfully addressed the uncertainty for all of us.” Commenter did not recommend any changes to the regulation.

(b) Response: The agency appreciates the thorough review and comment in support of the regulation. No amendments will be made in response to the comment.

Summary of Statement of Consideration
And Action Taken by Promulgating Administrative Body

A public hearing was scheduled for the above regulation on October 22, 2020 at 10:00 a.m. Eastern Time at the Kentucky Department of Education, 300 Sower Boulevard, Frankfort, Kentucky, but was cancelled because no one registered to attend. Written comments were accepted through October 31, 2020. The agency responded to the comments and will not amend the administrative regulation.