

KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

Topic: Approval of Emergency Regulation 702 KAR 7:125E, Pupil Attendance

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 amendment to 702 KAR 7:125, which will allow COVID-19 quarantined and isolated students to receive educational services while enabling school districts to include such students in Average Daily Attendance (ADA) during the 2021-2022 school year.

COMMISSIONER'S RECOMMENDATION:

The Commissioner recommends approval of 702 KAR 7:125E to enable local school districts to provide instructional services to COVID-19 quarantined and isolated students 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, KRS 13A.190(1)(a).

BACKGROUND:

Existing Policy:

Under existing law, local school districts do not have a mechanism to provide instructional services to and receive funding for students on quarantine or in isolation due to the COVID-19 pandemic. Students under quarantine or isolation are simply considered absent. 702 KAR 7:125 generally requires in-person attendance in order for students to be included in a district's ADA for Support Education Excellence in Kentucky (SEEK) funding purposes. The current regulation contains several exceptions to the in-person attendance requirement, including for students participating in 4-H club, armed forces basic training, educational enhancement opportunities, etc. Additionally, on May 18, 2021, the KBE approved a waiver request from numerous school districts to waive the in-person attendance requirement of 702 KAR 7:125 to allow districts to provide virtual programs. The proposed amendment would permit districts to provide instructional services to students in quarantine or isolation and include those students in district ADA.

Summary of the Issues:

As the 2021-2022 school year quickly approaches, 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 are rightly concerned with how COVID-19 will impact student learning over the next school year. Of particular concern, is how students subject to quarantine or isolation due to COVID-19 will receive instructional services? Under current law, students at home due to quarantine or isolation would be an excused absence. Such students would not receive instruction and would be expected to make up missed work. The proposed amendment to 702 KAR 3:270, the pupil attendance regulation, will allow districts to provide educational services to students in quarantine or isolation equivalent to the statutory minimum school day and permit districts so-doing to include those students in their ADA. Thus, allowing students the benefit of instruction and funding for districts providing such services.

Budget Impact:

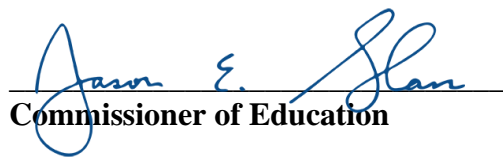
The budget impact is indeterminable at this time. ADA fluctuations of a few percentage points will not impact KDE or a district's budget greatly. However, large quarantine numbers over extended periods of time may impact KDE's budget.

GROUPS CONSULTED AND BRIEF SUMMARY OF RESPONSES:

The proposed regulation was reviewed and approved at the July 27, 2021 Local Superintendents Advisory Council (LSAC).

CONTACT PERSON(S):

Robin Fields Kinney,
Associate Commissioner
Office of Finance and Operations
Robin.Kinney@education.ky.gov
(502) 564-1976


Commissioner of Education

Category:	<input type="checkbox"/> Educator Workforce Diversity	<input type="checkbox"/> Portrait of a Graduate Partnerships	<input type="checkbox"/> Racial Equity
	Commitment	<input type="checkbox"/> Student-Centered Accountability System	<input type="checkbox"/> Early Childhood <input checked="" type="checkbox"/> District Support