

## KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

**Topic:** Approval of 702 KAR 1:191, 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 regulation 702 KAR 1:191, which provides school district employees leave days when they are quarantined due to infectious or contagious disease exposure. This regulation is a companion to the emergency regulation, 702 KAR 1:191E related to COVID-19 quarantine. This ordinary regulation will remain after the expiration of the emergency regulation.

### COMMISSIONER'S RECOMMENDATION:

The Commissioner recommends approval of 702 KAR 1:191 to provide local school district employees with paid leave when they are subject to quarantine due to exposure to infectious or contagious disease exposure.

### 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 as required pursuant to KRS 156.160.

#### *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 placed in quarantine due to infectious or contagious disease exposure. This regulation is a companion to the emergency regulation, 702 KAR 1:191E related to COVID-19 quarantine, filed contemporaneously. The ordinary regulation will remain effective after the expiration of the emergency regulation. The ordinary regulation provides paid leave days to employees placed in quarantine by a medical provider or a public health department. To be eligible, the employee must have exhausted all accumulated sick leave. The regulation permits a district to require written proof of quarantine from the employee. It 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 year-to-year and are not transferable.

***Budget Impact:***

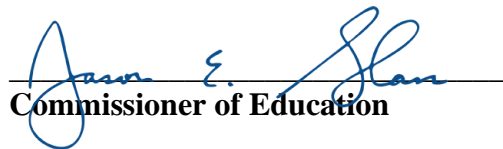
The budget impact is indeterminable at this time. Costs will depend on the number of employees placed in quarantine and any additional costs related to substitute employees.

**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

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

