

STATEMENT OF CONSIDERATION
RELATING TO 702 KAR 1:191E

Kentucky Board of Education, Department of Education
(Not Amended After Comments)

I. A public hearing was held for the above regulation on September 30, 2021 at 10:30 a.m. Eastern Time at the Kentucky Department of Education, 300 Sower Boulevard, Fifth Floor, Frankfort, Kentucky.

II. The following individuals attended this public hearing or submitted written or verbal comments:

<u>Name</u>	<u>Title and Affiliation</u>
Bridgette Ehly	Unspecified
Amanda Satterly	Accounting Clerk, Jefferson County Public Schools

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

Name and Title

Matt Ross, Executive Advisor, Office of Finance and Operations
Todd Allen, General Counsel, Office of Legal Services
Lindsey Swartz, Staff Attorney, Office of Legal Services

IV. Summary of Comments and Responses

(1) Subject Matter: Opposition to the regulation's vaccination requirement

(a) The commenter believes the regulation's requirement that employees must be vaccinated to be eligible for quarantine leave should be removed from the regulation because the vaccines are unsafe and dangerous for certain individuals.

(b) Response: The agency carefully reviewed this comment and will not be amending the regulation. The regulation provides quarantine leave for vaccinated employees and includes exceptions for employees that are medically unable to receive a COVID-19 vaccine or that have a sincerely held religious objection to the vaccines. The vaccination requirement is consistent with Centers for Disease Control (CDC) recommendations that individuals be vaccinated against

the COVID-19 virus. Employees choosing not to receive a vaccine may use sick days for quarantine. Further, districts may provide employees with additional leave as part of fringe benefits.

(2) Subject Matter: Quarantine leave for employees with COVID-19

(a) Comments: The commenter believes the regulation should include a requirement that local school districts provide additional leave days for employees that test positive for COVID-19.

(b) Response: The agency carefully reviewed this comment and will not be amending the regulation. The regulation provides leave for school district employees that are placed in quarantine due to COVID-19. Prior to the promulgation of this regulation, there was no leave specifically for an employee in quarantine. The regulation was never intended to address employees that are diagnosed with COVID-19. Rather, school districts are statutorily required to provide employees with a minimum of ten (10) sick days. School districts may provide additional sick days as well as other types of leave as a fringe benefit to employees. School districts bear the cost of employee leave, and the decision whether to provide additional leave is a district decision.

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

The public hearing on this administrative regulation was held September 30, 2021 at 10:30 a.m., Eastern Time in the State Board Room, Fifth Floor, Kentucky Department of Education, 300 Sower Boulevard, Frankfort, Kentucky. The agency responded to the comments and will not be amending the administrative regulation.