

1 EDUCATION AND WORKFORCE DEVELOPMENT CABINET

2 Kentucky Board of Education

3 Department of Education

4 (Amended After Comments)

5 702 KAR 1:191. District Employee Quarantine Leave.

6 RELATES TO: KRS 156.160, 160.290, 161.155

7 STATUTORY AUTHORITY: KRS 156.070, 156.160

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160 requires the Kentucky Board  
9 of Education to promulgate administrative regulations establishing standards which school  
10 districts shall meet in student, program, service, and operational performance, including  
11 regulations for the protection of the physical welfare and safety of public school children, as well  
12 as the pay of teachers during absence because of sickness or quarantine. KRS 156.070 provides  
13 the Kentucky Board of Education with the management and control of the common schools and  
14 all programs operated in those schools. KRS 160.291 authorizes fringe benefit payments by local  
15 boards of education which are deemed to be for services rendered for the benefit of the common  
16 schools. This administrative regulation establishes paid quarantine leave to employees in the  
17 event of quarantine due to infectious or contagious disease exposure.

18 Section 1. Quarantine Leave. (1) Each district board of education shall adopt policies providing  
19 each eligible full or part-time employee in the school district **at least ten (10) days paid leave**  
20 **per school year for**~~[paid leave during the period the employee is ordered to]~~ quarantine due to  
21 **exposure to a reportable** infectious or contagious disease **under 902 KAR 2:020 or any other**  
22 **infectious or contagious disease designated as reportable to a local health department or**  
23 **the Department for Public Health by a valid order or administrative regulation of the local**

1 **health department serving the school district or the Department for Public**  
2 **Health**[exposure]. This leave shall be in addition to any other leave provided by statute or board  
3 policy.

4 (2) In order to be eligible for leave under this section, the employee shall:

5 (a) Be ordered to quarantine **by a licensed treating physician, physician's assistant, or**  
6 **advanced practice registered nurse, the Department for Public Health, or a local health**  
7 **department** due to **exposure to a reportable** infectious or contagious disease **under 902 KAR**  
8 **2:020 or any other infectious or contagious disease designated as reportable to a local**  
9 **health department or the Department for Public Health by a valid order or administrative**  
10 **regulation of the local health department serving the school district or the Department for**  
11 **Public Health** [exposure by a treating medical professional, a public health department, or the  
12 Department for Public Health]; and

13 (b) Have exhausted all accumulated sick leave provided to the employee pursuant to KRS  
14 161.155 and local board of education policies, or be ineligible to utilize accumulated sick leave  
15 provided to the employee pursuant to KRS 161.155 and local board of education policies.

16 (3) A school district **shall**[may] require the employee to provide written documentation from the  
17 entity ordering the employee to quarantine due to exposure to **a reportable** infectious or  
18 contagious disease **under 902 KAR 2:020 or any other infectious or contagious disease**  
19 **designated as reportable to a local health department or the Department for Public Health**  
20 **by a valid order or administrative regulation of the local health department serving the**  
21 **school district or the Department for Public Health.**

1 (4) A school district, at its discretion, may determine quarantine leave pursuant to the section is  
2 unnecessary when an employee can fulfill his or her job duties remotely during the quarantine  
3 period.

4 (5) Leave granted pursuant to this section **shall be on a day-by-day basis, as needed, and** shall  
5 not accumulate or carry over year-to-year, and shall not be transferrable to any other  
6 classification of paid leave established by KRS 161.155, KRS 161.154, or local board of  
7 education policy.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Jason E. Glass, Ed.D.  
Commissioner & Chief Learner

\_\_\_\_\_  
(Date)

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Lu Young, Chairperson  
Kentucky Board of Education

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

702 KAR 7:191

Contact Person: Todd G. Allen, Todd.allen@education.ky.gov

Phone Number: 502-564-4474

- (1) Provide a brief summary of:
  - (a) What this administrative regulation does:

The proposed regulation establishes a minimum of ten days of paid leave for local school district employees in the event of a quarantine order due to exposure to infectious or contagious disease.

- (b) The necessity of this administrative regulation:

KRS 156.160(1)(l) requires the Kentucky Board of Education to promulgate administrative regulations for the “pay of teachers during absence because of sickness or quarantine.” KRS 161.155(2) provides sick leave to school district employees upon certification that “the teacher or employee was ill, that the teacher or employee was absent for the purpose of attending to a member of his or her immediate family who was ill, or for the purpose of mourning a member or his or her immediate family.” As such, a school district employee who is asymptomatic and undiagnosed with an infectious or contagious disease, yet subject to a quarantine order by a licensed treating physician, physician’s assistant, or advanced practice registered nurse, the Department for Public Health, or a local health department, may not meet the requirements set forth in KRS 161.155(2) to utilize sick leave.

- (c) How this administrative regulation conforms to the content of the authorizing statutes:

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.”

This regulation establishes the leave requirements for quarantine due to infectious or contagious disease.

- (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This regulation establishes the leave requirements for quarantine due to infectious or contagious disease pursuant to KRS 156.160(1)(l). Furthermore, this regulation provides a leave mechanism for school district employees subject a quarantine order who are otherwise ineligible for sick leave.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

N/A. This is a new regulation.

(b) The necessity of the amendment to this administrative regulation:

N/A.

(c) How the amendment conforms to the content of the authorizing statutes:

N/A.

(d) How the amendment will assist in the effective administration of the statutes:

N/A.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

Local school districts, local school district employees.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

This administrative regulation requires school districts to adopt local policies providing at least ten days of leave for employees subject to quarantine due to infectious or contagious disease who have either exhausted all sick leave or are ineligible to utilize sick leave.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

School districts will incur the cost of any leave provided pursuant to the administrative regulation, in addition to the cost of any necessary substitute. Total costs will be dependent on the number of employees subject to quarantine orders due to exposure to reportable infectious or contagious disease. However, costs are mitigated by requiring employees to exhaust or be ineligible for sick leave, and by allowing school districts to direct employees to work remotely when feasible.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

Districts will be able to provide employees with at least ten days of paid leave per school year when the employee is required to quarantine due to infectious or contagious disease exposure. Furthermore, this regulation ensures that school district employees are not faced with the decision of complying with a quarantine order or being absent without leave, furthering the safety and

welfare of public school children.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially:

School districts will incur the cost of any leave provided pursuant to the administrative regulation, in addition to the cost of any necessary substitute. Total costs will be dependent on the number of employees subject to quarantine orders due to exposure to infectious or contagious disease. However, costs are mitigated by requiring employees to exhaust or be ineligible for sick leave, and by allowing school districts to direct employees to work remotely when feasible.

(b) On a continuing basis:

School districts will incur the cost of any leave provided pursuant to the administrative regulation, in addition to the cost of any necessary substitute. Total costs will be dependent on the number of employees subject to quarantine orders due to exposure to infectious or contagious disease. However, costs are mitigated by requiring employees to exhaust or be ineligible for sick leave, and by allowing school districts to direct employees to work remotely when feasible.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

General funds and federal COVID-19 relief funds (e.g. Coronavirus Aid, Relief, and Economic Security (CARES) Act, Coronavirus Response and Relief Supplemental Appropriations (CRSSA) Act, and the American Rescue Plan (ARP) Act) when permissible.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change, if it is an amendment:

No additional fees or funding are anticipated to implement this regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

There are no fees associated with this regulation.

(9) TIERING: Is tiering applied?

Tiering is not applied. This regulation applies uniformly to all school districts.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 702 KAR 7:191

Contact Person: Todd G. Allen, Todd.allen@education.ky.gov  
Phone Number: 502-564-4474

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

Local school districts.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

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) requires the Kentucky Board of Education to promulgate regulations for “the protection of the physical welfare and safety of the public school children.”

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

School districts will incur the cost of any leave provided pursuant to the administrative regulation, in addition to the cost of any necessary substitute. Total costs will be dependent on the number of employees subject to quarantine orders due to exposure to infectious or contagious disease. However, costs are mitigated by requiring employees to exhaust or be ineligible for sick leave, and by allowing school districts to direct employees to work remotely when feasible.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

This regulation will not generate revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

This regulation will not generate revenue.

(c) How much will it cost to administer this program for the first year?

School districts will incur the cost of any leave provided pursuant to the administrative regulation,

in addition to the cost of any necessary substitute. Total costs will be dependent on the number of employees subject to quarantine orders due to exposure to infectious or contagious disease. However, costs are mitigated by requiring employees to exhaust or be ineligible for sick leave, and by allowing school districts to direct employees to work remotely when feasible.

(d) How much will it cost to administer this program for subsequent years?

School districts will incur the cost of any leave provided pursuant to the administrative regulation, in addition to the cost of any necessary substitute. Total costs will be dependent on the number of employees subject to quarantine orders due to exposure to infectious or contagious disease. However, costs are mitigated by requiring employees to exhaust or be ineligible for sick leave, and by allowing school districts to direct employees to work remotely when feasible.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): N/A

Expenditures (+/-): Unknown

Other Explanation:

Specific dollar estimates cannot be determined. The cost of the program is indeterminable and will depend on the numbers of employees placed in quarantine and costs related to obtaining substitute employees where appropriate.