

STATEMENT OF CONSIDERATION
RELATING TO 702 KAR 1:191

Kentucky Board of Education, Department of Education
(Amended After Comments)

I. A public hearing was scheduled for the above regulation on October 26, 2021 at 10:00 a.m. Eastern Time at the Kentucky Department of Education, 300 Sower Boulevard, Fifth Floor, Frankfort, Kentucky, but was cancelled because no one registered to attend. However, a written comment was received during the public comment period.

II. The following individual submitted written comments:

<u>Name</u>	<u>Title and Affiliation</u>
Kerri Schelling	Executive Director, Kentucky School Boards Association

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: Possible abuse and misuse of regulation

(a) The commenter believes the regulation is ripe for abuse or misuse because it lacks specificity regarding the diseases that qualify an employee for quarantine as well as it fails to limit the types of medical providers that may place an employee in quarantine.

(b) Response: The agency carefully reviewed this comment and will amend the regulation to specify that an employee must be exposed to a reportable contagious or infectious disease included in 902 KAR 2:020 or any other infectious or contagious disease designated as reportable to a local health department or the Department for Public Health by a valid order or

administrative regulation of the local health department serving the school district or the Department for Public Health. Further, the agency is amending the regulation to limit the providers that may place an employee in quarantine to licensed treating physician, physician's assistant, or advanced practice registered nurse, the Department for Public Health, or a local health department.

(2) Subject Matter: Clearly define the infectious or contagious diseases that give rise to the quarantine leave.

(a) Comments: The commenter believes the regulation lacks specificity regarding the diseases that qualify an employee for quarantine leave.

(b) Response: The agency carefully reviewed this comment and will amend the regulation to specify that an employee must be exposed to a reportable contagious or infectious disease included in 902 KAR 2:020 or any other infectious or contagious disease designated as reportable to a local health department or the Department for Public Health by a valid order or administrative regulation of the local health department serving the school district or the Department for Public Health.

(3) Subject Matter: Clearly define the entities that may order an employee to quarantine.

(a) Comments: The commenter believes the regulation fails to clearly state the medical providers that can place an employee into quarantine.

(b) Response: The agency carefully reviewed this comment and will amend the regulation to limit the entities that may place an employee in quarantine to a licensed treating physician, physician's assistant, or nurse practitioner, the Department for Public Health, or a local health department.

(4) Subject Matter: Require written documentation of quarantine.

(a) Comments: The commenter believes the regulation should mandate school districts require written documentation of quarantine from employees. The regulation currently permits districts to require employees provide written documentation, but it does not require the district receive written proof.

(b) The agency carefully reviewed this comment and will amend the regulation to require districts receive written documentation of quarantine for employees.

(5) Subject Matter: Limit the period of quarantine leave.

(a) Comments: The commenter believes that the quarantine leave available under the regulation be limited and suggests ten (10) days of leave per school year and that the leave be provided on a day-by-day basis, as needed.

(b) The agency carefully reviewed this comment and will amend the regulation to require a district to provide eligible employees at least ten (10) days per school year to be provided on a day-by-day, as needed basis to eligible employees.

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

The public hearing on this administrative regulation was scheduled for October 26, 2021 at 10:00 a.m., in the State Board Room, Fifth Floor, Kentucky Department of Education, 300 Sower Boulevard, Frankfort, Kentucky, but was later cancelled due to no notice of anticipated attendees. One written comment was received. The agency responded to the comment and amends the administrative regulation as follows:

Page 1
Section 1
Line 19

After “district” insert the following:

at least ten (10) days paid leave per school year for

Delete “paid leave during the period the employee is ordered to”.

Page 1
Section 1
Line 20

After “to”, insert “**exposure to a reportable**”.

Page 1
Section 1
Line 21

After “disease” insert the following:

under 902 KAR 2:020 or any other infectious or contagious disease designated as reportable to a local health department or the Department for Public Health by a valid order or administrative regulation of the local health department serving the school district or the Department for Public Health

After “**Health**” delete “exposure”.

Page 2
Section 1
Line 5

After “quarantine” insert the following:

by a licensed treating physician, physician’s assistant, or nurse practitioner, the Department for Public Health, or a local health department

Page 2
Section 1
Line 6

After “to” insert “**exposure to a reportable**”.

Page 2
Section 1
Line 7

After “disease” insert the following:

under 902 KAR 2:020 or any other infectious or contagious disease designated as reportable to a local health department or the Department for Public Health by a valid order or administrative regulation of the local health department serving the school district or the Department for Public Health

Page 2
Section 1
Line 11

Delete “exposure by a treating medical professional, a public health department, or the Department for Public Health”.

Page 2
Section 1
Line 16

After “district”, insert “**shall**”.

Delete “may”.

Page 2
Section 1
Line 17

After the second occurrence of “to”, insert “**a reportable**”.

Page 2
Section 1
Line 18

After “disease” insert the following:

under 902 KAR 2:020 or any other infectious or contagious disease designated as reportable to a local health department or the Department for Public Health by a valid order or administrative regulation of the local health department serving the school district or the Department for Public Health

Page 3
Section 1
Line 4

After “section” insert the following:

shall be on a day-by-day basis, as needed, and