

902 KAR 2:220. School notification standards related to COVID-19.

RELATES TO: KRS 158.160, 214.010, 214.020

STATUTORY AUTHORITY: KRS 158.160(1), 194A.050(1), 211.025, 211.180(1)(e), 214.020

NECESSITY, FUNCTION, AND CONFORMITY: KRS 158.160(1) authorizes the Cabinet for Health and Family Services to promulgate an administrative regulation to define medical conditions that threaten the safety of students or others in a school setting. KRS 211.180(1)(e) authorizes the cabinet to formulate, promote, establish, and execute policies, plans, and comprehensive programs relating to all matters of public health, including the protection and improvement of the health of infants, preschool, and school-age children. This administrative regulation establishes the school notification standards for reporting students and school personnel diagnosed with Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV-2) (the virus that causes COVID-19).

Section 1. Definitions. (1) "COVID-19 exposure" means a high-risk exposure as determined by the local health department having jurisdiction after consultation with the school, the exposed person, or the student's parent, legal guardian, or other person or agency responsible for the student.

(2) "Instructional style" means the primary method of learning utilized by the school and includes in-person only, virtual only, or a hybrid of in-person and virtual.

(3) "Reported COVID-19 positive" means the school has received a report from:

(a) A parent, legal guardian, or other person or agency responsible for a student attending the school that the student has tested positive for COVID-19; or

(b) School personnel that have tested positive for COVID-19.

Section 2. School Notification Standards. (1) Each public or private elementary or secondary school shall provide notice to a parent, legal guardian, or other person or agency responsible for a student that, in accordance with KRS 158.160:

(a) The individual responsible for a student shall notify the student's school if the student has any medical condition that threatens the safety of the student or others in the school; and

(b) Notification shall be made within twenty-four (24) hours following the positive diagnosis of Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV-2) (the virus that causes COVID-19) in the method determined by the school.

(2) Each public or private elementary or secondary school shall submit the information required by this subsection to the Kentucky Department for Public Health as required by subsections (3) and (4) of this section.

(a) No later than September 28, 2020, each school shall submit an initial data submission, which shall include for the preceding twenty-four (24) hours:

1. The total number of reported COVID-19 positive students;

2. The total number of reported COVID-19 positive school personnel;

3. The total number of students quarantined for COVID-19 exposure related to school activities;

4. The total number of school personnel quarantined for COVID-19 exposure related to school activities; and

5. The instructional style of the school on the date of data submission.

(b) Following the initial data submission, each public or private elementary or secondary school shall submit:

1. The total number of new reported COVID-19 positive students since the last data submis-

sion;

2. The total number of new reported COVID-19 positive school personnel since the last data submission;

3. The total number of new students quarantined for COVID-19 exposure related to school activities since the last data submission;

4. The total number of new school personnel quarantined for COVID-19 exposure related to school activities since the last data submission; and

5. The instructional style of the school on the date of data submission.

(3) Each school shall report the data elements required by subsection (2) of this section:

(a) Each day the school is in session, Monday through Friday, even if the data element is zero; and

(b) Regardless of instructional style utilized on the day of data submission.

(4) The report shall be submitted in two (2) steps as established in this subsection.

(a) The school reporting official shall use the electronic reporting system provided by the Kentucky Department for Public Health to submit the initial and daily information required by subsection (2) of this section.

(b) If a public or private elementary or secondary school reports a data element with a value greater than zero for new reported COVID-19 students or school personnel, the school reporting official shall contact the local health department having jurisdiction and provide the following for each new reported COVID-19 student or school personnel:

1. Name;

2. Address;

3. Date of birth;

4. Gender; and

5.a. If the information is for school personnel, the person's contact telephone number; or

b. If the information is for a student, the name and contact telephone number of the parent, legal guardian, or other person or agency responsible for the student.

(5) The local health department having jurisdiction shall provide public health guidance necessary to:

(a) Minimize the spread of infection within the school; and

(b) Promote the health, safety, and welfare of students and personnel. (47 Ky.R. 878; eff. 2-4-2021.)