

**EDUCATION AND WORKFORCE DEVELOPMENT CABINET**

**Kentucky Board of Education**

**Department of Education**

**(Emergency Amended at ARRS Committee)**

**702 KAR 1:192E. District employee quarantine leave.**

RELATES TO: KRS 156.070, 156.160, 160.290

STATUTORY AUTHORITY: KRS 156.070, 156.160

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160 requires the Kentucky Board of Education to promulgate administrative regulations establishing standards which school districts shall meet in student, program, service, and operational performance, including regulations for the protection of the physical welfare and safety of public school children, as well as the pay of teachers during absence because of sickness or quarantine. KRS 156.070 provides the Kentucky Board of Education with the management and control of the common schools and all programs operated in those schools. KRS 160.291 authorizes fringe benefit payments by local boards of education which are deemed to be for services rendered for the benefit of the common schools. This administrative regulation establishes paid quarantine leave to employees in response to the COVID-19 emergency. This emergency regulation is necessary to address the imminent threat to public health, safety, and welfare; and to protect human health; while safely and efficiently operating public schools during the 2021-22 school year in light of the COVID-19 public health emergency.

**Section 1. COVID-19 Quarantine Leave.**

- (1) During the 2021-22 school year, each district board of education shall provide each eligible person employed as a full or part-time employee in the public schools paid leave during the period the employee is placed in quarantine due to exposure to COVID-19. Exposure to COVID-19 shall include exposure to any variant of COVID-19. This leave shall be in addition to any other leave provided by statute or board policy.
- (2) In order to be eligible for leave under this section, the employee shall:
  - (a) Be placed in quarantine due to COVID-19 exposure by a licensed treating physician, physician's assistant, or advanced practice registered nurse, a public health department, the Department for Public Health, or the school district for which the employee works; and
  - (b) Is up-to-date with their COVID-19 vaccine, having received either two (2) doses of the Pfizer or Moderna COVID-19 vaccine or a single dose of Johnson & Johnson's Janssen vaccine and any additional doses or booster doses as recommended by the Centers for Disease Control prior to the quarantine period, present a statement from a treating medical professional that a disability prevents the employee from taking the COVID-19 vaccine, or is prevented from taking the COVID-19 vaccination based on sincerely held religious belief.
- (3) If a school district places an employee on quarantine due to exposure to COVID-19, then the district shall provide the employee with written documentation supporting the quarantine determination.
- (4) A school district may require the employee to provide written documentation from the entity placing the employee in quarantine due to COVID-19 exposure.
- (5) Quarantine leave shall not be used if the employee has an active COVID-19 infection.
- (6) A school district, at its discretion, may determine quarantine leave is unnecessary when an employee can fulfill his or her job duties remotely during the quarantine period.
- (7) In order to shorten the quarantine period, a school district may require an employee on quarantine leave to undergo a COVID-19 test at district expense and provide the results to the district. Such test shall occur no sooner than the earliest date recommended

by Centers for Disease Control (CDC) and Department for Public Health quarantine guidelines. A district may require an employee testing negative for COVID-19 to return to work in accordance with CDC and Department for Public Health quarantine guidelines.

(8) Leave granted pursuant to this section shall not accumulate or carry over beyond the 2021-2022 school year and shall not be transferrable to any other classification of paid leave established by KRS 161.155, KRS 161.154, or local school district policy.

Section 2. This administrative regulation was found deficient by the Administrative Regulation Review Subcommittee on March 7, 2022.

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