



# KENTUCKY DEPARTMENT OF EDUCATION

THE 300 BUILDING, 300 SOWER BLVD. 5<sup>TH</sup> FLOOR, FRANKFORT, KY 40601

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## MEMORANDUM

TO: All School District Superintendents

FROM: Kevin C. Brown, Interim Commissioner of Education *Kevin C. Brown*

DATE: July 21, 2020

SUBJECT: SCHOOL DISTRICT EMERGENCY LEAVE DURING 2020-2021 SCHOOL YEAR

In response to the emergency situation in the Commonwealth of Kentucky created by the novel coronavirus (COVID-19), all school districts closed schools to in-person classes beginning the week of March 16, 2020. On March 18, 2020, Gov. Andy Beshear entered Executive Order (EO) 2020-243 which encouraged all Kentucky citizens to take feasible measures to engage in appropriate social distancing as recommended by the Centers for Disease Control and Prevention (CDC) and the Kentucky Department for Public Health. Furthermore, EO 2020-243 ordered the Kentucky Department of Education (KDE) to take steps to ensure appropriate social distancing, including permitting educational requirements to be satisfied through online courses, to the extent practicable. EO 2020-243 suspended statutes requiring physical presence of participants in meetings or interactions. Kentucky public schools remained closed to in-person classes for the remainder of the 2019-2020 school year to prevent the spread of COVID-19.

Unfortunately, the COVID-19 emergency will continue to impact school districts during the 2020-2021 school year. As school districts prepare for the beginning of a new school year, school district leaders are hard at work planning for a variety of circumstances given the volatile nature of the situation facing Kentuckians and the rest of nation. Although difficult, we must recognize that school district staff may become exposed to COVID-19, whether at school or in their communities, and be subject to quarantine and medical treatment. While options for paid leave under the Families First Coronavirus Response Act (FFCRA) exist for COVID-19 quarantine and medical treatment, the FFCRA expires on Dec. 31, 2020. Furthermore, the FFCRA may not adequately address the needs of school districts and their employees, specifically the need to quarantine multiple times during the school year. The Kentucky General Assembly passed emergency legislation that granted school districts the flexibility to grant employees emergency leave for COVID-19 related absences. However, this legislation applied only to the 2019-2020 school year. It is imperative that no district employee who is subject to quarantine or treatment for COVID-19 be compelled to return to work due to a lack of leave time, exposing others to the virus, until they are cleared for return by a medical professional.

For these reasons, school districts have broadly expressed the need for the discretion to grant additional emergency days beyond the three-day limit imposed by KRS 161.152(2). **Pursuant to the authority set forth in EO 2020-243, KRS 161.152(2) is hereby suspended for the 2020-2021 school year.** As Commissioner of Education, I will recommend an emergency administrative regulation to the Kentucky Board of Education (KBE) for adoption that will provide school districts the discretion to grant additional emergency leave for use as necessary in response to the COVID-19 emergency, similar to the flexibility set forth by the Kentucky General Assembly in SB 177 (2020).

I hope this guidance regarding the temporary suspension of KRS 161.152(2), as set forth more fully above, is helpful to your school districts during the COVID-19 emergency we continue to face. I appreciate your continued leadership and service to your students and communities during this unprecedented time. In the event you have questions regarding this memorandum, please contact Associate Commissioner Robin Fields Kinney at [Robin.Kinney@education.ky.gov](mailto:Robin.Kinney@education.ky.gov).

*Jaqueline Coleman*

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Approved Pursuant to EO 2020-243