**Closing a School or District**

For the 2021-2022 school, the Kentucky Board of Education (KBE) and the Kentucky Department of Education (KDE) have prioritized a return to the in-person instructional model. To this end, the KBE and KDE have recommended school districts adopt layered virus mitigation strategies and adhere to guidelines from the U.S. Centers for Disease Control (CDC) and the Kentucky Department for Public Health (DPH). The KBE also has adopted an emergency regulation requiring the use of facemasks by students and staff in school buildings.

However, KDE realizes that virus mitigation efforts are not foolproof, and sometimes it may be necessary for a district to close a school, or even the entire district, due to spread of the virus and its impact on the ability of a school or district to operate. Protecting the health and safety of students is paramount for KBE and KDE. The following guidance is provided to assist districts that can no longer feasibly continue to operate a school, part of a district or the entire district. In these cases, a district may wish to consider closure for a period of time.

*It is important to remember that currently a school cannot close to in-person instruction and transfer all students to virtual instruction. There is currently no statute or regulation that allows Average Daily Attendance (ADA) and funding to be generated in this situation.*

When closing schools, the district has two paths: close the entire district or close specific schools.

**Closing all schools in the district**

When all schools in the district are closed, the district:

* May use non-traditional instruction (NTI) days to provide instruction and receive funding for up to 10 days in a school year. To utilize these days, districts must be accepted into the NTI program after submitting a Continuation of Learning Plan and receiving approval by KDE.
* Under [KRS 158.070 (3)(f)](https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=48224), the local board may close schools for the number of days deemed necessary for “local emergency which would endanger the health or safety of children.”
	+ In this instance, districts can request emergency day waivers as outlined in [702 KAR 7:140 Section 4](https://apps.legislature.ky.gov/law/kar/702/007/140.pdf). Days granted a waiver WILL NOT generate Average Daily Attendance (ADA) or funding, but will count toward required instructional days and hours.

**Closing specific schools in a district**

Per [KRS 158.070 (3)(f)](https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=48224), a local school board can choose to close a school due to local emergency that would endanger the health or safety of students. [702 KAR 7:140 Section 4 (3)](https://apps.legislature.ky.gov/law/kar/702/007/140.pdf)

outlines emergency day waivers for a specific school or part of the district. To receive a waiver for a particular student attendance day due to an emergency, the district must submit a request to the commissioner of KDE for approval. A copy of the local board order shall accompany this request. An approved emergency day waiver shall be the length of the student attendance day established in the approved calendar.

* If a waiver is granted by the commissioner, it waives only the required amount of instructional time for that particular day in that one school (or part of the district).
	+ The school will count the standard instructional time in the day toward required instructional time on the calendar.
	+ ADA and funding WILL NOT be generated for this day as there is no instruction delivered.

The only way to close a school but still generate ADA and funding is to make up the day at the closed school. This will not require a waiver. Once a school adds a day to the calendar, the instructional time and ADA will be generated for that day. This may result in a different last day of school at schools in the district. This will need to be clearly communicated to parents and guardians. Districts will need to keep a close eye on school-level calendar/instructional time requirements to ensure all schools meet the minimum requirement in [KRS 158.070](https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=48224).

Questions related to school or district closures should be directed to:

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