ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2020-1041
December 18, 2020

STATE OF EMERGENCY

The novel coronavirus (COVID-19) is a respiratory disease causing illness that can range from very mild to severe, including illness resulting in death, and many cases of COVID-19 have been confirmed in the Commonwealth.

The Kentucky Constitution and Kentucky Revised Statutes, including KRS Chapter 39A, empower me to exercise all powers necessary to promote and secure the safety and protection of the civilian population, including the power to command individuals to disperse from the scene of an emergency and to perform and exercise other functions, powers, and duties necessary to promote and secure the safety and protection of the civilian population. Under those powers, I declared by Executive Order 2020-215 on March 6, 2020, that a State of Emergency exists in the Commonwealth. The Centers for Disease Control and Prevention (CDC) has concluded that COVID-19 most commonly spreads during close contact between people, and can sometimes be spread through airborne transmission, particularly among individuals in enclosed spaces. As a result, scenes of emergency exist where people gather together, potentially spreading COVID-19.

On November 18, 2020, I issued Executive Order 2020-969, which temporarily closed in-person instruction at all K-12 schools. The restrictions in that Executive Order expire on January 4, 2021, but COVID-19 remains widespread in Kentucky. Additional public health measures concerning elementary, middle, and high schools are necessary to further slow the spread of COVID-19, until vaccines that can protect students and school staff become more widely available.

Order

I, Andy Beshear, by virtue of authority vested in me pursuant to the Constitution of Kentucky and by KRS Chapter 39A, do hereby Order and Direct as follows:

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1. The requirements in this Order apply to all public K-12 schools. It is also recommended that all private schools follow these provisions.

2. All public schools must comply with the Safety Expectations set forth in the *Guidance on Safety Expectations and Best Practices for Kentucky Schools* developed by the Kentucky Department of Education and the Kentucky Department for Public Health, available at the Healthy at School website (https://govstatus.egov.com/ky-healthy-at-school).

3. It is recommended that all public schools in Red Zone Counties, as provided by the Kentucky Department for Public Health on the COVID-19 website (available at https://govstatus.egov.com/kycovid19), delay in-person instruction until January 11, 2021, to prevent the spread of disease following the holidays.

4. It is recommended that all school districts follow the COVID-19 Mode of Instruction Metrics for K-12 Education, available at the Healthy at Schools website (https://govstatus.egov.com/ky-healthy-at-school).

5. All public schools that reopen to in-person instruction must provide meaningful virtual options for all students, and ensure that students who participate in virtual learning options have the same access to rigorous instruction and course work that they would have access to in person or provide a commensurate alternative without negatively impacting a student's academic standing. This includes access to advance placement courses as well as opportunities to complete required career and technical education.

6. All schools in Orange or Red Zone Counties that choose to provide in-person instruction must provide accommodation to high-risk employees who request an alternative or virtual work assignment. This requirement will apply until the eligible employee is at least 7 calendar days past the final dose of the complete vaccination series for the applicable vaccine, unless the Centers for Disease Control and Prevention ("CDC") or the Food and Drug Administration ("FDA") recommend against someone with the employee's health conditions receiving the vaccine. This requirement does not apply to employees who decline the vaccine for reasons other than CDC or FDA recommendations. For the purposes of this Order, a high-risk employee is an employee who has documentation from a qualified healthcare provider that he or she meets the following criteria for high risk developed by the Food and Drug Administration:

    a. Has a body mass index (BMI) ≥35;
    b. Has chronic kidney disease;
    c. Has diabetes;
    d. Has immunosuppressive disease;
    e. Is currently receiving immunosuppressive treatment;
    f. Is ≥65 years of age; OR
    g. Is ≥55 years of age AND has
        i. cardiovascular disease,

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ii. hypertension, OR
iii. chronic obstructive pulmonary disease/other chronic respiratory disease.

No statement from a qualified healthcare provider shall be required for accommodation based solely on age. This provision shall not apply to temporary or substitute employees. This provision shall not limit remote teleworking options school districts provide to employees which exceed the requirements of this Executive Order or applicable law.

7. This Order may be amended as vaccines become more widely available and is effective on January 4, 2021, until amended or rescinded.

ANDY BESHEAR, Governor
Commonwealth of Kentucky

MICHAEL G. ADAMS
Secretary of State

RECEIVED AND FILED

DATE 12/18/2020

MICHAEL G. ADAMS
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY

BY