



ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2021-120
February 23, 2021

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.

Under the powers provided by the Kentucky Constitution and Kentucky Revised Statutes, including KRS Chapter 39A that includes the power to command individuals to disperse from the scene of an emergency, 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 December 18, 2020, I issued Executive Order 2020-1041, which set forth public health measures concerning elementary, middle, and high schools that were necessary to slow the spread of COVID-19 while ensuring that Kentucky students still received a meaningful education. In that order, I noted it could be amended or rescinded when vaccines became more widely available. Given the large number of K-12 school staff who have received the COVID-19 vaccine, new public health measures specific to schools are appropriate.

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:

1. Executive Order 2020-1041 is amended as described in this Order.
2. The requirements in this Order apply to all public K-12 schools, including school district operated pre-school programs. It is also recommended that all private schools follow these provisions.



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3. All school districts are encouraged to offer or expand some form of in-person instructional opportunities beginning March 1, 2021, or, if district personnel have not yet finished their vaccine series as of March 1, seven (7) days after district personnel have received their second vaccination.
4. Students, educators, staff, and visitors must wear face coverings while on school grounds, as provided in 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>) and as set forth in Executive Order 2021-070 and any renewal orders. All individuals in district owned or operated facilities or transportation vehicles shall wear face coverings in both classroom and non-classroom spaces, including hallways, school offices, restrooms, gyms, school buses, and auditoriums.
5. All public schools shall and 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>).
6. As of March 1, 2021, all school requirements tied to the color-coded COVID-19 county incidence rate map (which lists Red, Orange, and Yellow Zone Counties) are discontinued. However, all schools shall regularly review the color-coded county incidence rate map to ensure that school and community activities are appropriately planned to reduce the risk of COVID-19 transmission. Schools shall consider cancelling, postponing, or scaling down such activities when there is a spike in cases within the county.
7. When deciding how best to minimize the risk of COVID-19 transmission, schools should prioritize in-person instruction over extracurricular activities.
8. In considering the appropriate form of in-person instruction, school districts should consider:
 - a. The effectiveness of their policies and physical changes to promote physical distance between individuals while at school. This includes steps to reduce density in classrooms, halls, school buses, and other areas where there is a heightened risk of individuals being close to one another.
 - b. Implementing cohorts or pods of students to reduce the number of individuals impacted by an exposure to COVID-19.
 - c. Evaluating buildings' ventilation systems for risk of COVID-19 transmission and considering further safety procedures and/or density reductions in facilities with poor ventilation.




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9. All public schools shall continue to provide meaningful virtual options for all students who choose a virtual option through the end of the current school year. These schools shall also 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 shall include access to Advanced Placement and dual credit courses as well as opportunities to complete required career and technical education.
10. Given the widespread availability of vaccines for school employees, the requirements for schools to accommodate high-risk employees set forth in paragraph 6 of Executive Order 2020-1041 shall expire on March 15, 2021.
11. This Order is effective February 23, 2021 and is effective until amended or rescinded, either of which may occur as the number of Kentuckians vaccinated increases.



ANDY BESHEAR, Governor
Commonwealth of Kentucky

MICHAEL G. ADAMS
Secretary of State