

For official use only.

Date Received:

Waiver Application No.:

APPLICATION COVER SHEET

Pursuant to KRS 156.161 and 701 KAR 5:170, Mercer County School District “District” hereby submits this waiver request to the Kentucky Board of Education seeking waiver from compliance with one or more statutes or administrative regulations.

The waiver(s) sought herein by District are sought to apply to the following District schools or programs: 702 KAR 4:180, The Planning Manual Section 501.3.

This waiver request is a:

District must select only one of the following

- ☒ NEW APPLICATION. District seeks new waiver(s) of statutes or administrative regulations not previously granted to District by the Kentucky Board of Education pursuant to 701 KAR 5:170, or previously granted pursuant to 701 KAR 5:170 but now expired.
- ☐ RENEWAL APPLICATION. District seeks renewal of waiver(s) previously granted by the Kentucky Board of Education pursuant to 701 KAR 5:170 and still in effect as of the date of this application.
- ☐ AMENDMENT APPLICATION. District seeks to amend waiver(s) of statutes or administrative regulations previously granted to District by the Kentucky Board of Education pursuant to 701 KAR 5:170 and still in effect as of the date of this application.

In submitting this waiver request, District acknowledges and agrees to each of the following:

1. The Kentucky Board of Education does not have the authority to waive any statute or administrative regulation:
 - (a) Relating to health and safety, including required criminal background checks for staff and volunteers specified in KRS 160.380 and 161.148;
 - (b) Relating to civil rights;
 - (c) Required by federal law;
 - (d) Relating to compulsory attendance requirements under KRS 158.030 and 158.100 or the recording of data necessary for participation in the fund to support education excellence in Kentucky;
 - (e) Establishing certification requirements for teachers in core academic areas, except a waiver may authorize up to twenty-five percent (25%) of the teaching staff of a school may be employed without teacher certification if the individual possesses a baccalaureate or graduate degree in the subject the individual is hired to teach;
 - (f) Requiring students' participation in state assessment of student performance, as required under KRS 158.6453;

- (g) Financial audits, audit procedures, and audit requirements under KRS 156.265;
 - (h) Open records and open meeting requirements under KRS Chapter 61;
 - (i) Purchasing requirements and limitations under KRS Chapter 45A and KRS 156.074 and 156.480; or
 - (j) Requiring instructional time that is at least equivalent to the student instructional year specified in KRS 158.070.
2. The Kentucky Board of Education does not have the authority to waive any statute outside of its enforcement authority, or any administrative regulation promulgated by an agency other than the Kentucky Board of Education.
 3. District conducted a thorough review of this waiver request prior to submission to ensure that no part of its waiver request involves statutes or administrative regulations beyond the authority of the Kentucky Board of Education to waive as described in paragraphs (1) and (2) above. District understands that if it is determined that any portion of its request involves statutes or administrative regulations beyond the authority of the Kentucky Board of Education to waive as described in paragraphs (1) and (2) above, District's waiver request will be denied.
 4. District reviewed and understands the requirements and provisions of 701 KAR 5:170 as it relates to this waiver request.
 5. If District selected above that this is a NEW APPLICATION, District attaches to this Application Cover Sheet a Specific Waiver Request Form for each statute or administrative regulation for which District requests a waiver, and that District identified within each Specific Waiver Request Form the specific section, subsection, paragraph, or subparagraph of each statute or administrative regulation from which District requests a waiver.
 6. If District selected above that this is a RENEWAL APPLICATION, District attaches to this Application Cover Sheet a Renewal Application Form and all attachments required by the Renewal Application Form.
 7. If District selected above that this is an AMENDMENT APPLICATION, District attaches to this Application Cover Sheet an Amendment Request Form for a previously granted and unexpired waiver.
 8. If the District seeks identification of a school(s) or program(s) listed in the forms attached hereto as a School of Innovation pursuant to KRS 156.161 (4), it has: (a) utilized the Specific Waiver Request Form for each statute or administrative regulation from which District requests a waiver that prevents the District from entering into an agreement with an education service provider to assist in the management and operation of the school(s) or program(s) identified on the form; and (b) attached to the Specific Waiver Request Form a copy of the proposed agreement with the education service provider for the school(s) or program(s).
 9. In determining whether to grant this waiver request, in whole or in part, the Kentucky Board of Education will evaluate whether the request demonstrates that the waiver is more likely than not: (a) to improve the operation of the school(s) or program(s) listed in the forms attached

hereto, without hindering student academic achievement; or (b) to improve student academic achievement at the school(s) or program(s) listed in the forms attached hereto. District recognizes that such evaluation and determination is within the discretion of the Kentucky Board of Education.

10. District understands that if the Kentucky Board of Education at any time finds by a two-thirds (2/3) vote that a waiver granted pursuant to this request hindered school or program operations, endangered students, impeded student academic achievement, or supported financial malfeasance or criminal activity, then the waiver shall be rescinded. District recognizes that such a determination is within the discretion of the Kentucky Board of Education.
11. District recognizes that the existence of a waiver shall not negate the legal duties or professional responsibilities of a District employee, and agrees that it shall implement policies and procedures accordingly. District recognizes and agrees that any waiver granted pursuant to this request shall not be implemented in a way that violates, diminishes, or adversely impacts the civil rights of any student.
12. District understands and agrees that any waiver granted pursuant to this request, except for a waiver of minimum nutritional standards as provided in KRS 158.854, shall expire on June 30 of the third full school year following the date the request was approved by the Kentucky Board of Education, regardless of subsequent amendment, unless the Kentucky Board of Education renews the waiver prior to expiration. Waivers of minimum nutritional standards as provided in KRS 158.854 shall expire one year following the date the request was approved by the Kentucky Board of Education, regardless of subsequent amendment, unless the Kentucky Board of Education renews the waiver prior to expiration. District further understands and agrees that it shall track the expiration date of any waiver(s) granted pursuant to this request and will immediately implement all statutory and regulatory requirements upon the expiration date of any waivers granted pursuant to this request. District acknowledges that it is District's responsibility to request any renewals pursuant to the requirements of 701 KAR 5:170.
13. The information provided in this waiver request application and the attachments hereto are true and correct to the best of District's knowledge. The representations made by District in this waiver request application and the attachments hereto will be relied upon by the Kentucky Board of Education as material in its decision making. Upon learning that any information provided herein is inaccurate or incomplete, District will take affirmative steps to correct such information.
14. District represents that this waiver request, including any attachments hereto, were presented to the District board of education and approved by said board during a meeting on January 20, 2026.
15. District understands that no waiver granted as part of this request shall imply, suggest, or otherwise indicate that any other statute or administrative regulation is implicitly waived and that District will continue to comply with all statutes and administrative regulations not specifically waived by the Kentucky Board of Education in response to this request.

Signature
Randy Phillips
District Board Chair

January 20, 2026
Date

Mail this completed form and all attachments to:

Kentucky Department of Education
ATTN: Waiver Request
300 Sower Blvd. 5th Floor
Frankfort, KY 40601



SPECIFIC WAIVER REQUEST FORM

District Name:

Mercer County Schools

School(s)/Program(s) to Which Waiver Request Applies:

Local Planning Committee (LPC) related to facilities planning under 704 KAR 4:180

Statute or Administrative Regulation District Requests be Waived:

Districts should include the specific section(s), subsection(s), paragraph(s), or subparagraph(s) that it requests be waived for the statute or administrative regulation listed. A separate Specific Waiver Request Form is required for each statute or administrative regulation that District requests be waived.

704 KAR 4:180, Kentucky School Facilities Planning Manual, Chapter 5, Sections 501.3–501.5
(Requirement to form a newly constituted Local Planning Committee)

School of Innovation Designation

A District may seek to have school(s) or program(s) listed above identified as a “School of Innovation” for the purpose of allowing the District to enter into an agreement with an education service provider to assist in the management and operation of the school(s) or program(s). Does District seek to have the school(s) or program(s) listed above identified as a “School of Innovation” for this purpose?

District must select only one of the following:



NO.



YES. If District selects “YES,” it must describe below how the statute or administrative regulation listed above currently prevents the District from entering into an agreement with an education service provider to assist in the management and operation of the school(s) or program(s), and attach a copy of the proposed contract with an education service provider to assist in the management and operation of the school(s) or program(s).

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Waiver Justification

Describe how the District wishes to operate the school(s) or program(s) listed above and how the statute or administrative regulation listed above prevents desired operations.

Mercer County Schools seeks a waiver from the requirement to form a newly constituted Local Planning Committee (LPC). The District's LPC most recently convened in November 2025 to complete the required Finding process related to facilities planning. At that time, 9 of the 19 LPC members were replaced due to prior members no longer being employed by the District or no longer serving in the roles they previously held.

Requiring the District to dissolve and reconstitute another LPC within a short timeframe would duplicate recent planning efforts and impede efficient district operations.

The Mercer County Board of Education considered the waiver request at its regularly scheduled meeting on January 20, 2026, and voted unanimously to request: a waiver from forming a newly constituted LPC.

Describe in detail how waiver of the statute or administrative regulation listed above will improve operations or student academic achievement in the school(s) or program(s) listed above.

Granting the waiver will improve district operations by eliminating redundant administrative requirements and allowing the District to focus resources on implementing facility priorities rather than repeating a planning process that has already been completed. The LPC's recent work—including substantial reconstitution of membership—ensured current stakeholder input, regulatory compliance, and Board oversight, all of which support effective learning environments and student success.

Describe how waiver of the statute or administrative regulation listed above may hinder student academic achievement in the school(s) or program(s) listed above. Describe how District will address any hindrance of student academic achievement if the waiver is granted.

The District does not anticipate that granting the waiver will hinder student academic achievement. The LPC has recently fulfilled its statutory role, and facilities planning oversight will continue through Board governance, ongoing facility assessments, and administrative review to ensure student needs remain a priority.

Describe how District intends to measure the impact on students enrolled in the school(s) or program(s) listed above if a waiver is granted for the statute or administrative regulation listed above.

The District will monitor facility conditions, project implementation, and alignment of facilities with instructional needs through regular administrative review and Board reporting. These measures will ensure continued accountability and responsiveness to student needs.

List every attachment to this form District provides in support of its responses above, including a brief description of how the attachment supports District's responses.

Mercer County Board of Education Meeting Minutes from January 20, 2026, showing the unanimous vote by the board to approve the waiver request.