

# **KENTUCKY DEPARTMENT OF EDUCATION**

## **STAFF NOTE**

### **Action/Consent Item:**

16 KAR 2:120. Request to Waive Emergency Certificate Requirements for Bath County Schools

### **Staff Recommendation:**

The Education Professional Standards Board (EPSB) should approve Bath County Schools' request to waive emergency certificate requirements.

### **Rationale:**

The EPSB's Waiver Committee found exceptional circumstances to justify approval of this waiver request and, accordingly, recommends that this waiver be approved by the EPSB.

### **Action Question:**

Should the Education Professional Standards Board (EPSB) approve Bath County's request to allow for a third issuance of an emergency certificate?

### **Applicable Statute or Regulation:**

KRS 161.028, 16 KAR 2:120

### **History/Background:**

**Existing Policy:** 16 KAR 2:120 Section 2(3)(b) provides that "The emergency certificate shall be limited to two (2) issuances. A candidate may qualify for an additional issuance if: 1. The emergency certificate was issued after February 15 of a school year; or 2. The emergency certificate was issued for less than fifty (50) percent of the person's class schedule."

**Summary:** Bath County Schools has been unsuccessful in finding qualified teachers for its drop-out prevention/alternative programs. The applicants have either been unacceptable or unqualified. This candidate has a bachelor's degree in sociology and retired from the Kentucky Department of Corrections with twenty (20) years of service. According to the district, the candidate initially served as a substitute teacher but "the district realized the obvious potential" and, in 2024, asked her to consider applying for this position. The district is requesting that the EPSB waive the number of years an emergency certificate can be offered and issue a third emergency certificate for this candidate.

**Budget Impact:** There is no budgetary impact.

### **Groups Consulted and Brief Summary of Responses:**

At a Special Meeting on June 16, 2026, the EPSB's Waiver Committee (Committee) met and reviewed the waiver request submitted by the school district and found exceptional circumstances

to justify the waiver. Therefore, the Committee recommended that this waiver be placed on the Consent Agenda for approval by the EPSB at its next meeting.

However, it should be noted that the Committee indicated that, should the district seek a fourth emergency certificate in a future waiver request, such waiver request would be recommended for denial by the Committee. The Committee specifically discussed concerns about the potential for a fourth issuance of an emergency certificate and noted the availability of other options that could be pursued that would not necessitate repeated waivers of the EPSB's regulations.

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