

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Waiver:

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

Action Question:

Should the Education Professional Standards Board (EPSB) approve Nelson County School's request to allow for a fourth 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: Nelson County Schools has been unsuccessful in finding qualified teachers for a physics position. This candidate is certified in business and marketing and aviation technology. The district states they have numerous open science positions, and this candidate would be teaching physics for 20% of their day. The class is at a local airport supported by this candidate and other aerospace professionals. The district is requesting that the EPSB waive the number of years an emergency certificate can be offered and issue a fourth 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 but did not find exceptional circumstances to justify the waiver. The Committee specifically discussed concerns about this request being for a fourth issuance of an emergency certificate as well as the availability of other options that could be pursued that would not necessitate repeated waivers of the EPSB's regulations. Therefore, the Committee recommended that this waiver be denied by the EPSB at its next meeting.

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