

1 AN ACT relating to interscholastic athletics.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 156.070 is amended to read as follows:

4 (1) The Kentucky Board of Education shall have the management and control of the
5 common schools and all programs operated in these schools, including
6 interscholastic athletics, the Kentucky School for the Deaf, the Kentucky School for
7 the Blind, and community education programs and services.

8 (2) The Kentucky Board of Education may designate an organization or agency to
9 manage interscholastic athletics in the common schools, provided that the rules,
10 regulations, and bylaws of any organization or agency so designated shall be
11 approved by the board, and provided further that any administrative hearing
12 conducted by the designated managing organization or agency shall be conducted in
13 accordance with KRS Chapter 13B.

14 (a) The state board or its designated agency shall assure through promulgation of
15 administrative regulations that if a secondary school sponsors or intends to
16 sponsor an athletic activity or sport that is similar to a sport for which
17 National Collegiate Athletic Association members offer an athletic
18 scholarship, the school shall sponsor the athletic activity or sport for which a
19 scholarship is offered. The administrative regulations shall specify which
20 athletic activities are similar to sports for which National Collegiate Athletic
21 Association members offer scholarships.

22 (b) Beginning with the 2003-2004 school year, the state board shall require any
23 agency or organization designated by the state board to manage interscholastic
24 athletics to adopt bylaws that establish as members of the agency's or
25 organization's board of control one (1) representative of nonpublic member
26 schools who is elected by the nonpublic school members of the agency or
27 organization from regions one (1) through eight (8) and one (1) representative

1 of nonpublic member schools who is elected by the nonpublic member
2 schools of the agency or organization from regions nine (9) through sixteen
3 (16). The nonpublic school representatives on the board of control shall not be
4 from classification A1 or D1 schools. Following initial election of these
5 nonpublic school representatives to the agency's or organization's board of
6 control, terms of the nonpublic school representatives shall be staggered so
7 that only one (1) nonpublic school member is elected in each even-numbered
8 year.

9 (c) The state board or any agency designated by the state board to manage
10 interscholastic athletics shall not promulgate rules, administrative regulations,
11 or by laws that prohibit pupils in grades seven (7) to eight (8) from
12 participating in any high school sports except for high school varsity soccer
13 and football, or from participating on more than one (1) school-sponsored
14 team at the same time in the same sport. The Kentucky Board of Education, or
15 an agency designated by the board to manage interscholastic athletics, may
16 promulgate administrative regulations restricting, limiting, or prohibiting
17 participation in high school varsity soccer and football for students who have
18 not successfully completed the eighth grade.

19 (d) 1. The state board or any agency designated by the state board to manage
20 interscholastic athletics shall allow a member school's team or students
21 to play against students of a nonmember~~[non-member]~~ at-home private
22 school, or a team of students from nonmember~~[non-member]~~ at-home
23 private schools, if the nonmember~~[non-member]~~ at-home private
24 schools and students comply with this subsection.
25 2. A nonmember~~[non-member]~~ at-home private school's team and students
26 shall comply with the rules for student-athletes, including rules
27 concerning:

- 1 a. Age;
- 2 b. School semesters;
- 3 c. Scholarships;
- 4 d. Physical exams;
- 5 e. Foreign student eligibility; and
- 6 f. Amateurs.
- 7 3. A coach of a **nonmember**~~[non-member]~~ at-home private school's team
- 8 shall comply with the rules concerning certification of member school
- 9 coaches as required by the state board or any agency designated by the
- 10 state board to manage interscholastic athletics.
- 11 4. This subsection shall not allow a **nonmember**~~[non-member]~~ at-home
- 12 private school's team to participate in a sanctioned:
- 13 a. Conference;
- 14 b. Conference tournament;
- 15 c. District tournament;
- 16 d. Regional tournament; or
- 17 e. State tournament or event.
- 18 5. This subsection does not allow eligibility for a recognition, award, or
- 19 championship sponsored by the state board or any agency designated by
- 20 the state board to manage interscholastic athletics.
- 21 6. A **nonmember**~~[non-member]~~ at-home private school's team or students
- 22 may participate in interscholastic athletics permitted, offered, or
- 23 sponsored by the state board or any agency designated by the state board
- 24 to manage interscholastic athletics.
- 25 (e) Every local board of education shall require an annual medical examination
- 26 performed and signed by a physician, physician assistant, advanced practice
- 27 registered nurse, or chiropractor, if performed within the professional's scope

1 of practice, for each student seeking eligibility to participate in any school
2 athletic activity or sport. The Kentucky Board of Education or any
3 organization or agency designated by the state board to manage interscholastic
4 athletics shall not promulgate administrative regulations or adopt any policies
5 or bylaws that are contrary to the provisions of this paragraph.

6 (f) Any student who turns nineteen (19) years of age prior to August 1 shall not
7 be eligible for high school athletics in Kentucky. Any student who turns
8 nineteen (19) years of age on or after August 1 shall remain eligible for that
9 school year only. An exception to the provisions of this paragraph shall be
10 made, and the student shall be eligible for high school athletics in Kentucky if
11 the student:

- 12 1. Qualified for exceptional children services and had an individual
13 education program developed by an admissions and release committee
14 (ARC) while the student was enrolled in the primary school program;
- 15 2. Was retained in the primary school program because of an ARC
16 committee recommendation; and
- 17 3. Has not completed four (4) consecutive years or eight (8) consecutive
18 semesters of eligibility following initial promotion from grade eight (8)
19 to grade nine (9).

20 (g) The state board or any agency designated by the state board to manage
21 interscholastic athletics shall promulgate administrative regulations or bylaws
22 that provide that:

- 23 1. A member school shall designate all athletic teams, activities, and sports
24 for students in grades six (6) through twelve (12) as one (1) of the
25 following categories:
 - 26 a. "Boys";
 - 27 b. "Coed"; or

- 1 c. "Girls";
- 2 2. The sex of a student for the purpose of determining eligibility to
- 3 participate in an athletic activity or sport shall be determined by:
- 4 a. A student's biological sex as indicated on the student's original,
- 5 unedited birth certificate issued at the time of birth; or
- 6 b. An affidavit signed and sworn to by the physician, physician
- 7 assistant, advanced practice registered nurse, or chiropractor that
- 8 conducted the annual medical examination required by paragraph
- 9 (e) of this subsection under penalty of perjury establishing the
- 10 student's biological sex at the time of birth;
- 11 3. a. An athletic activity or sport designated as "girls" for students in
- 12 grades six (6) through twelve (12) shall not be open to members of
- 13 the male sex.
- 14 b. Nothing in this section shall be construed to restrict the eligibility
- 15 of any student to participate in an athletic activity or sport
- 16 designated as "boys" or "coed"; and
- 17 4. Neither the state board,~~[-nor]~~ any agency designated by the state board
- 18 to manage interscholastic athletics,~~[-nor]~~ any school district, nor any
- 19 member school shall entertain a complaint, open an investigation, or
- 20 take any other adverse action against a school for maintaining separate
- 21 interscholastic or intramural athletic teams, activities, or sports for
- 22 students of the female sex.
- 23 (h) 1. The state board or any agency designated by the state board to manage
- 24 interscholastic athletics shall promulgate administrative regulations that
- 25 permit a school district to employ or assign nonteaching or noncertified
- 26 personnel or personnel without postsecondary education credit hours to
- 27 serve in a coaching position. The administrative regulations shall give

1 preference to the hiring or assignment of certified personnel in coaching
2 positions.

3 2. A person employed in a coaching position shall be a high school
4 graduate and at least twenty-one (21) years of age and shall submit to a
5 criminal background check in accordance with KRS 160.380.

6 3. The administrative regulations shall specify post-hire requirements for
7 persons employed in coaching positions.

8 4. The regulations shall permit a predetermined number of hours of
9 professional development training approved by the state board or its
10 designated agency to be used in lieu of postsecondary education credit
11 hour requirements.

12 5. A local school board may specify post-hire requirements for personnel
13 employed in coaching positions in addition to those specified in
14 subparagraph 3. of this paragraph.

15 (i) Unless permitted to be eligible for varsity athletics by any transfer rule,
16 policy, or administrative regulation promulgated by the state board or any
17 agency designated by the state board to manage interscholastic athletics,
18 any student who transfers enrollment from a district of residence to a
19 nonresident district under KRS 157.350(4)(b) after enrolling in grade nine
20 (9) and participating in a varsity sport shall be ineligible to participate in
21 interscholastic athletics for one (1) calendar year from the date of the transfer.
22 The state board or any agency designated by the state board to manage
23 interscholastic athletics may adopt rules, policies, and bylaws and
24 promulgate administrative regulations necessary to carry out this
25 paragraph.

26 (j) No member school shall grant a student-athlete the right to use the member
27 school's intellectual property, such as trademarks, school uniforms, and

1 copyrights, in the student's earning of compensation through name, image,
2 and likeness activities. No student-athlete shall use such intellectual property
3 in earning compensation through name, image, and likeness activities. The
4 state board or any agency designated by the state board to manage
5 interscholastic athletics shall promulgate administrative regulations to govern
6 and enforce this paragraph.

7 (3) (a) The Kentucky Board of Education is hereby authorized to lease from the State
8 Property and Buildings Commission~~[,]~~ or others, whether public or private,
9 any lands, buildings, structures, installations, and facilities suitable for use in
10 establishing and furthering television and related facilities as an aid or
11 supplement to classroom instruction~~[,]~~ throughout the Commonwealth~~[,]~~ and
12 for incidental use in any other proper public functions. The lease may be for
13 any initial term commencing with the date of the lease and ending with the
14 next ensuing June 30, which is the close of the then-current fiscal biennium of
15 the Commonwealth, with exclusive options in favor of the board to renew the
16 same for successive ensuing bienniums, July 1 in each even year to June 30 in
17 the next ensuing even year; and the rentals may be fixed at the sums in each
18 biennium, if renewed, sufficient to enable the State Property and Buildings
19 Commission to pay therefrom the maturing principal of and interest on, and
20 provide reserves for, any revenue bonds which the State Property and
21 Buildings Commission may determine to be necessary and sufficient, in
22 agreement with the board, to provide the cost of acquiring the television and
23 related facilities~~[,]~~ with appurtenances~~[,]~~ and costs as may be incident to the
24 issuance of the bonds.

25 (b) Each option of the Kentucky Board of Education to renew the lease for a
26 succeeding biennial term may be exercised at any time after the adjournment
27 of the session of the General Assembly at which appropriations shall have

1 been made for the operation of the state government for such succeeding
2 biennial term, by notifying the State Property and Buildings Commission in
3 writing, signed by the chief state school officer, and delivered to the secretary
4 of the Finance and Administration Cabinet as a member of the commission.
5 The option shall be deemed automatically exercised, and the lease
6 automatically renewed for the succeeding biennium, effective on the first day
7 thereof, unless a written notice of the board's election not to renew shall have
8 been delivered in the office of the secretary of the Finance and Administration
9 Cabinet before the close of business on the last working day in April
10 immediately preceding the beginning of the succeeding biennium.

- 11 (c) The Kentucky Board of Education shall not itself operate leased television
12 facilities, or undertake the preparation of the educational presentations or
13 films to be transmitted thereby, but may enter into one (1) or more contracts
14 to provide therefor, with any public agency and instrumentality of the
15 Commonwealth having, or able to provide, a staff with proper technical
16 qualifications, upon which agency and instrumentality the board, through the
17 chief state school officer and the Department of Education, is represented in
18 such manner as to coordinate matters of curriculum with the curricula
19 prescribed for the public schools of the Commonwealth. Any contract for the
20 operation of the leased television or related facilities may permit limited and
21 special uses of the television or related facilities for other programs in the
22 public interest, subject to the reasonable terms and conditions as the board and
23 the operating agency and instrumentality may agree upon; but any contract
24 shall affirmatively forbid the use of the television or related facilities, at any
25 time or in any manner, in the dissemination of political propaganda or in
26 furtherance of the interest of any political party or candidate for public office,
27 or for commercial advertising. No lease between the board and the State

1 Property and Buildings Commission shall bind the board to pay rentals for
2 more than one (1) fiscal biennium at a time, subject to the aforesaid renewal
3 options. The board may receive and may apply to rental payments under any
4 lease and to the cost of providing for the operation of the television or related
5 facilities not only appropriations which may be made to it from state funds,
6 from time to time, but also contributions, gifts, matching funds, devises, and
7 bequests from any source, whether federal or state, and whether public or
8 private, so long as the same are not conditioned upon any improper use of the
9 television or related facilities in a manner inconsistent with the provisions of
10 this subsection.

11 (4) The state board may, on the recommendation and with the advice of the chief state
12 school officer, prescribe, print, publish, and distribute at public expense such
13 administrative regulations, courses of study, curriculums, bulletins, programs,
14 outlines, reports, and placards as each deems necessary for the efficient
15 management, control, and operation of the schools and programs under its
16 jurisdiction. All administrative regulations published or distributed by the board
17 shall be enclosed in a booklet or binder on which the words "informational copy"
18 shall be clearly stamped or printed.

19 (5) Upon the recommendation of the chief state school officer or his or her designee,
20 the state board shall establish policy or act on all matters relating to programs,
21 services, publications, capital construction and facility renovation, equipment,
22 litigation, contracts, budgets, and all other matters which are the administrative
23 responsibility of the Department of Education.