

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 at-home private school, or a  
22 team of students from nonmember at-home private schools, if the  
23 nonmember at-home private schools and students comply with this  
24 subsection.

25 2. A nonmember at-home private school's team and students shall comply  
26 with the rules for student-athletes, including rules concerning:

27 a. Age;

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

1 athletic activity or sport. The Kentucky Board of Education or any  
2 organization or agency designated by the state board to manage interscholastic  
3 athletics shall not promulgate administrative regulations or adopt any policies  
4 or bylaws that are contrary to the provisions of this paragraph.

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

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

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

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

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

1 positions.

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

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

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

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

14 (i) A student who is enrolled in grades nine (9) through twelve (12),  
15 participates in a varsity contest in any interscholastic sport at a member  
16 school following enrollment in grade nine (9), and then transfers to another  
17 member school shall be eligible to participate in varsity contests in any  
18 interscholastic sport at the new member school for the first time the student  
19 makes a transfer. Any further transfers of the student shall be subject to the  
20 transfer rules or bylaws adopted by the state board or any agency designated  
21 by the state board to manage interscholastic athletics.

22 (j) Unless permitted to be eligible for varsity athletics by any transfer rule,  
23 policy, or administrative regulation promulgated by the state board or any  
24 agency designated by the state board to manage interscholastic athletics, or  
25 exempted under paragraph (i) of this subsection, any student who transfers  
26 enrollment from a district of residence to a nonresident district under KRS  
27 157.350(4)(b) after enrolling in grade nine (9) and participating in a varsity

1 sport shall be ineligible to participate in interscholastic athletics for one (1)  
2 calendar year from the date of the transfer. The state board or any agency  
3 designated by the state board to manage interscholastic athletics may adopt  
4 rules, policies, and bylaws and promulgate administrative regulations  
5 necessary to carry out this paragraph.

6 ~~(k)(j)~~ No member school shall grant a student-athlete the right to use the  
7 member school's intellectual property, such as trademarks, school uniforms,  
8 and copyrights, in the student's earning of compensation through name,  
9 image, and likeness activities. No student-athlete shall use such intellectual  
10 property in earning compensation through name, image, and likeness  
11 activities. The state board or any agency designated by the state board to  
12 manage interscholastic athletics shall promulgate administrative regulations to  
13 govern and enforce this paragraph.

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

1 Buildings Commission may determine to be necessary and sufficient, in  
2 agreement with the board, to provide the cost of acquiring the television and  
3 related facilities with appurtenances and costs as may be incident to the  
4 issuance of the bonds.

5 (b) Each option of the Kentucky Board of Education to renew the lease for a  
6 succeeding biennial term may be exercised at any time after the adjournment  
7 of the session of the General Assembly at which appropriations shall have  
8 been made for the operation of the state government for such succeeding  
9 biennial term, by notifying the State Property and Buildings Commission in  
10 writing, signed by the chief state school officer, and delivered to the secretary  
11 of the Finance and Administration Cabinet as a member of the commission.  
12 The option shall be deemed automatically exercised, and the lease  
13 automatically renewed for the succeeding biennium, effective on the first day  
14 thereof, unless a written notice of the board's election not to renew shall have  
15 been delivered in the office of the secretary of the Finance and Administration  
16 Cabinet before the close of business on the last working day in April  
17 immediately preceding the beginning of the succeeding biennium.

18 (c) The Kentucky Board of Education shall not itself operate leased television  
19 facilities, or undertake the preparation of the educational presentations or  
20 films to be transmitted thereby, but may enter into one (1) or more contracts  
21 to provide therefor, with any public agency and instrumentality of the  
22 Commonwealth having, or able to provide, a staff with proper technical  
23 qualifications, upon which agency and instrumentality the board, through the  
24 chief state school officer and the Department of Education, is represented in  
25 such manner as to coordinate matters of curriculum with the curricula  
26 prescribed for the public schools of the Commonwealth. Any contract for the  
27 operation of the leased television or related facilities may permit limited and

1 special uses of the television or related facilities for other programs in the  
2 public interest, subject to the reasonable terms and conditions as the board and  
3 the operating agency and instrumentality may agree upon; but any contract  
4 shall affirmatively forbid the use of the television or related facilities, at any  
5 time or in any manner, in the dissemination of political propaganda or in  
6 furtherance of the interest of any political party or candidate for public office,  
7 or for commercial advertising. No lease between the board and the State  
8 Property and Buildings Commission shall bind the board to pay rentals for  
9 more than one (1) fiscal biennium at a time, subject to the aforesaid renewal  
10 options. The board may receive and may apply to rental payments under any  
11 lease and to the cost of providing for the operation of the television or related  
12 facilities not only appropriations which may be made to it from state funds,  
13 from time to time, but also contributions, gifts, matching funds, devises, and  
14 bequests from any source, whether federal or state, and whether public or  
15 private, so long as the same are not conditioned upon any improper use of the  
16 television or related facilities in a manner inconsistent with the provisions of  
17 this subsection.

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

26 (5) Upon the recommendation of the chief state school officer or his or her designee,  
27 the state board shall establish policy or act on all matters relating to programs,

1 services, publications, capital construction and facility renovation, equipment,  
2 litigation, contracts, budgets, and all other matters which are the administrative  
3 responsibility of the Department of Education.