

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 bylaws 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
21 students to play against students of a non-member, at-home private
22 school, or a team of students from non-member, at-home private
23 schools, if the non-member, at-home private schools and students
24 comply with this subsection.

25 2. A non-member, at-home private school's team and students shall
26 comply 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 non-member, at-home private school's team shall comply*
- 7 *with the rules concerning certification of non-member school coaches.*
- 8 *4. This subsection shall not allow a non-member, at-home private*
- 9 *school's team to participate in a sanctioned:*
- 10 *a. Conference;*
- 11 *b. Conference tournament;*
- 12 *c. District tournament;*
- 13 *d. Regional tournament; or*
- 14 *e. State tournament or event.*
- 15 *5. This subsection does not allow eligibility for a recognition, award, or*
- 16 *championship sponsored by the state board or an agency designated*
- 17 *by the state board to manage interscholastic athletics.*
- 18 *6. A non-member, at-home private school's team or students may*
- 19 *participate in the following sports:*
- 20 *a. Archery;*
- 21 *b. Basketball;*
- 22 *c. Baseball;*
- 23 *d. Cross country;*
- 24 *e. Golf;*
- 25 *f. Softball;*
- 26 *g. Soccer;*
- 27 *h. Track and field; and*

1 *i. Volleyball.*

2 (e) Every local board of education shall require an annual medical examination
3 performed and signed by a physician, physician assistant, advanced practice
4 registered nurse, or chiropractor, if performed within the professional's scope
5 of practice, for each student seeking eligibility to participate in any school
6 athletic activity or sport. The Kentucky Board of Education or any
7 organization or agency designated by the state board to manage interscholastic
8 athletics shall not promulgate administrative regulations or adopt any policies
9 or bylaws that are contrary to the provisions of this paragraph.

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

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

24 ~~(g)(f)~~ 1. The state board or any agency designated by the state board to
25 manage interscholastic athletics shall promulgate administrative
26 regulations that permit a school district to employ or assign nonteaching
27 or noncertified personnel or personnel without postsecondary education

- 1 credit hours to serve in a coaching position. The administrative
2 regulations shall give preference to the hiring or assignment of certified
3 personnel in coaching positions.
- 4 2. A person employed in a coaching position shall be a high school
5 graduate and at least twenty-one (21) years of age and shall submit to a
6 criminal background check in accordance with KRS 160.380.
- 7 3. The administrative regulations shall specify post-hire requirements for
8 persons employed in coaching positions.
- 9 4. The regulations shall permit a predetermined number of hours of
10 professional development training approved by the state board or its
11 designated agency to be used in lieu of postsecondary education credit
12 hour requirements.
- 13 5. A local school board may specify post-hire requirements for personnel
14 employed in coaching positions in addition to those specified in
15 subparagraph 3. of this paragraph.
- 16 (3) (a) The Kentucky Board of Education is hereby authorized to lease from the State
17 Property and Buildings Commission, or others, whether public or private, any
18 lands, buildings, structures, installations, and facilities suitable for use in
19 establishing and furthering television and related facilities as an aid or
20 supplement to classroom instruction, throughout the Commonwealth, and for
21 incidental use in any other proper public functions. The lease may be for any
22 initial term commencing with the date of the lease and ending with the next
23 ensuing June 30, which is the close of the then-current fiscal biennium of the
24 Commonwealth, with exclusive options in favor of the board to renew the
25 same for successive ensuing bienniums, July 1 in each even year to June 30 in
26 the next ensuing even year; and the rentals may be fixed at the sums in each
27 biennium, if renewed, sufficient to enable the State Property and Buildings

1 Commission to pay therefrom the maturing principal of and interest on, and
2 provide reserves for, any revenue bonds which the State Property and
3 Buildings Commission may determine to be necessary and sufficient, in
4 agreement with the board, to provide the cost of acquiring the television and
5 related facilities, with appurtenances, and costs as may be incident to the
6 issuance of the bonds.

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

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

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

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

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