

1 AN ACT relating to education.

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, f
13 ~~and~~ football, **and boys or coed lacrosse**, or from participating on more than
14 one (1) school-sponsored team at the same time in the same sport. The
15 Kentucky Board of Education, or an agency designated by the board to
16 manage interscholastic athletics, may promulgate administrative regulations
17 restricting, limiting, or prohibiting participation in high school varsity soccer
18 and football for students who have not successfully completed the eighth
19 grade.

20 (d) 1. The state board or any agency designated by the state board to manage
21 interscholastic athletics shall allow a member school's team or students
22 to play against students of a nonmember at-home private school, or a
23 team of students from nonmember at-home private schools, if the
24 nonmember at-home private schools and students comply with this
25 subsection.

26 2. A nonmember at-home private school's team and students shall comply
27 with the rules for student-athletes, including rules 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 at-home private school's team shall comply
- 8 with the rules concerning certification of member school coaches as
- 9 required by the state board or any agency designated by the state board
- 10 to manage interscholastic athletics.
- 11 4. This subsection shall not allow a nonmember at-home private school's
- 12 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 at-home private school's team or students may participate
- 22 in interscholastic athletics permitted, offered, or sponsored by the state
- 23 board or any agency designated by the state board to manage
- 24 interscholastic athletics.
- 25 (e) 1. Every local board of education shall require an annual medical
- 26 examination performed and signed by a physician, physician assistant,
- 27 advanced practice registered nurse, or chiropractor, if performed within

1 the professional's scope of practice, for each student seeking eligibility
2 to participate in any school athletic activity or sport.

3 **2. Any interscholastic athletics participation consent form that is adopted**
4 **by the Kentucky Board of Education or any organization or agency**
5 **designated by the state board to manage interscholastic athletics shall**
6 **include the following information:**

7 **a. A student-athlete may report instances of child dependency,**
8 **neglect, and abuse to any adult;**

9 **b. Any person who knows or has reasonable cause to believe that a**
10 **child is dependent, neglected, or abused shall report that**
11 **information pursuant to KRS 620.030; and**

12 **c. References to instructions on reporting child dependency,**
13 **neglect, and abuse, including KRS 620.030.**

14 **3. The Kentucky Board of Education or any organization or agency**
15 **designated by the state board to manage interscholastic athletics shall**
16 **include the following information in any training for administrators**
17 **and coaches under its jurisdiction:**

18 **a. The duty to report instances of child dependency, neglect, and**
19 **abuse; and**

20 **b. Procedures for reporting child dependency, neglect, and abuse**
21 **under KRS 620.030.**

22 **4.** The Kentucky Board of Education or any organization or agency
23 designated by the state board to manage interscholastic athletics shall
24 not promulgate administrative regulations or adopt any policies or
25 bylaws that are contrary to the provisions of this paragraph.

26 (f) Any student who turns nineteen (19) years of age prior to August 1 shall not
27 be eligible for high school athletics in Kentucky. Any student who turns

1 nineteen (19) years of age on or after August 1 shall remain eligible for that
2 school year only. An exception to the provisions of this paragraph shall be
3 made, and the student shall be eligible for high school athletics in Kentucky if
4 the student:

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

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

- 16 1. A member school shall designate all athletic teams, activities, and sports
17 for students in grades six (6) through twelve (12) as one (1) of the
18 following categories:
 - 19 a. "Boys";
 - 20 b. "Coed"; or
 - 21 c. "Girls";
- 22 2. The sex of a student for the purpose of determining eligibility to
23 participate in an athletic activity or sport shall be determined by:
 - 24 a. A student's biological sex as indicated on the student's original,
25 unedited birth certificate issued at the time of birth; or
 - 26 b. An affidavit signed and sworn to by the physician, physician
27 assistant, advanced practice registered nurse, or chiropractor that

- 1 conducted the annual medical examination required by paragraph
2 (e) of this subsection under penalty of perjury establishing the
3 student's biological sex at the time of birth;
- 4 3. a. An athletic activity or sport designated as "girls" for students in
5 grades six (6) through twelve (12) shall not be open to members of
6 the male sex.
- 7 b. Nothing in this section shall be construed to restrict the eligibility
8 of any student to participate in an athletic activity or sport
9 designated as "boys" or "coed"; and
- 10 4. Neither the state board, any agency designated by the state board to
11 manage interscholastic athletics, any school district, nor any member
12 school shall entertain a complaint, open an investigation, or take any
13 other adverse action against a school for maintaining separate
14 interscholastic or intramural athletic teams, activities, or sports for
15 students of the female sex.
- 16 (h) 1. The state board or any agency designated by the state board to manage
17 interscholastic athletics shall promulgate administrative regulations that
18 permit a school district to employ or assign nonteaching or noncertified
19 personnel or personnel without postsecondary education credit hours to
20 serve in a coaching position. The administrative regulations shall give
21 preference to the hiring or assignment of certified personnel in coaching
22 positions.
- 23 2. A person employed in a coaching position shall be a high school
24 graduate and at least twenty-one (21) years of age and shall submit to a
25 criminal background check in accordance with KRS 160.380.
- 26 3. The administrative regulations shall specify post-hire requirements for
27 persons employed in coaching positions.

- 1 4. The regulations shall permit a predetermined number of hours of
2 professional development training approved by the state board or its
3 designated agency to be used in lieu of postsecondary education credit
4 hour requirements.
- 5 5. A local school board may specify post-hire requirements for personnel
6 employed in coaching positions in addition to those specified in
7 subparagraph 3. of this paragraph.
- 8 (i) Unless permitted to be eligible for varsity athletics by any transfer rule,
9 policy, or administrative regulation promulgated by the state board or any
10 agency designated by the state board to manage interscholastic athletics, any
11 student who transfers enrollment from a district of residence to a nonresident
12 district under KRS 157.350(4)(b) after enrolling in grade nine (9) and
13 participating in a varsity sport shall be ineligible to participate in
14 interscholastic athletics for one (1) calendar year from the date of the transfer.
15 The state board or any agency designated by the state board to manage
16 interscholastic athletics may adopt rules, policies, and bylaws and promulgate
17 administrative regulations necessary to carry out this paragraph.
- 18 (j) No member school shall grant a student-athlete the right to use the member
19 school's intellectual property, such as trademarks, school uniforms, and
20 copyrights, in the student's earning of compensation through name, image,
21 and likeness activities. No student-athlete shall use such intellectual property
22 in earning compensation through name, image, and likeness activities. The
23 state board or any agency designated by the state board to manage
24 interscholastic athletics shall promulgate administrative regulations to govern
25 and enforce this paragraph.
- 26 (3) (a) The Kentucky Board of Education is hereby authorized to lease from the State
27 Property and Buildings Commission or others, whether public or private, any

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

- 17 (b) Each option of the Kentucky Board of Education to renew the lease for a
18 succeeding biennial term may be exercised at any time after the adjournment
19 of the session of the General Assembly at which appropriations shall have
20 been made for the operation of the state government for such succeeding
21 biennial term, by notifying the State Property and Buildings Commission in
22 writing, signed by the chief state school officer, and delivered to the secretary
23 of the Finance and Administration Cabinet as a member of the commission.
24 The option shall be deemed automatically exercised, and the lease
25 automatically renewed for the succeeding biennium, effective on the first day
26 thereof, unless a written notice of the board's election not to renew shall have
27 been delivered in the office of the secretary of the Finance and Administration

1 Cabinet before the close of business on the last working day in April
2 immediately preceding the beginning of the succeeding biennium.

3 (c) The Kentucky Board of Education shall not itself operate leased television
4 facilities, or undertake the preparation of the educational presentations or
5 films to be transmitted thereby, but may enter into one (1) or more contracts
6 to provide therefor, with any public agency and instrumentality of the
7 Commonwealth having, or able to provide, a staff with proper technical
8 qualifications, upon which agency and instrumentality the board, through the
9 chief state school officer and the Department of Education, is represented in
10 such manner as to coordinate matters of curriculum with the curricula
11 prescribed for the public schools of the Commonwealth. Any contract for the
12 operation of the leased television or related facilities may permit limited and
13 special uses of the television or related facilities for other programs in the
14 public interest, subject to the reasonable terms and conditions as the board and
15 the operating agency and instrumentality may agree upon; but any contract
16 shall affirmatively forbid the use of the television or related facilities, at any
17 time or in any manner, in the dissemination of political propaganda or in
18 furtherance of the interest of any political party or candidate for public office,
19 or for commercial advertising. No lease between the board and the State
20 Property and Buildings Commission shall bind the board to pay rentals for
21 more than one (1) fiscal biennium at a time, subject to the aforesaid renewal
22 options. The board may receive and may apply to rental payments under any
23 lease and to the cost of providing for the operation of the television or related
24 facilities not only appropriations which may be made to it from state funds,
25 from time to time, but also contributions, gifts, matching funds, devises, and
26 bequests from any source, whether federal or state, and whether public or
27 private, so long as the same are not conditioned upon any improper use of the

1 television or related facilities in a manner inconsistent with the provisions of
2 this subsection.

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

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

16 ➔Section 2. KRS 158.195 is amended to read as follows:

17 (1) (a) ~~Beginning in the 2019-2020 school year,~~ Local boards shall require each
18 public elementary and secondary school to display the national motto of the
19 United States, "In God We Trust," in a prominent location in the school.

20 (b) The display required in paragraph (a) of this subsection may take the form of
21 but is not limited to a mounted plaque or student artwork.

22 ~~(2)(c)~~ **As used in** ~~For purposes of~~ this section, "prominent location" means a school
23 entryway, cafeteria, or common area where students are likely to see **an item on**
24 **display** ~~the national motto~~.

25 ~~(3)(2)~~ Local boards may allow any teacher or administrator in a public school
26 district of the Commonwealth to read or post in a public school building, classroom,
27 or event any excerpts or portions of: the national motto; the national anthem; the

1 pledge of allegiance; the preamble to the Kentucky Constitution; the Declaration of
2 Independence; the Mayflower Compact; the writings, speeches, documents, and
3 proclamations of the founding fathers and presidents of the United States; United
4 States Supreme Court decisions; and acts of the United States Congress including
5 the published text of the Congressional Record. There shall be no content-based
6 censorship of American history or heritage in the Commonwealth based on
7 religious references in these writings, documents, and records.

8 **(4) Beginning in the 2025-2026 school year, local boards shall require each public**
9 **school building that contains instructional space for students in grades six (6)**
10 **through twelve (12) to conspicuously display in a prominent location, in both**
11 **English and Spanish, a printed abstract of KRS 339.210 to 339.450, a list of the**
12 **limited or prohibited occupations for minors, and a notice stating the working**
13 **hours per day for each day of the week permissible for minors to work. The same**
14 **information or display shall also be posted on a district or school's website.**