

1 AN ACT relating to student-athletes and declaring an emergency.

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

3 ➔Section 1. KRS 164.6941 is amended to read as follows:

4 As used in KRS 164.6941 to 164.6951, unless context otherwise requires:

- 5 (1) ***"Affiliated corporation" means an entity created or designated by the governing***  
6 ***board of an institution under KRS 164A.610 by adopted resolution***~~["Affiliated~~  
7 ~~organization" means an entity whose primary purpose includes supporting or~~  
8 ~~benefitting an institution or an institution's intercollegiate athletics program or an~~  
9 ~~officer, director, or employee of such an entity];~~
- 10 (2) "Agency contract" has the same meaning as in KRS 164.6903;
- 11 (3) "Athlete agent" has the same meaning as in KRS 164.6903;
- 12 (4) "Compensation" means anything of value, monetary or otherwise, including but not  
13 limited to cash, gifts, in-kind items of value, social media compensation, payments  
14 for licensing or use of publicity rights, payments for other intellectual or intangible  
15 property rights under federal or state law, and any other form of payment or  
16 remuneration, but shall exclude:
- 17 (a) Tuition, room, board, books, fees, and personal expenses that a postsecondary  
18 educational institution provides a student-athlete in accordance with the rules  
19 of the intercollegiate athletic association of which the institution is a member;
- 20 (b) Federal Pell Grants and other state and federal grants or scholarships  
21 unrelated to and not awarded because of a student-athlete's participation in  
22 intercollegiate athletics or sports competitions;
- 23 (c) Any other financial aid, benefits, or awards that an institution provides a  
24 student-athlete in accordance with the rules of the intercollegiate athletic  
25 association of which the institution is a member; or
- 26 (d) The payment of wages and benefits to a student-athlete by an institution for  
27 work actually performed, but not for athletic ability or participation in

1 intercollegiate athletics, at a rate commensurate with the prevailing rate for  
2 similar work in the locality of the institution;

3 (5) "Enrolled" has the same meaning as in KRS 164.6903;

4 (6) "Image" means a picture or video of the student-athlete;

5 (7) **"Institutional agreement" means a written contract or agreement between a**  
6 **student-athlete and an institution or its affiliated corporations that gives**  
7 **compensation to the athlete, including but not limited to sharing revenue as**  
8 **permitted or as required by a legal settlement or applicable law. Such**  
9 **compensation may be in exchange for the use of the student athlete's name,**  
10 **image, or likeness, institutional brand promotion, or other rights;**

11 **(8)** "Intercollegiate athletic association" or "association" means any athletic association,  
12 athletic conference, or other similar organization which acts as an organizing,  
13 sanctioning, scheduling, or rule-making body of intercollegiate athletic events in  
14 which postsecondary educational institutions take part, or an officer, director, or  
15 employee of such entities;

16 ~~**(9)**~~~~**(8)**~~ "Intercollegiate athletics" has the same meaning as "intercollegiate sport" in  
17 KRS 164.6903;

18 ~~**(10)**~~~~**(9)**~~ "Likeness" means a physical, digital, or other depiction or representation of  
19 the student-athlete;

20 ~~**(11)**~~~~**(10)**~~ "Name" means the first, middle, or last name, or nickname of the student-  
21 athlete when used in a context that reasonably identifies the student-athlete with  
22 particularity, which may include a team number, symbol, logo, or brand;

23 ~~**(12)**~~~~**(11)**~~ "Name, image, and likeness agreement" or "NIL agreement" means a written  
24 contract or agreement between a student-athlete and a third party that gives  
25 compensation to the athlete in exchange for the use of the athlete's name, image, or  
26 likeness;

27 ~~**(13)**~~~~**(12)**~~ "Official team activities" means activities a postsecondary educational

1 institution requires a student-athlete to participate in as part of **an institutional**  
 2 **agreement or other**<sup>[a]</sup> written team contract that includes but is not limited to  
 3 games, practices, exhibitions, scrimmages, trainings, meetings, team appearances,  
 4 team photograph and video sessions, individual photograph and video sessions,  
 5 media interviews and appearances, marketing activities, team travel, and  
 6 institutional camps and clinics;

7 ~~(14)~~<sup>[(13)]</sup> "Postsecondary educational institution" or "institution" means a public or  
 8 private Kentucky college, university, or community college that participates in  
 9 intercollegiate athletics, or an officer, director, or employee of such institutions;

10 **(15) "Prevailing range of compensation" means a range of compensation for a valid**  
 11 **business purpose related to the promotion or endorsement of goods or services**  
 12 **provided to the general public for profit, with compensation at rates and terms**  
 13 **commensurate with compensation paid to similarly situated student-athletes who**  
 14 **are not current or prospective student-athletes at the institution**<sup>[(14)]</sup>

15 ~~—"Prevailing market rate" means a rate that is tethered to the value of the~~  
 16 ~~consideration the student athlete provides in an NIL agreement and that is~~  
 17 ~~reasonable based on a comparison with:~~

- 18 ~~(a) Student athletes of similar skill and experience in that sport;~~  
 19 ~~(b) Student athletes of similar notoriety; and~~  
 20 ~~(c) NIL agreement compensation in similar markets];~~

21 ~~(16)~~<sup>[(15)]</sup> "Prospective student-athlete" means a person who is not currently enrolled in  
 22 a postsecondary educational institution but has been identified by that institution for  
 23 possible recruitment and participation in intercollegiate athletics;

24 ~~(17)~~<sup>[(16)]</sup> "Recruit" or "recruitment" means to attempt to influence a person's choice of  
 25 postsecondary educational institution;

26 ~~(18)~~<sup>[(17)]</sup> "Student-athlete" means a person who:

- 27 (a) Has entered into **an institutional agreement or other**<sup>[a]</sup> contract to enroll and

- 1           participate in intercollegiate athletics as an athlete at an institution; or
- 2           (b) Is enrolled and participates as an athlete in intercollegiate athletics at an
- 3           institution; and

4 ~~(19)~~~~(18)~~ "Third party" means a person or entity, other than an institution, affiliated

5           corporation~~organization~~, or an association, that offers, solicits, or enters into an

6           NIL agreement.

7           ➔Section 2. KRS 164.6943 is amended to read as follows:

8           (1) An institution or an association shall not prohibit a student-athlete from lawfully

9           earning compensation through a name, image, and likeness agreement with a third

10           party, except as otherwise agreed to in an institutional agreement between the

11           student-athlete and the institution or affiliated organization, or from obtaining an

12           athlete agent and shall not penalize an athlete for doing so. However, an institution

13           or an intercollegiate athletic association may require that compensation be

14           consistent with the prevailing range of compensation.

15           (2) An institution shall not revoke a student-athlete's scholarship or allow eligibility for

16           a scholarship to be adversely impacted because of an athlete lawfully earning

17           compensation through an NIL agreement or obtaining an athlete agent, unless the

18           athlete has violated a reasonable restriction imposed by the institution under KRS

19           164.6947. However, a student-athlete's need-based financial assistance or an

20           academic scholarship based in part on financial need may be affected by the income

21           generated by an institutional agreement or an NIL agreement.

22           (3) An association shall not prohibit an institution from participating in intercollegiate

23           athletics due to an institution's student-athlete lawfully earning compensation

24           through an NIL agreement with a third party or obtaining an athlete agent and shall

25           not penalize an institution for its student-athlete doing so.

26           ➔Section 3. KRS 164.6945 is amended to read as follows:

27           (1) A student-athlete may receive compensation for the use of the athlete's name,

1 image, or likeness through a name, image, and likeness agreement with a third  
 2 party. Such compensation shall be consistent with the prevailing range of  
 3 compensation for~~[market rate of]~~ the authorized use of the athlete's name, image,  
 4 or likeness.

5 (2) *A student-athlete may receive compensation from an institution or its affiliated*  
 6 *corporation including but not limited to sharing revenue as permitted or required*  
 7 *by a legal settlement or applicable law, by entering into a written institutional*  
 8 *agreement with the institution or affiliated corporation. Such compensation may*  
 9 *be in exchange for the use of the student-athlete's name, image, or likeness,*  
 10 *institutional brand promotion, or other rights*~~[(a) A person or entity shall not give~~

11 ~~or promise compensation for the use of the name, image, or likeness of a current or~~  
 12 ~~prospective student athlete to recruit or induce the athlete to enroll at any Kentucky~~  
 13 ~~institution.~~

14 ~~(b) A person or entity, regardless of residence, shall not give or promise~~  
 15 ~~compensation for the use of the name, image, or likeness of a student athlete~~  
 16 ~~enrolled at a Kentucky institution or of a prospective student athlete who has~~  
 17 ~~entered into an enrollment contract with a Kentucky institution with the~~  
 18 ~~purpose of recruiting or inducing the student athlete to enroll at another~~  
 19 ~~postsecondary educational institution, regardless of the institution's location].~~

20 (3) *An institution or affiliated corporation may designate, through contract,*  
 21 *sublicense or other written agreement, a media rights holder or one (1) or more*  
 22 *other third parties with whom an institution's student-athletes may directly enter*  
 23 *into NIL agreements consistent with the prevailing range of compensation*~~[An~~

24 ~~institution, association, or affiliated organization shall not:~~

25 ~~(a) Give or promise compensation for the use of an athlete's name, image, or~~  
 26 ~~likeness;~~

27 ~~(b) Direct compensation to be given for the use of the athlete's name, image or~~

1           likeness; or

2       ~~(e) Negotiate any part of an NIL agreement on behalf of a prospective student-~~  
3       ~~athlete}.~~

4       (4) A student-athlete shall not enter into an NIL agreement to receive compensation  
5       from a third party relating to the endorsement or promotion of:

6       (a) Sports betting;

7       (b) A controlled substance;

8       (c) A substance the student-athlete's intercollegiate athletic association forbids  
9       the athlete from using;

10      (d) Adult entertainment; or

11      (e) Products or services that would be illegal for the student-athlete to possess or  
12      receive.

13      ~~[(5) The provisions of subsections (2) and (3) of this section shall apply to NIL~~  
14      ~~agreement activities only to the extent that an intercollegiate athletic association~~  
15      ~~may lawfully regulate or restrict a student athlete's agreements to receive~~  
16      ~~compensation in exchange for his or her name, image, or likeness in a manner~~  
17      ~~identical or substantially similar to that set forth in subsection (2) and (3) of this~~  
18      ~~section, including as currently or may be in the future modified by a court of~~  
19      ~~competent jurisdiction, and the intercollegiate athletic association chooses to do so.]~~

20      ➔Section 4. KRS 164.6947 is amended to read as follows:

21      (1) Due to the critical mission of postsecondary educational institutions and the  
22      importance of integrity in an institution's participation in intercollegiate athletics,  
23      the governing board of an institution may adopt a policy governing the name,  
24      image, and likeness agreements of the institution's student-athletes. Any restrictions  
25      included in the policy shall be reasonable and shall not be an undue burden on the  
26      student-athlete's ability to earn compensation through NIL agreements. Reasonable  
27      restrictions shall be in writing and provided to all student-athletes. The institution's

1 policy shall ensure the equitable enforcement of restrictions. Reasonable restrictions  
2 that an institution may choose to impose include but are not limited to:

- 3 (a) Prohibiting a student-athlete from entering into an NIL agreement for  
4 products or services that are reasonably considered to conflict with the  
5 mission of the institution, in the same manner as any other student would be  
6 prohibited;
- 7 (b) Forbidding or establishing the conditions for the institution's student-athletes'  
8 use of the institution's intellectual property, such as trademarks, trade dress,  
9 and copyrights, in NIL agreement activities. These conditions may include  
10 preferential conditions for activities involving the institution's partner entities;
- 11 (c) Prohibiting a student-athlete from entering into any NIL agreement that would  
12 cause the athlete to miss an official team activity;
- 13 (d) Restricting a student-athlete's NIL agreement activities during official team  
14 activities;
- 15 (e) Requiring a student-athlete to participate in official team activities pursuant to  
16 the institutional agreement or other written team contract, which may  
17 include the use of the name, image, or likeness of the athlete; and
- 18 (f) Imposing disciplinary action under team, institution, or athletic association  
19 rules if a student-athlete violates the provisions of KRS 164.6941 to 164.6951  
20 or violates a reasonable restriction.
- 21 (2) (a) A student-athlete who wishes to enter into an NIL agreement with a third  
22 party shall submit the potential agreement to an official designated by the  
23 institution in which the student is enrolled in a manner designated by the  
24 institution. The institution shall have up to three (3) business days to review  
25 the potential NIL agreement for conflicts with the provisions of KRS  
26 164.6941 to 164.6951 or the institution's reasonable restrictions and provide  
27 the student-athlete with a written notice of any conflicts identified by the

1 institution. The written notice from the institution may include  
2 recommendations or identify concerns. After any conflicts are resolved, the  
3 student-athlete may then enter into the agreement. Any subsequent proposed  
4 modifications to the agreement shall be submitted for review in the same  
5 manner.

6 (b) The governing board of the institution shall adopt a policy to carry out the  
7 provisions of this subsection that:

- 8 1. Designates the official to receive NIL agreement submissions;
- 9 2. Establishes NIL agreement review procedures;
- 10 3. Provides student-athletes with a process to appeal conflict  
11 determinations; and
- 12 4. Ensures review of appeals in a timely manner.

13 (3) An institution's employees, including athletics coaching staff, or an affiliated  
14 corporation's employees, shall not be liable for any damages to a student-athlete's  
15 ability to earn compensation through an NIL agreement with a third party resulting  
16 from decisions and actions routinely taken in the course of intercollegiate athletics.  
17 However, nothing in this subsection shall protect ~~the institution or its~~ employees  
18 from acts of gross negligence, or wanton, willful, malicious, or intentional  
19 misconduct.

20 (4) An institution shall provide the institution's student-athletes with a financial literacy  
21 and life skills education workshop for a minimum of five (5) hours at the beginning  
22 of the athlete's first and third academic years. The education shall, at a minimum,  
23 include information concerning financial aid, debt management, saving and  
24 budgeting best practices, time management, available academic resources, and the  
25 skills necessary for success as a student-athlete. The workshop shall also provide  
26 social media and brand management education. The workshop shall not include any  
27 marketing, advertising, or referral for, or solicitation by, providers of financial,



1 marketing, branding, or other NIL agreement products or services.

2 (5) An institution's governing board may establish a program to provide NIL agreement  
3 resources and ongoing support to the institution's student-athletes. The mission and  
4 the extent of the program shall be established by the governing board and may  
5 include:

6 (a) Providing impartial analysis of potential NIL agreements;

7 (b) Referring third parties soliciting potential NIL agreements to student-athletes  
8 or their athlete agents; and

9 (c) Maintaining educational resources on name, image, and likeness for student-  
10 athlete use.

11 (6) An institution's governing board may establish a program to provide NIL agreement  
12 resources as it relates to student-athletes to the general public and potential third-  
13 party licensees.

14 (7) For the purposes of the Kentucky Open Records Act, KRS 61.870 to 61.884, a  
15 student-athlete's institutional agreement or an NIL agreement submitted pursuant  
16 to subsection (2) of this section to a public postsecondary institution and the  
17 information obtained from the agreement shall be considered as containing  
18 information of a personal nature where the public disclosure thereof would  
19 constitute a clearly unwarranted invasion of personal privacy under KRS 61.878  
20 and not subject to disclosure.

21 ➔Section 5. KRS 164.6949 is amended to read as follows:

22 Nothing in KRS 164.6941 to 164.6951 shall be interpreted as:

23 (1) Waiving the immunity of any public postsecondary educational institution or its  
24 employees, agents, or authorized volunteers beyond any waiver for actions brought  
25 on a written institutional agreement under KRS 45A.245;

26 (2) Granting name, image, or likeness rights or requiring compensation for the use of  
27 the name, image, or likeness of any student-athlete prior to March 9, 2022;

1 (3) Establishing student-athletes as employees or independent contractors of an  
2 institution or an association; or

3 (4) Modifying the powers or waiving the rules or regulations of the Kentucky Board of  
4 Education or the agency designated to manage interscholastic athletics under KRS  
5 156.070.

6 ➔Section 6. KRS 164.6951 is amended to read as follows:

7 (1) For the purposes of this section, "student-athlete" shall have the same meaning as in  
8 KRS 164.6903.

9 (2) For all student-athletes enrolled in institutions within the Commonwealth, all  
10 *institutional agreements*, NIL agreements, and agency contracts shall be governed  
11 by the laws of the Commonwealth.

12 (3) The parent or guardian of a minor student-athlete may enter the minor into an NIL  
13 agreement or an agency contract on the minor's behalf. However, the minor shall  
14 reaffirm the NIL agreement or agency contract within thirty (30) days of reaching  
15 the age of eighteen (18) or the contract or agreement shall be revoked.

16 (4) A student-athlete *or prospective student-athlete* shall reaffirm an NIL agreement or  
17 an agency contract, either of which was formed or reaffirmed *before or* while the  
18 student-athlete was participating in intercollegiate athletics at an institution, within  
19 thirty (30) days of the student-athlete no longer participating in intercollegiate  
20 athletics at that institution or the contract or agreement shall be revoked.

21 ➔Section 7. KRS 156.070 is amended to read as follows:

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

26 (2) The Kentucky Board of Education may designate an organization or agency to  
27 manage interscholastic athletics in the common schools, provided that the rules,

1 regulations, and bylaws of any organization or agency so designated shall be  
2 approved by the board, and provided further that any administrative hearing  
3 conducted by the designated managing organization or agency shall be conducted in  
4 accordance with KRS Chapter 13B.

5 (a) The state board or its designated agency shall assure through promulgation of  
6 administrative regulations that if a secondary school sponsors or intends to  
7 sponsor an athletic activity or sport that is similar to a sport for which  
8 National Collegiate Athletic Association members offer an athletic  
9 scholarship, the school shall sponsor the athletic activity or sport for which a  
10 scholarship is offered. The administrative regulations shall specify which  
11 athletic activities are similar to sports for which National Collegiate Athletic  
12 Association members offer scholarships.

13 (b) Beginning with the 2003-2004 school year, the state board shall require any  
14 agency or organization designated by the state board to manage interscholastic  
15 athletics to adopt bylaws that establish as members of the agency's or  
16 organization's board of control one (1) representative of nonpublic member  
17 schools who is elected by the nonpublic school members of the agency or  
18 organization from regions one (1) through eight (8) and one (1) representative  
19 of nonpublic member schools who is elected by the nonpublic member  
20 schools of the agency or organization from regions nine (9) through sixteen  
21 (16). The nonpublic school representatives on the board of control shall not be  
22 from classification A1 or D1 schools. Following initial election of these  
23 nonpublic school representatives to the agency's or organization's board of  
24 control, terms of the nonpublic school representatives shall be staggered so  
25 that only one (1) nonpublic school member is elected in each even-numbered  
26 year.

27 (c) The state board or any agency designated by the state board to manage

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

- 10 (d) 1. The state board or any agency designated by the state board to manage  
11 interscholastic athletics shall allow a member school's team or students  
12 to play against students of a nonmember at-home private school, or a  
13 team of students from nonmember at-home private schools, if the  
14 nonmember at-home private schools and students comply with this  
15 subsection.
- 16 2. A nonmember at-home private school's team and students shall comply  
17 with the rules for student-athletes, including rules concerning:
- 18 a. Age;
  - 19 b. School semesters;
  - 20 c. Scholarships;
  - 21 d. Physical exams;
  - 22 e. Foreign student eligibility; and
  - 23 f. Amateurs.
- 24 3. A coach of a nonmember at-home private school's team shall comply  
25 with the rules concerning certification of member school coaches as  
26 required by the state board or any agency designated by the state board  
27 to manage interscholastic athletics.

- 1           4. This subsection shall not allow a nonmember at-home private school's  
2           team to participate in a sanctioned:
- 3           a. Conference;
- 4           b. Conference tournament;
- 5           c. District tournament;
- 6           d. Regional tournament; or
- 7           e. State tournament or event.
- 8           5. This subsection does not allow eligibility for a recognition, award, or  
9           championship sponsored by the state board or any agency designated by  
10          the state board to manage interscholastic athletics.
- 11          6. A nonmember at-home private school's team or students may participate  
12          in interscholastic athletics permitted, offered, or sponsored by the state  
13          board or any agency designated by the state board to manage  
14          interscholastic athletics.
- 15          (e) Every local board of education shall require an annual medical examination  
16          performed and signed by a physician, physician assistant, advanced practice  
17          registered nurse, or chiropractor, if performed within the professional's scope  
18          of practice, for each student seeking eligibility to participate in any school  
19          athletic activity or sport. The Kentucky Board of Education or any  
20          organization or agency designated by the state board to manage interscholastic  
21          athletics shall not promulgate administrative regulations or adopt any policies  
22          or bylaws that are contrary to the provisions of this paragraph.
- 23          (f) Any student who turns nineteen (19) years of age prior to August 1 shall not  
24          be eligible for high school athletics in Kentucky. Any student who turns  
25          nineteen (19) years of age on or after August 1 shall remain eligible for that  
26          school year only. An exception to the provisions of this paragraph shall be  
27          made, and the student shall be eligible for high school athletics in Kentucky if

1 the student:

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

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

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

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

1 hour requirements.

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

5 (i) Unless permitted to be eligible for varsity athletics by any transfer rule,  
6 policy, or administrative regulation promulgated by the state board or any  
7 agency designated by the state board to manage interscholastic athletics, any  
8 student who transfers enrollment from a district of residence to a nonresident  
9 district under KRS 157.350(4)(b) after enrolling in grade nine (9) and  
10 participating in a varsity sport shall be ineligible to participate in  
11 interscholastic athletics for one (1) calendar year from the date of the transfer.  
12 The state board or any agency designated by the state board to manage  
13 interscholastic athletics may adopt rules, policies, and bylaws and promulgate  
14 administrative regulations necessary to carry out this paragraph.

15 (j) No member school shall grant a student-athlete the right to use the member  
16 school's property, or intellectual property, such as trademarks, school  
17 uniforms, and copyrights, in the student's earning of compensation through  
18 name, image, and likeness activities. No student-athlete shall use school  
19 property or such intellectual property in earning compensation through name,  
20 image, and likeness activities. The state board or any agency designated by  
21 the state board to manage interscholastic athletics shall promulgate  
22 administrative regulations to govern and enforce this paragraph.

23 (3) (a) The Kentucky Board of Education is hereby authorized to lease from the State  
24 Property and Buildings Commission or others, whether public or private, any  
25 lands, buildings, structures, installations, and facilities suitable for use in  
26 establishing and furthering television and related facilities as an aid or  
27 supplement to classroom instruction throughout the Commonwealth and for



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

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

27 (c) The Kentucky Board of Education shall not itself operate leased television

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

27 (4) The state board may, on the recommendation and with the advice of the chief state

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

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

13 ➔Section 8. Whereas the mission and successful operation of the state's  
14 postsecondary educational institutions requires clear guidelines for the regulation of  
15 student-athlete compensation in intercollegiate athletics, an emergency is declared to  
16 exist, and this Act take effect upon its passage and approval by the Governor or upon its  
17 otherwise becoming a law.