

1 AN ACT relating to students.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 159 IS CREATED TO  
4 READ AS FOLLOWS:

5 (1) A parent, guardian, or other person having custody or charge of a child subject to  
6 compulsory attendance under this chapter shall be permitted to enroll the child as  
7 a student in a public school district on a part-time basis for courses offered in the  
8 district's schools. Part-time enrollment under this section may partially satisfy the  
9 compulsory attendance requirements of this chapter. If the child is:

10 (a) A resident of the district, the district shall enroll the child and assign him or  
11 her to a school subject to the same policies and procedures used in enrolling  
12 and assigning other resident students; or

13 (b) Not a resident of the district, the child shall be subject to the district's  
14 nonresident pupil policy required under Section 2 of this Act in the same  
15 manner as other nonresident pupils.

16 (2) If a part-time student enrolled under this section wishes to enroll into a specific  
17 educational program or course offered to other students by a public school:

18 (a) The part-time student shall be subject to the same eligibility requirements,  
19 responsibilities, and standards as other students; and

20 (b) The school shall not discriminate against the student based on part-time  
21 status in placement in a given educational program or course.

22 (3) A part-time student enrolled under this section may participate in school activities  
23 and extracurricular activities in the same manner and subject to the same rules,  
24 policies, and standards as full-time students, except that a part-time student shall  
25 not be eligible for participation at the public school in interscholastic athletics  
26 governed by the Kentucky Board of Education or the agency designated by the  
27 board for the management of interscholastic athletics. A part-time student may

1 retain eligibility at any nonpublic school in which the student is enrolled, subject  
2 to the rules, policies, and standards set forth by the Kentucky Board of Education  
3 or the agency designated by the board for the management of interscholastic  
4 athletics.

5 (4) The Kentucky Board of Education shall promulgate administrative regulations in  
6 accordance with KRS Chapter 13A as necessary to carry out this section.

7 ➔Section 2. KRS 158.120 is amended to read as follows:

8 (1) Each local~~[A]~~ board of education shall adopt a nonresident pupil policy to govern  
9 the terms under which the district shall allow enrollment of nonresident pupils.

10 ~~[Upon allowing nonresident pupil enrollment,]~~The policy:

11 (a) Shall:

12 1. Allow nonresident children to be eligible to enroll in any public school  
13 located within the district;~~[The policy shall]~~

14 2. Not discriminate against any nonresident pupil on the basis of the  
15 pupil's residential address, ability level, socioeconomic status, or status  
16 in a protected class under state or federal law;

17 3. Provide preferential consideration to nonresident pupils who were  
18 enrolled in the district in the preceding school year;~~[between~~  
19 ~~nonresident pupils, but may recognize enrollment capacity, as~~  
20 ~~determined by the local school district. The nonresident pupil policy and~~  
21 ~~any subsequent changes adopted by a board of education shall]~~

22 4. Be filed, along with any subsequent changes to the policy, with the  
23 Kentucky Department of Education no later than thirty (30) days  
24 following their adoption; and

25 5. Be published on the district's website; and

26 (b) May provide preferential consideration to non resident pupils with a sibling  
27 enrolled in the district.

(2) (a) Any local board of education may charge a reasonable tuition fee per month for each child attending its schools if:

1. The child's~~[whose]~~ parent, guardian, or other legal custodian is not a bona fide resident of the district; and

2. The board of education of the school district in which the pupil resides does not make provision for the child's education within that district.

A tuition fee is charged under this paragraph shall be paid by the board of education of the school district in which the pupil resides.

(b) A local board of education shall not charge a tuition fee for a nonresident child attending its schools when the board of education of the school district in which the pupil resides is not required to pay the fee.

(c) Any controversy as to a tuition~~[the]~~ fee shall be submitted to the Kentucky Board of Education for final settlement.~~[The fee shall be paid by the board of education of the school district in which the pupil resides, except in cases where the board makes provision for the child's education within his or her district.]~~ If a board of education is required to pay a pupil's tuition fee, the pupil shall be admitted to a school only upon proper certificate of the local board of education of the school district in which he or she resides.

(3) When it appears to the board of education of any school district that it is convenient for a pupil of any grade residing in that district to attend an approved public school in another district, the board of education may enter into a tuition contract with the public school authorities of the other school district for that purpose, but before a contract is entered into with public school authorities in another state the school shall have been approved by the state school authorities of that state through the grades in which the pupil belongs. When a district undertakes, under operation of a tuition contract or of law, to provide in its school for pupils residing in another district, the district of their residence shall share the total cost of the school,

1 including transportation when furnished at public expense, in proportion to the  
2 number of pupils or in accordance with contract agreement between the two (2)  
3 boards.

4 (4) *Each school district shall:*

5 *(a) Determine the capacity of each grade level for each school; and*

6 *(b) Be responsible for posting the number of available seats remaining for each*  
7 *grade and for each school on the district's website by August 1 of each year,*  
8 *and for providing updated information by October 1, January 1, and March*  
9 *1 of each year.*

10 *(5) (a) The Kentucky Board of Education shall develop and publish a nonresident*  
11 *pupil enrollment application form to be utilized by parents or guardians of*  
12 *pupils seeking enrollment as a nonresident pupil in a particular school*  
13 *district under this section.*

14 *(b) The parent or guardian of a pupil seeking enrollment shall submit a*  
15 *completed application form to the local board of education of the district in*  
16 *which the pupil seeks to be enrolled.*

17 *(c) Within fifteen (15) calendar days of the receipt of a completed nonresident*  
18 *pupil enrollment application, a local board of education or a designee*  
19 *appointed by the board to manage nonresident pupil enrollment shall*  
20 *provide written notification to the applicant of the approval or disapproval*  
21 *of the application. If the local board of education or designee disapproves*  
22 *an application, the written notification shall include the applicable basis for*  
23 *the disapproval and the evidence substantially relied upon to reach that*  
24 *decision. A disapproval shall be based only upon the following:*

25 *1. The pupil has been expelled from a school or district where the pupil*  
26 *was previously enrolled;*

27 *2. The pupil has a documented history of significant disciplinary issues*

1 resulting in disciplinary actions being taken against him or her;

2 3. The pupil has a documented history as a habitual truant under KRS  
3 159.150;

4 4. The pupil has a document history of chronic absenteeism defined as a  
5 student missing ten percent (10%) or more of yearly school time for  
6 excused or unexcused reasons throughout the school year; or

7 5. There is insufficient capacity at the requested school in the requested  
8 grade level.

9 (d) Within thirty (30) calendar days of receiving written notification of  
10 disapproval of an application, an applicant may appeal the disapproval to  
11 the Kentucky Board of Education. Upon appeal, an administrative hearing  
12 shall be conducted in accordance with KRS Chapter 13B.

13 (6) As used in this subsection, "virtual program" has the same meaning as in KRS  
14 157.320. A school district may enroll nonresident pupils on a full-time basis in  
15 kindergarten through grade twelve (12) in a virtual program established under KRS  
16 158.100 by that district. Nonresident pupil enrollment shall be subject to the  
17 following requirements:

18 (a) Beginning with the 2025-2026 school year, the statewide total enrollment of  
19 nonresident pupils in virtual programs offered by school districts shall not  
20 exceed an enrollment cap of one percent (1%) of the previous year's total  
21 statewide student enrollment in all school districts. By July 1, 2025, and each  
22 year thereafter until June 30, 2028, the Kentucky Department of Education  
23 shall publish on its website the previous year's total statewide student  
24 enrollment in all school districts and the one percent (1%) value of that  
25 number. The information shall remain on the website for the remainder of  
26 each school year;

27 (b) Each school district shall report in the student information system the

1 nonresident pupils enrolled in the district's virtual programs. The department  
2 shall monitor the number of statewide total enrollment of nonresident pupils  
3 in virtual programs;

4 (c) If the number of statewide total enrollment of nonresident pupils in virtual  
5 programs reaches eighty-five hundredths of one percent (0.85%) of the  
6 previous year's total statewide student enrollment in all school districts, the  
7 department shall alert all school districts operating virtual programs that the  
8 nonresident enrollment cap has almost been reached. Upon receiving the alert,  
9 a school district shall notify any nonresident pupil seeking enrollment in a  
10 virtual program operated by the school district that the pupil will be  
11 provisionally enrolled until the department can confirm that the pupil's  
12 enrollment would not exceed the enrollment cap, and shall report the pupil as  
13 provisionally enrolled in the student information system. If the department  
14 determines that a pupil's enrollment would exceed the enrollment cap, the  
15 department shall notify the school district that the pupil cannot be approved  
16 for enrollment due to the enrollment cap. The department shall determine  
17 whether the pupil's enrollment will exceed the enrollment cap and provide  
18 notice to the school district of the determination. If the department fails to  
19 provide the school district with the determination within two (2) business  
20 days, the pupil shall be deemed to not exceed the enrollment cap and the  
21 provisional status shall be removed;

22 (d) If the nonresident enrollment cap is reached, the department shall notify all  
23 school districts operating virtual programs and that no additional nonresident  
24 pupils shall be enrolled until such time as nonresident enrollment falls below  
25 the enrollment cap;

26 (e) After reaching the nonresident enrollment cap, if the number of statewide total  
27 enrollment of nonresident pupils in virtual programs falls back below the

1 enrollment cap, the department shall notify all school districts operating  
2 virtual programs that nonresident enrollment may resume again, but any  
3 nonresident pupils enrolled for the remainder of the school year shall be  
4 provisionally enrolled, following the same process outlined in paragraph (c)  
5 of this subsection; and

6 (f) The nonresident enrollment cap established in this subsection shall not apply  
7 to any of the following pupils:

- 8 1. A sibling of a pupil already enrolled into the same virtual program;
- 9 2. A pupil who is a dependent of a member of the Armed Forces of the  
10 United States; or
- 11 3. A pupil with a medical condition for which enrolling into the virtual  
12 program may be beneficial to the pupil, which shall be evidenced in a  
13 written statement signed by the pupil's physician.

14 All documentation related to these exceptions to the nonresident enrollment  
15 cap shall be maintained by the school district enrolling the nonresident pupil  
16 as part of the pupil's official record.

17 ~~(Z)(5)}~~ A school district operating a virtual program that enrolls nonresident pupils  
18 shall no longer continue the enrollment of nonresident pupils in the program after  
19 June 30, 2028, unless explicit permission to do so is provided by the General  
20 Assembly.

21 **(8) (a) Each school district shall:**

- 22 **1. Report in the student information system and to the Kentucky**  
23 **Department of Education the nonresident pupils enrolled in the**  
24 **district; and**
- 25 **2. Report to the Kentucky Department of Education by June 1 of each**  
26 **year the number of nonresident pupil enrollment applications**  
27 **received, the number of approvals and disapprovals of submitted**

1                   applications, and the basis provided to the applicant for each  
2                   disapproval.

3           **(b) The Kentucky Department of Education shall compile the information**  
4                   submitted by each school district under paragraph (a) of this subsection  
5                   and publish a report on its website by July 1 of each year detailing the  
6                   nonresident pupil enrollment in each district, as well as statewide  
7                   information on the number of applicants for nonresident pupil enrollment,  
8                   the number of approvals and disapprovals, and a breakdown of the basis  
9                   provided by the district for disapproval.

10   **(9) The Kentucky Board of Education shall promulgate administrative regulations in**  
11                   accordance with KRS Chapter 13A as necessary to carry out this section.

12           ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO  
13 READ AS FOLLOWS:

14   **(1) As used in this section:**

15           **(a) "Attendance percentage" means the proportion of student attendance days**  
16                   during the school year in which a student was in attendance or was absent  
17                   with a valid excuse;

18           **(b) "Eligible local district" means a local school district enrolling nonresident**  
19                   pupils who are not subject to a tuition fee under Section 2 of this Act;

20           **(c) "Local per pupil revenue":**

21                   **1. Means the per pupil calculation, using the average daily attendance**  
22                   for the prior year, of:

23                   **a. All taxes and payments in lieu of taxes collected by a local**  
24                           government and transferred to a local school district, except  
25                           funds excluded pursuant to subparagraph 2. of this paragraph;  
26                           and

27                   **b. All taxes and payments in lieu of taxes levied and collected by a**



1 local school district, except funds excluded pursuant to  
2 subparagraph 2. of this paragraph; and

3 2. Does not include:

4 a. A local capital outlay funds that are restricted in use pursuant to  
5 KRS 157.420(4); and

6 b. Funds under KRS 157.440(1)(b) and 157.621 necessary to meet  
7 debt service obligations on bonds or other financing mechanisms  
8 for new construction and renovation projects for school  
9 facilities; and

10 (d) "Qualifying nonresident pupil" means a nonresident pupil enrolled in an  
11 eligible local district.

12 (2) To the extent funds are appropriated by the General Assembly to support  
13 nonresident pupil enrollment, the Kentucky Department of Education shall  
14 distribute to eligible local districts all general funds designated to support  
15 nonresident pupil enrollment, as follows:

16 (a) On or before June 30 of each year, funds to support nonresident pupil  
17 enrollment shall be divided and allocated to each eligible local district based  
18 on that district's proportionate share of credits compared to the statewide  
19 total number of credits; and

20 (b) To calculate an eligible local district's share of credits, the department shall  
21 create a formula that:

22 1. Calculates the difference in local per pupil revenue raised during the  
23 prior year between a qualifying nonresident pupil's district of  
24 residence and district of enrollment;

25 2. Does not award credits when the local per pupil revenue of the pupil's  
26 district of residence exceeds the local per pupil revenue of the pupil's  
27 district of enrollment;

- 1                   3. Determines the credit amount for each qualifying nonresident pupil by  
2                   multiplying the attendance percentage of each qualifying nonresident  
3                   pupil by the calculated difference in local per pupil revenue between  
4                   the district of residence and the district of enrollment; and  
5                   4. Adds together the credit amount for each qualifying nonresident pupil  
6                   within an eligible local district to determine the total credits for the  
7                   eligible local district.

- 8                   (3) Notwithstanding the provisions of subsection (2) of this section, two (2) or more  
9                   eligible local districts may enter into an agreement to provide nonresident pupil  
10                  enrollment for students of those districts subject to the agreement and set the  
11                  tuition fee to be charged, if any, if the tuition fee is charged to the applicable local  
12                  board of education consistent with subsection (3) of Section 2 of this Act. Eligible  
13                  local districts electing to enter into agreements for nonresident pupil enrollment  
14                  shall not be eligible for state funds for the support of nonresident pupil  
15                  enrollment for students of the districts subject to the agreement.

16                  ➔Section 4. KRS 157.350 is amended to read as follows:

17                  Each district which meets the following requirements shall be eligible to share in the  
18                  distribution of funds from the fund to support education excellence in Kentucky:

- 19                  (1) Employs and compensates all teachers for not less than one hundred eighty-five  
20                  (185) days. The Kentucky Board of Education, upon recommendation of the  
21                  commissioner of education, shall prescribe procedures by which this requirement  
22                  may be reduced during any year for any district which employs teachers for less  
23                  than one hundred and eighty-five (185) days, in which case the eligibility of a  
24                  district for participation in the public school fund shall be in proportion to the  
25                  length of time teachers actually are employed;  
26                  (2) Operates all schools for a minimum school term as provided in KRS 158.070 and  
27                  administrative regulations of the Kentucky Board of Education. If the school term is

1 less than one hundred eighty-five (185) days, including not less than one hundred  
2 seventy (170) student attendance days as defined in KRS 158.070 or one thousand  
3 sixty-two (1,062) hours of instructional time, for any reason not approved by the  
4 Kentucky Board of Education on recommendation of the commissioner, the  
5 eligibility of a district for participation in the public school fund shall be in  
6 proportion to the length of term the schools actually operate;

7 (3) Compensates all teachers on the basis of a single salary schedule and in conformity  
8 with the provisions of KRS 157.310 to 157.440;

9 (4) Includes no nonresident pupils in its average daily attendance, except:

10 (a) ~~{1. Until July 1, 2022, pupils listed under a written agreement, which may~~  
11 ~~be for multiple years, with the district of the pupils' legal residence.~~

12 ~~2. If an agreement cannot be reached, either board may appeal to the~~  
13 ~~commissioner for settlement of the dispute.~~

14 ~~3. The commissioner shall have thirty (30) days to resolve the dispute.~~  
15 ~~Either board may appeal the commissioner's decision to the Kentucky~~  
16 ~~Board of Education.~~

17 ~~4. The commissioner and the Kentucky Board of Education shall consider~~  
18 ~~the factors affecting the districts, including but not limited to academic~~  
19 ~~{performance and the impact on programs, school facilities,~~  
20 ~~transportation, and staffing of the districts.~~

21 ~~5. The Kentucky Board of Education shall have sixty (60) days to approve~~  
22 ~~or amend the decision of the commissioner;~~

23 ~~(b) Beginning July 1, 2022, }~~Those nonresident pupils admitted pursuant to  
24 district nonresident pupil policies adopted under Section 2 of this Act~~{KRS~~  
25 ~~158.120}~~; and

26 ~~(b){(e)}~~ A nonresident pupil who attends a district in which a parent of the pupil  
27 is employed~~{. All tuition fees required of a nonresident pupil may be waived~~

1           ~~for a pupil who meets the requirements of this paragraph].~~

2           This subsection does not apply to those pupils enrolled in an approved class  
3           conducted in a hospital and pupils who have been expelled for behavioral reasons  
4           who shall be counted in average daily attendance under KRS 157.320;

5       (5) Any secondary school which maintains a basketball team for boys for other than  
6           intramural purposes, shall maintain the same program for girls;

7       (6) Any school district which fails to comply with subsection (5) of this section shall be  
8           prohibited from participating in varsity competition in any sport for one (1) year.  
9           Determination of failure to comply shall be made by the Department of Education  
10          after a hearing requested by any person within the school district. The hearing shall  
11          be conducted in accordance with KRS Chapter 13B. A district under this subsection  
12          shall, at the hearing, have an opportunity to show inability to comply.

13       ➔Section 5. KRS 156.070 is amended to read as follows:

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

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

24       (a) The state board or its designated agency shall assure through promulgation of  
25          administrative regulations that if a secondary school sponsors or intends to  
26          sponsor an athletic activity or sport that is similar to a sport for which  
27          National Collegiate Athletic Association members offer an athletic

1 scholarship, the school shall sponsor the athletic activity or sport for which a  
2 scholarship is offered. The administrative regulations shall specify which  
3 athletic activities are similar to sports for which National Collegiate Athletic  
4 Association members offer scholarships.

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

19 (c) The state board or any agency designated by the state board to manage  
20 interscholastic athletics shall not promulgate rules, administrative regulations,  
21 or by laws that prohibit pupils in grades seven (7) to eight (8) from  
22 participating in any high school sports except for high school varsity soccer,  
23 football, and boys or coed lacrosse, or from participating on more than one (1)  
24 school-sponsored team at the same time in the same sport. The Kentucky  
25 Board of Education, or an agency designated by the board to manage  
26 interscholastic athletics, may promulgate administrative regulations  
27 restricting, limiting, or prohibiting participation in high school varsity soccer

1 and football for students who have not successfully completed the eighth  
2 grade.

- 3 (d) 1. The state board or any agency designated by the state board to manage  
4 interscholastic athletics shall allow a member school's team or students  
5 to play against students of a nonmember at-home private school, or a  
6 team of students from nonmember at-home private schools, if the  
7 nonmember at-home private schools and students comply with this  
8 subsection.
- 9 2. A nonmember at-home private school's team and students shall comply  
10 with the rules for student-athletes, including rules concerning:  
11 a. Age;  
12 b. School semesters;  
13 c. Scholarships;  
14 d. Physical exams;  
15 e. Foreign student eligibility; and  
16 f. Amateurs.
- 17 3. A coach of a nonmember at-home private school's team shall comply  
18 with the rules concerning certification of member school coaches as  
19 required by the state board or any agency designated by the state board  
20 to manage interscholastic athletics.
- 21 4. This subsection shall not allow a nonmember at-home private school's  
22 team to participate in a sanctioned:  
23 a. Conference;  
24 b. Conference tournament;  
25 c. District tournament;  
26 d. Regional tournament; or  
27 e. State tournament or event.

- 1           5. This subsection does not allow eligibility for a recognition, award, or  
2           championship sponsored by the state board or any agency designated by  
3           the state board to manage interscholastic athletics.
- 4           6. A nonmember at-home private school's team or students may participate  
5           in interscholastic athletics permitted, offered, or sponsored by the state  
6           board or any agency designated by the state board to manage  
7           interscholastic athletics.
- 8       (e) 1. Every local board of education shall require an annual medical  
9           examination performed and signed by a physician, physician assistant,  
10          advanced practice registered nurse, or chiropractor, if performed within  
11          the professional's scope of practice, for each student seeking eligibility  
12          to participate in any school athletic activity or sport.
- 13          2. Any interscholastic athletics participation consent form that is adopted  
14          by 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:
- 17              a. A student-athlete may report instances of child dependency,  
18              neglect, and abuse to any adult;
- 19              b. Any person who knows or has reasonable cause to believe that a  
20              child is dependent, neglected, or abused shall report that  
21              information pursuant to KRS 620.030; and
- 22              c. References to instructions on reporting child dependency, neglect,  
23              and abuse, including KRS 620.030.
- 24          3. The Kentucky Board of Education or any organization or agency  
25          designated by the state board to manage interscholastic athletics shall  
26          include the following information in any training for administrators and  
27          coaches under its jurisdiction:

- 1                   a.    The duty to report instances of child dependency, neglect, and  
2                               abuse; and
- 3                   b.    Procedures for reporting child dependency, neglect, and abuse  
4                               under KRS 620.030.
- 5                   4.    The Kentucky Board of Education or any organization or agency  
6                               designated by the state board to manage interscholastic athletics shall  
7                               not promulgate administrative regulations or adopt any policies or  
8                               bylaws that are contrary to the provisions of this paragraph.
- 9                   (f)   Any student who turns nineteen (19) years of age prior to August 1 shall not  
10                               be eligible for high school athletics in Kentucky. Any student who turns  
11                               nineteen (19) years of age on or after August 1 shall remain eligible for that  
12                               school year only. An exception to the provisions of this paragraph shall be  
13                               made, and the student shall be eligible for high school athletics in Kentucky if  
14                               the student:
- 15                               1.   Qualified for exceptional children services and had an individual  
16                                       education program developed by an admissions and release committee  
17                                       (ARC) while the student was enrolled in the primary school program;
- 18                               2.   Was retained in the primary school program because of an ARC  
19                                       committee recommendation; and
- 20                               3.   Has not completed four (4) consecutive years or eight (8) consecutive  
21                                       semesters of eligibility following initial promotion from grade eight (8)  
22                                       to grade nine (9).
- 23                   (g)   The state board or any agency designated by the state board to manage  
24                               interscholastic athletics shall promulgate administrative regulations or bylaws  
25                               that provide that:
- 26                               1.   A member school shall designate all athletic teams, activities, and sports  
27                                       for students in grades six (6) through twelve (12) as one (1) of the



1 following categories:

2 a. "Boys";

3 b. "Coed"; or

4 c. "Girls";

5 2. The sex of a student for the purpose of determining eligibility to  
6 participate in an athletic activity or sport shall be determined by:

7 a. A student's biological sex as indicated on the student's original,  
8 unedited birth certificate issued at the time of birth; or

9 b. An affidavit signed and sworn to by the physician, physician  
10 assistant, advanced practice registered nurse, or chiropractor that  
11 conducted the annual medical examination required by paragraph  
12 (e) of this subsection under penalty of perjury establishing the  
13 student's biological sex at the time of birth;

14 3. a. An athletic activity or sport designated as "girls" for students in  
15 grades six (6) through twelve (12) shall not be open to members of  
16 the male sex.

17 b. Nothing in this section shall be construed to restrict the eligibility  
18 of any student to participate in an athletic activity or sport  
19 designated as "boys" or "coed"; and

20 4. Neither the state board, any agency designated by the state board to  
21 manage interscholastic athletics, any school district, nor any member  
22 school shall entertain a complaint, open an investigation, or take any  
23 other adverse action against a school for maintaining separate  
24 interscholastic or intramural athletic teams, activities, or sports for  
25 students of the female sex.

26 (h) 1. The state board or any agency designated by the state board to manage  
27 interscholastic athletics shall promulgate administrative regulations that

- 1 permit a school district to employ or assign nonteaching or noncertified  
2 personnel or personnel without postsecondary education credit hours to  
3 serve in a coaching position. The administrative regulations shall give  
4 preference to the hiring or assignment of certified personnel in coaching  
5 positions.
- 6 2. A person employed in a coaching position shall be a high school  
7 graduate and at least twenty-one (21) years of age and shall submit to a  
8 criminal background check in accordance with KRS 160.380.
- 9 3. The administrative regulations shall specify post-hire requirements for  
10 persons employed in coaching positions.
- 11 4. The regulations shall permit a predetermined number of hours of  
12 professional development training approved by the state board or its  
13 designated agency to be used in lieu of postsecondary education credit  
14 hour requirements.
- 15 5. A local school board may specify post-hire requirements for personnel  
16 employed in coaching positions in addition to those specified in  
17 subparagraph 3. of this paragraph.
- 18 (i) Unless permitted to be eligible for varsity athletics by any transfer rule,  
19 policy, or administrative regulation promulgated by the state board or any  
20 agency designated by the state board to manage interscholastic athletics, any  
21 student who transfers enrollment from a district of residence to a nonresident  
22 district under KRS 157.350(4)(a)(~~b~~) after enrolling in grade nine (9) and  
23 participating in a varsity sport shall be ineligible to participate in  
24 interscholastic athletics for one (1) calendar year from the date of the transfer.  
25 The state board or any agency designated by the state board to manage  
26 interscholastic athletics may adopt rules, policies, and bylaws and promulgate  
27 administrative regulations necessary to carry out this paragraph.

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

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

27 (b) Each option of the Kentucky Board of Education to renew the lease for a

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

- 13          (c) The Kentucky Board of Education shall not itself operate leased television  
14          facilities, or undertake the preparation of the educational presentations or  
15          films to be transmitted thereby, but may enter into one (1) or more contracts  
16          to provide therefor, with any public agency and instrumentality of the  
17          Commonwealth having, or able to provide, a staff with proper technical  
18          qualifications, upon which agency and instrumentality the board, through the  
19          chief state school officer and the Department of Education, is represented in  
20          such manner as to coordinate matters of curriculum with the curricula  
21          prescribed for the public schools of the Commonwealth. Any contract for the  
22          operation of the leased television or related facilities may permit limited and  
23          special uses of the television or related facilities for other programs in the  
24          public interest, subject to the reasonable terms and conditions as the board and  
25          the operating agency and instrumentality may agree upon; but any contract  
26          shall affirmatively forbid the use of the television or related facilities, at any  
27          time or in any manner, in the dissemination of political propaganda or in

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

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

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

26 (6) On or after June 27, 2025, the state board shall not impose any new reporting  
27 requirement upon public schools or public school districts that is not expressly

1 authorized by state statute or federal law.

2 ➔Section 6. (1) No later than August 1, 2027, each school district shall  
3 report in the student information system and to the Kentucky Department of Education  
4 the nonresident pupils enrolled in the district during the 2026-2027 school year. Each  
5 school district shall also report to the Kentucky Department of Education the amount of  
6 tuition charged to nonresident pupils enrolled in the district, the number of nonresident  
7 pupil enrollment applications received, and the number of approvals and disapprovals of  
8 submitted applications.

9 (2) No later than October 1, 2027, the Kentucky Department of Education shall  
10 compile the information required by this section and submit a report to the Legislative  
11 Research Commission for referral to the appropriate Interim Joint Committee on  
12 Education.

13 ➔Section 7. Sections 2 to 5 of this Act take effect July 1, 2028.