

1 AN ACT relating to education reporting.

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

3 ➔ SECTION 1. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO
4 READ AS FOLLOWS:

5 (1) As used in this section:

6 (a) "K-12 educational institution" or "institution" means:

7 1. A school district, a public charter school, or the Kentucky Department
8 of Education;

9 2. Any interlocal cooperative established pursuant to KRS 160.290; and

10 3. Any other agency or organization established by the entities listed in
11 subparagraph 1. of this paragraph, including any agency designated
12 by the Kentucky Board of Education for the management of
13 interscholastic athletics; and

14 (b) "Title IX" means Title IX of the Education Amendments of 1972, 20 U.S.C.
15 sec. 1681 et seq.

16 (2) Under the authority of the Kentucky Board of Education to manage and control
17 the common schools and programs operated in these schools, including
18 interscholastic athletics as provided in Section 2 of this Act, the Kentucky Board
19 of Education shall promulgate administrative regulations in accordance with
20 KRS Chapter 13A to establish a statewide system of oversight and monitoring
21 compliance with Title IX.

22 (3) The oversight and monitoring system shall:

23 (a) Apply to each K-12 educational institution and its services, programs, and
24 activities;

25 (b) For the Kentucky Department of Education, differentiate between the
26 various subdivisions and programs of the department;

27 (c) Require each K-12 educational institution to timely report to the

commissioner of education or designee:

1. Complaints received by the institution alleging a violation of Title IX;

2. Notices received by the institution from the federal government indicating the institution is under investigation for a potential violation of Title IX;

3. The outcomes of any Title IX investigations involving the institution;

and

4. Any contract the institution has entered into with an employee or former employee of the institution that contains a nondisclosure agreement:

(d) Annually identify any K-12 educational institution and subdivision or program of the Kentucky Department of Education that data indicates is in need of additional training or intervention to reduce violations of Title IX:

(e) Establish reasonable penalties for K-12 educational institutions that fail to comply with the reporting requirements of the system; and

(f) Report to the Kentucky Board of Education any K-12 educational institution identified under paragraph (d) of this subsection or penalized under paragraph (e) of this subsection.

➔ Section 2. KRS 156.070 is amended to read as follows:

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

24 (2) The Kentucky Board of Education may designate an organization or agency to
25 manage interscholastic athletics in the common schools, provided that the rules,
26 regulations, and bylaws of any organization or agency so designated shall be
27 approved by the board, and provided further that any administrative hearing

1 conducted by the designated managing organization or agency shall be conducted in
2 accordance with KRS Chapter 13B.

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

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

25 (c) The state board or any agency designated by the state board to manage
26 interscholastic athletics shall not promulgate rules, administrative regulations,
27 or by laws that prohibit pupils in grades seven (7) to eight (8) from

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

9 (d) 1. The state board or any agency designated by the state board to manage
10 interscholastic athletics shall allow a member school's team or students
11 to play against students of a nonmember at-home private school, or a
12 team of students from nonmember at-home private schools, if the
13 nonmember at-home private schools and students comply with this
14 subsection.

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

17 a. Age;
18 b. School semesters;
19 c. Scholarships;
20 d. Physical exams;
21 e. Foreign student eligibility; and
22 f. Amateurs.

23 3. A coach of a nonmember at-home private school's team shall comply
24 with the rules concerning certification of member school coaches as
25 required by the state board or any agency designated by the state board
26 to manage interscholastic athletics.

27 4. This subsection shall not allow a nonmember at-home private school's

1 team to participate in a sanctioned:

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

1 to grade nine (9).

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

5 1. A member school shall designate all athletic teams, activities, and sports
6 for students in grades six (6) through twelve (12) as one (1) of the
7 following categories:

8 a. "Boys";
9 b. "Coed"; or
10 c. "Girls";

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

13 a. A student's biological sex as indicated on the student's original,
14 unedited birth certificate issued at the time of birth; or
15 b. An affidavit signed and sworn to by the physician, physician
16 assistant, advanced practice registered nurse, or chiropractor that
17 conducted the annual medical examination required by paragraph
18 (e) of this subsection under penalty of perjury establishing the
19 student's biological sex at the time of birth;

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

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

26 4. Neither the state board, any agency designated by the state board to
27 manage interscholastic athletics, any school district, nor any member

1 school shall entertain a complaint, open an investigation, or take any
2 other adverse action against a school for maintaining separate
3 interscholastic or intramural athletic teams, activities, or sports for
4 students of the female sex.

5 (h) 1. The state board or any agency designated by the state board to manage
6 interscholastic athletics shall promulgate administrative regulations that
7 permit a school district to employ or assign nonteaching or noncertified
8 personnel or personnel without postsecondary education credit hours to
9 serve in a coaching position. The administrative regulations shall give
10 preference to the hiring or assignment of certified personnel in coaching
11 positions.

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

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

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

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

24 (i) Unless permitted to be eligible for varsity athletics by any transfer rule,
25 policy, or administrative regulation promulgated by the state board or any
26 agency designated by the state board to manage interscholastic athletics, any
27 student who transfers enrollment from a district of residence to a nonresident

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

15 (k) In maintaining oversight of any agency designated for the management of
16 interscholastic athletics, the state board shall adopt a system for the agency
17 to report allegations of misconduct against an agency employee to the
18 commissioner of education or designee, excluding allegations and reports
19 included in the oversight and monitoring system established in Section 1 of
20 this Act. The commissioner of education shall quarterly provide the state
21 board with summaries of reports made under the system. The system shall
22 require the agency to timely report:

23 1. Allegation of misconduct against agency employees;
24 2. The outcomes of any investigations into allegations; and
25 3. Any contract the agency has entered into with an employee or former
26 employee that contains a nondisclosure agreement.

27 (3) (a) The Kentucky Board of Education is hereby authorized to lease from the State

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

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

1 been delivered in the office of the secretary of the Finance and Administration
2 Cabinet before the close of business on the last working day in April
3 immediately preceding the beginning of the succeeding biennium.

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

1 private, so long as the same are not conditioned upon any improper use of the
2 television or related facilities in a manner inconsistent with the provisions of
3 this subsection.

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

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

17 (6) On or after June 27, 2025, the state board shall not impose any new reporting
18 requirement upon public schools or public school districts that is not expressly
19 authorized by state statute or federal law.