

1 AN ACT relating to interscholastic athletics.

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) For the purposes of this section:*

6 *(a) "Appropriate documentation" means:*

7 *1. The results of a nationally recognized standardized test or its*
8 *equivalent as determined by the department;*

9 *2. A portfolio of a student's school work from the previous year*
10 *demonstrating the student's performance is at the student's grade*
11 *level, as determined at the discretion of the public school's principal or*
12 *designee; or*

13 *3. If the student was enrolled in a public school or a private, parochial,*
14 *or church school certified under KRS 156.160 during the preceding*
15 *school year, records demonstrating the student's eligibility based on*
16 *the student's academic success at that school;*

17 *(b) "Department" means the Kentucky Department of Education or the agency*
18 *designated by the Kentucky Board of Education to manage interscholastic*
19 *athletics in the common schools under KRS 156.070; and*

20 *(c) "Nonpublic school" means a private, parochial, or church school*
21 *regardless of whether the school is certified under KRS 156.160, that is not*
22 *already participating in interscholastic athletics as managed by the*
23 *department.*

24 *(2) A student enrolled in a nonpublic school shall be eligible to participate in*
25 *interscholastic athletics sponsored or engaged in by the public school to which*
26 *the student would be assigned according to the attendance policies adopted by the*
27 *local board of education of the school district in which the student resides. If the*

- 1 student leaves the public school, then the student shall be subject to the same
2 transfer and eligibility rules and bylaws as apply to other students in
3 interscholastic athletics. Prior to participating in an interscholastic athletic
4 activity or sport under this subsection, a nonpublic school student shall:
- 5 (a) Pay any participation or activity fee that is charged to any other public
6 school student participating in the interscholastic athletic activity or sport;
- 7 (b) Adhere to the same standards of behavior, responsibility, performance, and
8 code of conduct as other students participating in the interscholastic athletic
9 activity or sport;
- 10 (c) Adhere to the same academic standards as other students participating in
11 the interscholastic athletic activity or sport, with those standards confirmed
12 by appropriate documentation provided by the parent or guardian of the
13 student to the public school at which the nonpublic school student
14 participates. The parent or guardian shall provide, in accordance with the
15 policies of the local board of education and school, verification that the
16 student is meeting any grade requirements that are applicable to other
17 students participating in the interscholastic athletic activity or sport;
- 18 (d) Register with the school district the student's intent to participate in an
19 interscholastic athletic activity or sport at a district's school before the first
20 instructional day of the semester during which the activity or sport is
21 offered; and
- 22 (e) Comply with the same physical examination, immunization, insurance, age,
23 and semester eligibility requirements as other students participating in the
24 interscholastic athletic activity or sport.
- 25 (3) Transportation of a nonpublic school student participating in a public school's
26 interscholastic athletic activity shall be the responsibility of the parent, guardian,
27 or student. However, the student may use the same transportation provided by the

1 school to other students participating in the interscholastic athletic activity if no
2 additional expenses are incurred by the school or district.

3 (4) In selecting members of an interscholastic athletic team, a public school shall not
4 discriminate against a nonpublic school student who is otherwise eligible to
5 participate under this section.

6 (5) Participation in interscholastic athletics is a privilege and not a right, and this
7 section shall not be interpreted to create a cause of action on behalf of a student
8 against a school district, a school district official, or the department.

9 (6) This section shall not be construed to permit the department, a school district, or
10 a public school to exercise control, regulatory authority, or supervision over a
11 nonpublic school student or the student's parent or guardian, including with
12 respect to the student's education program, that is beyond the control, regulatory
13 authority, or supervision required to participate in interscholastic athletics.