

1 AN ACT relating to salaries of school administrators.

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

3 ➔Section 1. KRS 157.350 is amended to read as follows:

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

6 (1) Employs and compensates all teachers for not less than one hundred eighty-five
7 (185) days. The Kentucky Board of Education, upon recommendation of the
8 commissioner of education, shall prescribe procedures by which this requirement
9 may be reduced during any year for any district which employs teachers for less
10 than one hundred and eighty-five (185) days, in which case the eligibility of a
11 district for participation in the public school fund shall be in proportion to the
12 length of time teachers actually are employed;

13 (2) Operates all schools for a minimum school term as provided in KRS 158.070 and
14 administrative regulations of the Kentucky Board of Education. If the school term is
15 less than one hundred eighty-five (185) days, including not less than one hundred
16 seventy (170) student attendance days as defined in KRS 158.070 or one thousand
17 sixty-two (1,062) hours of instructional time, for any reason not approved by the
18 Kentucky Board of Education on recommendation of the commissioner, the
19 eligibility of a district for participation in the public school fund shall be in
20 proportion to the length of term the schools actually operate;

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

23 (b) Does not provide any superintendent or administrator, as these terms are
24 defined in KRS 161.720, a percentage pay increase greater than the average
25 percentage pay increase provided to classroom teachers in the district,
26 unless a waiver from the requirements of this paragraph has been granted
27 in accordance with KRS 156.161;

- 1 (4) Includes no nonresident pupils in its average daily attendance, except:
- 2 (a) ~~{1. Until July 1, 2022, pupils listed under a written agreement, which may~~
- 3 ~~be for multiple years, with the district of the pupils' legal residence.~~
- 4 ~~2. If an agreement cannot be reached, either board may appeal to the~~
- 5 ~~commissioner for settlement of the dispute.~~
- 6 ~~3. The commissioner shall have thirty (30) days to resolve the dispute. Either~~
- 7 ~~board may appeal the commissioner's decision to the Kentucky Board of~~
- 8 ~~Education.~~
- 9 ~~4. The commissioner and the Kentucky Board of Education shall consider the~~
- 10 ~~factors affecting the districts, including but not limited to academic~~
- 11 ~~performance and the impact on programs, school facilities, transportation, and~~
- 12 ~~staffing of the districts.~~
- 13 ~~5. The Kentucky Board of Education shall have sixty (60) days to approve or~~
- 14 ~~amend the decision of the commissioner;~~
- 15 ~~(b) Beginning July 1, 2022, }~~ Those nonresident pupils admitted pursuant to
- 16 district nonresident pupil policies adopted under KRS 158.120; and
- 17 ~~(b){(c)}~~ A nonresident pupil who attends a district in which a parent of the pupil
- 18 is employed. All tuition fees required of a nonresident pupil may be waived
- 19 for a pupil who meets the requirements of this paragraph.
- 20 This subsection does not apply to those pupils enrolled in an approved class
- 21 conducted in a hospital and pupils who have been expelled for behavioral reasons
- 22 who shall be counted in average daily attendance under KRS 157.320;
- 23 (5) Any secondary school which maintains a basketball team for boys for other than
- 24 intramural purposes, shall maintain the same program for girls;
- 25 (6) Any school district which fails to comply with subsection (5) of this section shall be
- 26 prohibited from participating in varsity competition in any sport for one (1) year.
- 27 Determination of failure to comply shall be made by the Department of Education

1 after a hearing requested by any person within the school district. The hearing shall
2 be conducted in accordance with KRS Chapter 13B. A district under this subsection
3 shall, at the hearing, have an opportunity to show inability to comply.

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

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

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

15 (a) The state board or its designated agency shall assure through promulgation of
16 administrative regulations that if a secondary school sponsors or intends to
17 sponsor an athletic activity or sport that is similar to a sport for which
18 National Collegiate Athletic Association members offer an athletic
19 scholarship, the school shall sponsor the athletic activity or sport for which a
20 scholarship is offered. The administrative regulations shall specify which
21 athletic activities are similar to sports for which National Collegiate Athletic
22 Association members offer scholarships.

23 (b) ~~[Beginning with the 2003-2004 school year,]~~ The state board shall require any
24 agency or organization designated by the state board to manage interscholastic
25 athletics to adopt bylaws that establish as members of the agency's or
26 organization's board of control one (1) representative of nonpublic member
27 schools who is elected by the nonpublic school members of the agency or

1 organization from regions one (1) through eight (8) and one (1) representative
2 of nonpublic member schools who is elected by the nonpublic member
3 schools of the agency or organization from regions nine (9) through sixteen
4 (16). The nonpublic school representatives on the board of control shall not be
5 from classification A1 or D1 schools. Following initial election of these
6 nonpublic school representatives to the agency's or organization's board of
7 control, terms of the nonpublic school representatives shall be staggered so
8 that only one (1) nonpublic school member is elected in each even-numbered
9 year.

10 (c) The state board or any agency designated by the state board to manage
11 interscholastic athletics shall not promulgate rules, administrative regulations,
12 or by laws that prohibit pupils in grades seven (7) to eight (8) from
13 participating in any high school sports except for high school varsity soccer,
14 football, and boys or coed lacrosse, or from participating on more than one (1)
15 school-sponsored team at the same time in the same sport. The Kentucky
16 Board of Education, or an agency designated by the board to manage
17 interscholastic athletics, may promulgate administrative regulations
18 restricting, limiting, or prohibiting participation in high school varsity soccer
19 and football for students who have not successfully completed the eighth
20 grade.

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

27 2. A nonmember at-home private school's team and students shall comply

- 1 with the rules for student-athletes, including rules concerning:
- 2 a. Age;
- 3 b. School semesters;
- 4 c. Scholarships;
- 5 d. Physical exams;
- 6 e. Foreign student eligibility; and
- 7 f. Amateurs.
- 8 3. A coach of a nonmember at-home private school's team shall comply
- 9 with the rules concerning certification of member school coaches as
- 10 required by the state board or any agency designated by the state board
- 11 to manage interscholastic athletics.
- 12 4. This subsection shall not allow a nonmember at-home private school's
- 13 team to participate in a sanctioned:
- 14 a. Conference;
- 15 b. Conference tournament;
- 16 c. District tournament;
- 17 d. Regional tournament; or
- 18 e. State tournament or event.
- 19 5. This subsection does not allow eligibility for a recognition, award, or
- 20 championship sponsored by the state board or any agency designated by
- 21 the state board to manage interscholastic athletics.
- 22 6. A nonmember at-home private school's team or students may participate
- 23 in interscholastic athletics permitted, offered, or sponsored by the state
- 24 board or any agency designated by the state board to manage
- 25 interscholastic athletics.
- 26 (e) 1. Every local board of education shall require an annual medical
- 27 examination performed and signed by a physician, physician assistant,

1 advanced practice registered nurse, or chiropractor, if performed within the
2 professional's scope of practice, for each student seeking eligibility to
3 participate in any school athletic activity or sport.

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

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

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

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

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

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

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

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

27 (f) Any student who turns nineteen (19) years of age prior to August 1 shall not

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

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

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

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

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

1 persons employed in coaching positions.

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

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

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

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

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.