

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)(e)}** 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

assistant, advanced practice registered nurse, or chiropractor that conducted the annual medical examination required by paragraph (e) of this subsection under penalty of perjury establishing the student's biological sex at the time of birth;

3.
  - a. An athletic activity or sport designated as "girls" for students in grades six (6) through twelve (12) shall not be open to members of the male sex.
  - b. ~~[Nothing in ]~~This section shall not be construed to restrict the eligibility of any student to participate in an athletic activity or sport designated as "boys" or "coed"; and
4. Neither the state board, any agency designated by the state board to manage interscholastic athletics, any school district, nor any member school shall entertain a complaint, open an investigation, or take any other adverse action against a school for maintaining separate interscholastic or intramural athletic teams, activities, or sports for students of the female sex.
1. The state board or any agency designated by the state board to manage interscholastic athletics shall promulgate administrative regulations that permit a school district to employ or assign nonteaching or noncertified personnel or personnel without postsecondary education credit hours to serve in a coaching position. The administrative regulations shall give preference to the hiring or assignment of certified personnel in coaching positions.
2. A person employed in a coaching position shall be a high school graduate and at least twenty-one (21) years of age and shall submit to a criminal background check in accordance with KRS 160.380.
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.

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.