

1 AN ACT relating to athletics.

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

3 ➔Section 1. KRS 156.070 is amended to read as follows:

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

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

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

22 (b) Beginning with the 2003-2004 school year, the state board shall require any
23 agency or organization designated by the state board to manage interscholastic
24 athletics to adopt bylaws that establish as members of the agency's or
25 organization's board of control one (1) representative of nonpublic member
26 schools who is elected by the nonpublic school members of the agency or
27 organization from regions one (1) through eight (8) and one (1) representative

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

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

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

25 2. A non-member at-home private school's team and students shall comply
26 with the rules for student athletes, including rules concerning:

27 a. Age;

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

1 athletic activity or sport. The Kentucky Board of Education or any
2 organization or agency designated by the state board to manage interscholastic
3 athletics shall not promulgate administrative regulations or adopt any policies
4 or bylaws that are contrary to the provisions of this paragraph.

5 (f) Any student who turns nineteen (19) years of age prior to August 1 shall not
6 be eligible for high school athletics in Kentucky. Any student who turns
7 nineteen (19) years of age on or after August 1 shall remain eligible for that
8 school year only. An exception to the provisions of this paragraph shall be
9 made, and the student shall be eligible for high school athletics in Kentucky if
10 the student:

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

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

22 1. A member school shall designate all athletic teams, activities, and
23 sports as one (1) of the following categories:

24 a. "Boys";

25 b. "Coed"; or

26 c. "Girls";

27 2. a. An athletic activity or sport designated as "girls" shall not be

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open to members of the male sex; and

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

3. The state board, nor an agency designated by the state board to manage interscholastic athletics, a school district, or a member school shall not 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.

- (h) 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 persons employed in coaching positions.
- 4. The regulations shall permit a predetermined number of hours of professional development training approved by the state board or its designated agency to be used in lieu of postsecondary education credit hour requirements.
- 5. A local school board may specify post-hire requirements for personnel

1 employed in coaching positions in addition to those specified in
2 subparagraph 3. of this paragraph.

3 ~~(i)(h)~~ Any student who transfers enrollment from a district of residence to a
4 nonresident district under KRS 157.350(4)(b) shall be ineligible to participate
5 in interscholastic athletics for one (1) calendar year from the date of the
6 transfer.

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

25 (b) Each option of the Kentucky Board of Education to renew the lease for a
26 succeeding biennial term may be exercised at any time after the adjournment
27 of the session of the General Assembly at which appropriations shall have

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

11 (c) The Kentucky Board of Education shall not itself operate leased television
12 facilities, or undertake the preparation of the educational presentations or
13 films to be transmitted thereby, but may enter into one (1) or more contracts to
14 provide therefor, with any public agency and instrumentality of the
15 Commonwealth having, or able to provide, a staff with proper technical
16 qualifications, upon which agency and instrumentality the board, through the
17 chief state school officer and the Department of Education, is represented in
18 such manner as to coordinate matters of curriculum with the curricula
19 prescribed for the public schools of the Commonwealth. Any contract for the
20 operation of the leased television or related facilities may permit limited and
21 special uses of the television or related facilities for other programs in the
22 public interest, subject to the reasonable terms and conditions as the board and
23 the operating agency and instrumentality may agree upon; but any contract
24 shall affirmatively forbid the use of the television or related facilities, at any
25 time or in any manner, in the dissemination of political propaganda or in
26 furtherance of the interest of any political party or candidate for public office,
27 or for commercial advertising. No lease between the board and the State

1 Property and Buildings Commission shall bind the board to pay rentals for
 2 more than one (1) fiscal biennium at a time, subject to the aforesaid renewal
 3 options. The board may receive and may apply to rental payments under any
 4 lease and to the cost of providing for the operation of the television or related
 5 facilities not only appropriations which may be made to it from state funds,
 6 from time to time, but also contributions, gifts, matching funds, devises, and
 7 bequests from any source, whether federal or state, and whether public or
 8 private, so long as the same are not conditioned upon any improper use of the
 9 television or related facilities in a manner inconsistent with the provisions of
 10 this subsection.

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

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

24 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO
 25 READ AS FOLLOWS:

26 **(1) Any student who:**

27 **(a) Is deprived of an athletic opportunity;**

1 (b) Suffers any direct or indirect harm; or

2 (c) Is subject to retaliation or other adverse action by a school, the state board,
3 or an agency designated by the state board to manage interscholastic
4 athletics;

5 as a result of a violation of an administrative regulation or bylaw promulgated in
6 accordance with subsection (2)(g) of Section 1 of this Act shall have a private
7 cause of action for injunctive relief, monetary damages, and any other relief
8 available under law against the school district of the school in violation,
9 notwithstanding any claim on behalf of a school or school district, or individual
10 acting in an official capacity on behalf of a school or school district, of civil
11 immunity.

12 (2) A civil action commenced under this section shall be filed within two (2) years
13 after the date the harm occurred.

14 (3) For the purposes of this section, monetary damages shall include any
15 psychological, emotional, and physical harm suffered, reasonable attorney's fees
16 and costs, and any other appropriate relief.

17 ➔Section 3. This Act may be cited as the Save Women's Sports Act.