

1 AN ACT relating to prevention-oriented child sexual education.

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) Every local board of education shall require an annual medical examination
20 performed and signed by a physician, physician assistant, advanced practice
21 registered nurse, or chiropractor, if performed within the professional's scope
22 of practice, for each student seeking eligibility to participate in any school
23 athletic activity or sport. The Kentucky Board of Education or any
24 organization or agency designated by the state board to manage interscholastic
25 athletics shall not promulgate administrative regulations or adopt any policies
26 or bylaws that are contrary to the provisions of this paragraph.

27 (e) 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 (f) 1. The state board or any agency designated by the state board to manage
15 interscholastic athletics shall promulgate administrative regulations that
16 permit a school district to employ or assign nonteaching or noncertified
17 personnel or personnel without postsecondary education credit hours to
18 serve in a coaching position. The administrative regulations shall give
19 preference to the hiring or assignment of certified personnel in coaching
20 positions.
- 21 2. A person employed in a coaching position shall be a high school
22 graduate and at least twenty-one (21) years of age and shall submit to a
23 criminal background check in accordance with KRS 160.380.
- 24 3. The administrative regulations shall specify post-hire requirements for
25 persons employed in coaching positions.
- 26 4. The regulations shall permit a predetermined number of hours of
27 professional development training approved by the state board or its

1 designated agency to be used in lieu of postsecondary education credit
2 hour requirements.

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

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

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

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

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

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

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

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

23 **(6) The state board may, on the recommendation and with the advice of the chief**
24 **state school officer, address matters pertaining to the health and well-being of**
25 **Kentucky schoolchildren including establishing a policy of age-appropriate**
26 **education programs regarding the recognition of child physical, sexual, and**
27 **emotional abuse and neglect and how to report suspected abuse.**

1 ➔Section 2. Section 1 of this Act and 2015 Ky. Acts ch. 7, sec. 1, subsec. (7) shall
2 be known and may be cited as Erin's Law.