

**EDUCATION AND LABOR CABINET**

**Kentucky Board of Education**

**Department of Education**

**(Amended at ARRS Committee)**

**702 KAR 7:065. Designation of agent to manage middle and high school interscholastic athletics.**

RELATES TO: KRS 61.805 - 61.850, 156.070(2), 158.162, 160.380, 160.445, 20 U.S.C. 1681

STATUTORY AUTHORITY: KRS 156.070(1), (2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.070(1) requires the Kentucky Board of Education to manage and control the common schools, including interscholastic athletics in the schools. KRS 156.070(2) authorizes the board to designate an agency to manage athletics. This administrative regulation designates an agent for middle and high school athletics; establishes the financial planning and review processes for the agent; and incorporates by reference the bylaws, procedures, and rules of the agent.

**Section 1. Definitions.**

- (1) "Contact Drill" means that drills are run at Level 3, Level 4, or Level 5.
- (2) "KBE" means Kentucky Board of Education.
- (3) "KHSAA" means Kentucky High School Athletics Association.
- (4) "Level 0" or "air" means that players run a drill unopposed without contact.
- (5) "Level 1" or "bags" means that a drill is run with a bag or against another soft contact surface.
- (6) "Level 2" or "control" means that:
  - (a) A drill is run at an assigned speed until the moment of contact;
  - (b) One (1) player is predetermined the winner by the coach;
  - (c) Contact remains above the waist; and
  - (d) Players stay on their feet.
- (7) "Level 3" or "Control to Ground" means that:
  - (a) A drill is run at an assigned non-competitive speed or with players pre-engaged;
  - (b) There is a pre-determined winner; and
  - (c) Players are allowed to take their opponent to the ground in a controlled manner.
- (8) "Level 4" or "thud" means that:
  - (a) A drill is run at a competitive speed through the moment of contact;
  - (b) There is no predetermined winner;
  - (c) Contact is above the waist;
  - (d) Players stay on their feet; and
  - (e) A quick whistle ends the drill.
- (9) "Level 5" or "live" means that a drill is run at a competitive speed in game-like conditions.
- (10) "Non-Contact Drill" means that drills are run at Level 0, Level 1, or Level 2.
- (11) "OCR" means the United States Department of Education, Office for Civil Rights.

Section 2. The KHSAA shall be the Kentucky Board of Education's agent to manage interscholastic athletics at the middle and high school level in the common schools and private schools desiring to associate with KHSAA or to compete with a common school.

Section 3. To remain eligible to maintain the designation as the agent to manage interscholastic high school athletics, the KHSAA shall:

- (1) Accept four (4) at-large members appointed by the Kentucky Board of Education to its high school Board of Control;

- (2) Sponsor an annual meeting of its member high schools;
- (3) Provide for each member high school to have a vote on the KHSAA Constitution and bylaw changes submitted for consideration;
- (4) Provide for high school regional postseason tournament net revenues to be distributed to the member high schools in that region participating in that sport, utilizing a share approach determined by the high schools within that region playing that sport;
- (5) Provide for students desiring to participate at the high school level (regardless of the level of play) to be enrolled in at least grade seven (7);
- (6) Require its governing body to annually establish goals and objectives for its commissioner and perform a self-assessment and submit the results annually to the KBE by December 31;
- (7) Advise the Department of Education of all legal action brought against the KHSAA;
- (8) Permit a board of control member to serve a maximum of two (2) consecutive four (4) year terms with no region represented for more than eight (8) consecutive years;
- (9) Employ a commissioner and evaluate that person's performance annually by October 31, and establish all staff positions upon recommendation of the commissioner;
- (10) Permit the commissioner to employ other personnel necessary to perform the staff responsibilities;
- (11) Permit the Board of Control to assess fines on a member high school;
- (12) Utilize a trained independent hearing officer instead of an eligibility committee for a high school athletic eligibility appeal;
- (13) Establish a philosophical statement of principles to use as a guide in a high school eligibility case;
- (14) Conduct continual cycles of field audits of the association's entire high school membership, which provides that each high school is audited regarding each school's compliance with 20 U.S.C. Section 1681 (Title IX) and submit annual summary reports, including the highlighting of any potential deficiencies in OCR compliance to the Kentucky Board of Education;
- (15) As a condition precedent to high school membership, require each member high school and superintendent to annually submit a written certification of compliance with 20 U.S.C. Section 1681 (Title IX);
- (16) Conduct all meetings related to high school athletics in accordance with KRS 61.805 through 61.850;
- (17) Provide written reports of any investigations into possible violations of statute, administrative regulation, KHSAA Constitution, KHSAA Bylaws, or other rules governing the conduct of high school interscholastic athletics conducted by KHSAA or their designees to the superintendent and principal of the involved school district and school before being made public;
- (18) Not punish or sanction, in any manner, a school, student, coach, or administrator for allowing a student to play in an athletic contest or practice with the team during a time when an order of a court of competent jurisdiction permits the student to participate or otherwise stays or enjoins enforcement of a KHSAA final decision on eligibility;
- (19) Require any student enrolled initially in grade seven (7) through twelve (12) who is repeating a grade for any reason, to be ineligible, during the school year that the grade is repeated, to compete in an interscholastic athletics competition at any level; and
- (20) Produce a public report or reports of member schools' compliance with submitting the required member school application and the required training aspects of KRS 158.162 and KRS 160.445 regarding emergency and cardiac action plans related to interscholastic athletics.

Section 4. To remain eligible to maintain the designation as the agent to manage interscholastic athletics at the middle school level, the KHSAA shall implement the

following requirements for all participants in middle school interscholastic athletics, distribute these requirements to all middle schools, and publish via the KHSAA Web site:

(1) Require that these provisions apply to all middle school interscholastic athletics. The following indicates that a team is representative of a school and classified as middle school athletics:

- (a) The contest, event, or tournament is sponsored by a school or combined group of schools;
- (b) Competitors wear a school-issued uniform;
- (c) The contest, event, or tournament is sponsored by an outside entity as a school entry event, which is advertised or promoted as a school event, whether or not an entry fee is required;
- (d) A school entity pays an entry fee, for the student or team, including payment by booster organizations;
- (e) A school representative accompanies the student-athlete or transports the student-athlete to the contest, event, or tournament;
- (f) A designated or hired member of a school coaching staff, whether paid or unpaid, is present and offering instruction, advice, evaluation, or refinement of skills or exercising other duties defined as coaching within the sport rules;
- (g) Transportation to or from the contest, event, or tournament utilizes school provided or approved transportation;
- (h) Competitors in the contest, event, or tournament wear apparel identifying them by the name of the school, including the formal name, informal name, or team nickname;
- (i) Competitors in the contest, event, or tournament are provided promotional or other resources by the school including school media recognition, signage, and items indicative of school representation;
- (j) Competition in a contest, event, or tournament has, in any form, jurisdiction of the local school board or school-based decision-making body, including financial or other approval control; or
- (k) Competition in a contest, event, or tournament is covered by any school or school system provided or procured insurance policy;

(2) Require that any head or assistant coach, whether paid or unpaid, desiring to coach interscholastic athletics at the middle school level:

- (a) Meet the requirements of KRS 156.070(2)(h)2;
- (b) Meet the requirements of KRS 160.380(5) and (6); and
- (c) Provide to the school documentation of successful completion of a C.P.R. course including the use of an automatic external defibrillator and the first aid training, conducted by an instructor or program approved by a college or university, the American Red Cross, the American Heart Association, or other bona fide accrediting agency that is approved by the KHSAA based upon industry standards. The certification shall be updated as required by the approving agency;

(3) Require adherence to the following items regarding safety, sports medicine, and risk minimization for all interscholastic athletics at the middle school level:

- (a) Each student, before trying for a place on a middle school athletic team, shall provide an annual medical examination, in accordance with KRS 156.070(2)(e), and shall use the KHSAA form PPE01, with PPE02 being optional for the health care provider;
- (b) All participants at the middle school level shall adhere to all sports medicine and risk minimization policies in use at the high school level that may be supplemented by the school, school district, conference, or association including:
  - 1. Heat index and heat illness programs;
  - 2. Wrestling weight management programs;

3. Concussion and other head injury policies including policies for minimizing impact exposure and concussion risks;
  4. The following football equipment drill work and practice activity limitations:
    - a. Football contact and non-contact practice shall use the appropriate clothing and equipment for the level of drill, including:
      - (i) A drill conducted in helmets-only shall be a Level 0, or Level 1;
      - (ii) A drill conducted in shells (shorts, shoulder pads, and helmets) shall be a non-contact drill; and
      - (iii) A contact drill shall be conducted in full equipment;
    - b. Middle school football shall practice a minimum of eleven (11) days before engaging another group or opponent in full contact, using the following minimum schedule:
      - (i) Five (5) days in helmets;
      - (ii) Followed by three (3) days in helmets and shoulder pads; and
      - (iii) Concluding with three (3) days in full equipment practice; and
    - c. Contact drills shall not be conducted more than twenty-one (21) days before the first regular-season contest;
    - d. The first regular season interscholastic contest shall not be played before the Saturday preceding week seven (7) of the National Federation of High Schools Standardized Procedure for Numbering Calendar Weeks; and
    - e. All middle schools shall maintain protective helmets in accordance with manufacturer's warranty guidelines for recertification;
  5. The following baseball pitching limitations shall apply to all interscholastic play at the middle school level including scrimmages, regular season, and post season games:
    - a. The pitch count shall be based on pitches thrown for strikes (including foul balls), balls, balls in play, and outs;
    - b. Warm-up pitches allowed before each inning, warm-up pitches allowed by the umpire in case of injury or game delay, and plays attempted against the batter-runner or any runner at first, second, or third base shall not count against this limit;
    - c. A pitcher at any level who reaches the pitch count limit in the middle of an at-bat shall be allowed to finish that hitter;
    - d. The required calendar rest shall begin on the day following the date on which the game began, or a resumed game began regardless of the conclusion time of the game; and
    - e. The rest periods shall be based on the following total pitches:
      - (i) Maximum pitches - eighty-five (85);
      - (ii) Fifty-six (56) pitches or more - three (3) calendar days rest;
      - (iii) Thirty-six (36) to fifty-five (55) pitches - two (2) calendar days rest;
      - (iv) Twenty (20) to thirty-five (35) pitches - one (1) calendar day rest; and
      - (v) One (1) to nineteen (19) pitches - no mandated rest;
  6. Students seeking to play or practice, including scrimmages, regular season, and post season games, in the sport of fastpitch softball, shall be required to wear face protection, commercially manufactured for softball facial protection and worn as intended by the manufacturer, when playing the positions of first base, third base, and pitcher; and
  7. Teams participating in middle school athletics as defined by subsection (1) of this section shall use KHSAA licensed officials in the sports of baseball, basketball, field hockey, football, soccer, softball, and volleyball;
- (4) Create a permanent Middle School Athletics Advisory Committee. This committee shall:

- (a) Report regularly, not less than annually to the Board of Control of the KHSAA with the Board of Control obligated to make a recommendation to the Kentucky Board of Education with respect to annually proposed regulatory changes;
  - (b) Be composed of no less than three (3) middle school representatives from each Supreme Court district as well as no less than three (3) at large representatives from throughout the state;
  - (c) Provide an opportunity for nonprofit athletic groups, parents, and others to participate and provide input on the sport, athletic event, or athletes involved in interscholastic activities through local school districts;
  - (d) Meet not less than twice annually to review current programs and policies, make recommendations for improvements to and participation in middle school interscholastic activities, as well as any changes in statute, administrative regulation, or policy related to middle school interscholastic athletics, and assist in the development of model guidelines for schools, districts, conferences, and associations to be used in implementing a middle school athletic program; and
  - (e) Report regularly, not less than annually, to the commissioner of the KHSAA and issue, in conjunction with the commissioner, a formal written report annually to the KBE with recommendations for changes in statute, administrative regulation, or policy;
- (5) Require any organization conducting a school-based event at the middle school level to submit the following, which shall be published and listed on the KHSAA Web site:
- (a) Annual financial reports of all sanctioned and approved events sponsored by the organization; and
  - (b) Documentation of financial accountability including verification of federal status and tax documents including an annual IRS Form 990;
- (6) Provide notice to the middle schools related to any program conducted by KHSAA related to educating school administrators about the provisions of 20 U.S.C. 1681, Title IX;
- (7) Provide educational materials and a mechanism to facilitate the monitoring and tracking capabilities for the middle schools to ensure compliance with the provisions of KRS 160.445 and other requirements for coaches at the middle school level;
- (8) Require that any student who turns:
- (a) Fifteen (15) years of age before August 1 of the current school year shall not be eligible for interscholastic athletics in Kentucky in competition against students exclusively enrolled in grades eight (8) and below;
  - (b) Fourteen (14) years of age before August 1 of the current year shall not be eligible for interscholastic athletics in Kentucky in competition against students exclusively enrolled in grades seven (7) and below; and
  - (c) Thirteen (13) years of age before August 1 of the current school year shall not be eligible for interscholastic athletics in Kentucky in competition against students exclusively enrolled in grades six (6) and below;
- (9) Require each school, school district, conference, or association of schools to develop rules and limitations regarding student participation at the middle school level to include:
- (a) A defined age limitation for participating students;
  - (b) A policy regarding the participation of students below grade six (6);
  - (c) A limitation on practice time before the season in any sport or sport activity which shall not exceed the practice time adopted for play at the high school level;
  - (d) A limitation on the number of school-based scrimmages and regular season, school based contests in each sport or sport-activity, which shall not include post season contests and shall not exceed the allowable number of contests for that sport or sport-activity at the high school level; and

- (e) A limitation on the length of the regular competitive season in each sport or sport-activity, not including any post season activities, which shall not exceed the length for that sport or sport-activity at the high school level;
- (10) Conduct all meetings related to middle school athletics in accordance with KRS 61.805 through 61.850;
- (11) Issue an annual report to the KBE on the status of interscholastic athletics at the middle school level, including any recommendations for changes in statute, administrative regulation, or policy;
- (12) Allow a school or school district to join a conference or association that has developed rules for any particular sport or sport-activity to satisfy the requirements of this administrative regulation; and
- (13) The period of June 25 to July 9, inclusive, shall be a dead period for middle school athletics. During the dead period:
  - (a) Students shall not receive coaching or training from school personnel, whether salaried or non-salaried;
  - (b) School facilities, uniforms, nicknames, transportation, or equipment shall not be used;
  - (c) School funds shall not be expended in support of interscholastic athletics; and
  - (d) A postseason wrap-up activity, celebration, or recognition event relating to a spring sports team at a school may be held.

Section 5. Financial Planning and Review Requirements.

- (1) KHSAA shall annually submit the following documents to the KBE by October 31:
  - (a) Draft budget for the next two (2) fiscal years, including the current year;
  - (b) End-of-year budget status report for the previous fiscal year;
  - (c) Revisions to the KHSAA Strategic Plan as a result of an annual review of the plan by the KHSAA governing body;
  - (d) A summary report of operations including summaries of financial, legal, and administrative actions taken and other items ongoing within KHSAA. This report shall also include a summary of items affecting:
    - 1. Athletic appeals and their disposition, including the name of the individual, grade, school, and the action taken by KHSAA;
    - 2. Eligibility rules;
    - 3. Duties of school officials;
    - 4. Contests and contest limitations;
    - 5. Requirements for officials and coaches; and
    - 6. Results of a biennial review of its bylaws that results in a recommendation for a change, directing any proposals for change in association rules to be considered for a vote by the member schools at the next legislative opportunity; and
  - (e) A review of all items which have been submitted to the membership for approval through the processes established in the KHSAA Constitution and the result of the voting on those issues.
- (2) The KHSAA shall annually submit at the next meeting of the Kentucky Board of Education following receipt and adoption by the Board of Control, audited financial statements with the KHSAA Commissioner's letter addressing exceptions or notes contained in management correspondence if any.

Section 6. Forms. The forms incorporated by reference in this administrative regulation shall be filed:

- (1) Using the paper form; or
- (2) Using the electronic forms found on the Kentucky High School Athletic Association Web site at [www.khsaa.org](http://www.khsaa.org).

Section 7. Incorporation by Reference.

(1) The following material is incorporated by reference:

- (a) "KHSAA Constitution", 7/2021;
- (b) "KHSAA Bylaws", 7/2023;
- (c) "KHSAA Due Process Procedure", 7/2023;
- (d) "KHSAA Board of Control Adopted Policies", 9/2023;
- (e) KHSAA Form BA101- Baseball Pitching Limitation", 6/2016;
- (f) KHSAA Form GE01, "Application for Membership", 7/2023;
- (g) KHSAA Form GE04, "Athletic Participation Form, Parental and Student Consent and Release for High School Level (grades 9 - 12) Participation", 5/2023;
- (h) KHSAA Form DP02, "Request for Statutory Waiver of Bylaw 2", 6/2018;
- (i) KHSAA Form DP06, "Application for Athletic Eligibility for Domestic Students", 7/2023;
- (j) KHSAA Form DP07, "Application for Athletic Eligibility for Non-Domestic Students", 07/2023;
- (k) KHSAA Form DP16, "Request for Waiver of 20 Day Notice", 6/2018;
- (l) KHSAA Form DP17, "Add. Info for Appeal", 6/2018;
- (m) KHSAA Form DP18 "Waiver – 15 Day Exceptions", 6/2018;
- (n) "KHSAA Form GE14- Contract for Athletic Contests", 7/2020; and
- (o) "KHSAA Form GE19-Title IX Procedures Verification", 5/2011;
- (p) KHSAA Form GE20, "Heat Index Measurement and Record", 4/2014.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of Legal Services, Department of Education, 5th Floor, 300 Sower Blvd, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

(13 Ky.R. 835; eff. 11-11-1986; 14 Ky.R. 989; eff. 12-11-1987; 15 Ky.R. 1153; eff. 1-7-1989; 16 Ky.R. 1255; eff. 2-3-1990; 2459; eff. 7-12-1990; 17 Ky.R. 451; 1484; eff. 12-7-1990; 18 Ky.R. 1200; eff. 12-8-1991; 19 Ky.R. 514; eff. 10-1-1992; 1419; eff. 2-4-1993; 20 Ky.R. 2900; 3203; eff. 6-14-1994; 22 Ky.R. 1728; eff. 5-16-1996; 24 Ky.R. 174; 573; eff. 9-4-1997; 25 Ky.R. 127; 1046; eff. 11-5-1998; 26 Ky.R. 1448; eff. 3-10-2000; 27 Ky.R. 1869; 2438; eff. 3-19-2001; 28 Ky.R. 2446; 29 Ky.R. 108; eff. 7-15-2002; 30 Ky.R. 2378; 31 Ky.R. 75; eff. 8-6-2004; 1895; eff. 8-5-2005; 32 Ky.R. 1769; eff. 6-2-2006; 33 Ky.R. 3461; 34 Ky.R. 40; 726; eff. 9-10-2007; 35 Ky.R. 2158; 36 Ky.R. 63; eff. 7-13-2009; 37 Ky.R. 2480; 2834; eff. 6-13-2011; 38 Ky.R. 1801; 1965; eff. 6-11-2012; 40 Ky.R. 133; 594; 807; eff. 11-1-2013; 2618; 41 Ky.R. 39; eff. 8-1-2014; 42 Ky.R. 101; 669; eff. 9-14-2015; 43 Ky.R. 102, 418, 542; eff. 10-10-2016; 44 Ky.R. 666, 925; eff. 11-13-2017; 45 Ky.R. 770, 1190; eff. 11-19-2018; 46 Ky.R. 254, 916, eff. 254, 916; eff. 10-4-2019; 47 Ky.R. 567, 1213; eff. 3-2-2021; 48 Ky.R. 1653, 2210; eff. 5-3-2022; 50 Ky.R. 173, 1067; eff. 12-11-2023.)

*This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Department of Education, as required by KRS 156.070(5).*

FILED WITH LRC: October 10, 2023

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**156.070 General powers and duties of state board -- Administrative regulations --  
Designation of teams -- Eligibility to play.**

- (1) The Kentucky Board of Education shall have the management and control of the common schools and all programs operated in these schools, including interscholastic athletics, the Kentucky School for the Deaf, the Kentucky School for the Blind, and community education programs and services.
- (2) The Kentucky Board of Education may designate an organization or agency to manage interscholastic athletics in the common schools, provided that the rules, regulations, and bylaws of any organization or agency so designated shall be approved by the board, and provided further that any administrative hearing conducted by the designated managing organization or agency shall be conducted in accordance with KRS Chapter 13B.
  - (a) The state board or its designated agency shall assure through promulgation of administrative regulations that if a secondary school sponsors or intends to sponsor an athletic activity or sport that is similar to a sport for which National Collegiate Athletic Association members offer an athletic scholarship, the school shall sponsor the athletic activity or sport for which a scholarship is offered. The administrative regulations shall specify which athletic activities are similar to sports for which National Collegiate Athletic Association members offer scholarships.
  - (b) Beginning with the 2003-2004 school year, the state board shall require any agency or organization designated by the state board to manage interscholastic athletics to adopt bylaws that establish as members of the agency's or organization's board of control one (1) representative of nonpublic member schools who is elected by the nonpublic school members of the agency or organization from regions one (1) through eight (8) and one (1) representative of nonpublic member schools who is elected by the nonpublic member schools of the agency or organization from regions nine (9) through sixteen (16). The nonpublic school representatives on the board of control shall not be from classification A1 or D1 schools. Following initial election of these nonpublic school representatives to the agency's or organization's board of control, terms of the nonpublic school representatives shall be staggered so that only one (1) nonpublic school member is elected in each even-numbered year.
  - (c) The state board or any agency designated by the state board to manage interscholastic athletics shall not promulgate rules, administrative regulations, or by laws that prohibit pupils in grades seven (7) to eight (8) from participating in any high school sports except for high school varsity soccer and football, or from participating on more than one (1) school-sponsored team at the same time in the same sport. The Kentucky Board of Education, or an agency designated by the board to manage interscholastic athletics, may promulgate administrative regulations restricting, limiting, or prohibiting participation in high school varsity soccer and football for students who have not successfully completed the eighth grade.
  - (d) 1. The state board or any agency designated by the state board to manage

interscholastic athletics shall allow a member school's team or students to play against students of a nonmember at-home private school, or a team of students from nonmember at-home private schools, if the nonmember at-home private schools and students comply with this subsection.

2. A nonmember at-home private school's team and students shall comply with the rules for student-athletes, including rules concerning:
    - a. Age;
    - b. School semesters;
    - c. Scholarships;
    - d. Physical exams;
    - e. Foreign student eligibility; and
    - f. Amateurs.
  3. A coach of a nonmember at-home private school's team shall comply with the rules concerning certification of member school coaches as required by the state board or any agency designated by the state board to manage interscholastic athletics.
  4. This subsection shall not allow a nonmember at-home private school's team to participate in a sanctioned:
    - a. Conference;
    - b. Conference tournament;
    - c. District tournament;
    - d. Regional tournament; or
    - e. State tournament or event.
  5. This subsection does not allow eligibility for a recognition, award, or championship sponsored by the state board or any agency designated by the state board to manage interscholastic athletics.
  6. A nonmember at-home private school's team or students may participate in interscholastic athletics permitted, offered, or sponsored by the state board or any agency designated by the state board to manage interscholastic athletics.
- (e) Every local board of education shall require an annual medical examination performed and signed by a physician, physician assistant, advanced practice registered nurse, or chiropractor, if performed within the professional's scope of practice, for each student seeking eligibility to participate in any school athletic activity or sport. The Kentucky Board of Education or any organization or agency designated by the state board to manage interscholastic athletics shall not promulgate administrative regulations or adopt any policies or bylaws that are contrary to the provisions of this paragraph.
- (f) Any student who turns nineteen (19) years of age prior to August 1 shall not be eligible for high school athletics in Kentucky. Any student who turns nineteen (19) years of age on or after August 1 shall remain eligible for that school year only. An exception to the provisions of this paragraph shall be

made, and the student shall be eligible for high school athletics in Kentucky if the student:

1. Qualified for exceptional children services and had an individual education program developed by an admissions and release committee (ARC) while the student was enrolled in the primary school program;
  2. Was retained in the primary school program because of an ARC committee recommendation; and
  3. Has not completed four (4) consecutive years or eight (8) consecutive semesters of eligibility following initial promotion from grade eight (8) to grade nine (9).
- (g) The state board or any agency designated by the state board to manage interscholastic athletics shall promulgate administrative regulations or bylaws that provide that:
1. A member school shall designate all athletic teams, activities, and sports for students in grades six (6) through twelve (12) as one (1) of the following categories:
    - a. "Boys";
    - b. "Coed"; or
    - c. "Girls";
  2. The sex of a student for the purpose of determining eligibility to participate in an athletic activity or sport shall be determined by:
    - a. A student's biological sex as indicated on the student's original, unedited birth certificate issued at the time of birth; or
    - 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 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.
- (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 employed in coaching positions in addition to those specified in subparagraph 3. of this paragraph.
- (i) Unless permitted to be eligible for varsity athletics by any transfer rule, policy, or administrative regulation promulgated by the state board or any agency designated by the state board to manage interscholastic athletics, any student who transfers enrollment from a district of residence to a nonresident district under KRS 157.350(4)(b) after enrolling in grade nine (9) and participating in a varsity sport shall be ineligible to participate in interscholastic athletics for one (1) calendar year from the date of the transfer. The state board or any agency designated by the state board to manage interscholastic athletics may adopt rules, policies, and bylaws and promulgate administrative regulations necessary to carry out this paragraph.
  - (j) No member school shall grant a student-athlete the right to use the member school's intellectual property, such as trademarks, school uniforms, and copyrights, in the student's earning of compensation through name, image, and likeness activities. No student-athlete shall use such intellectual property in earning compensation through name, image, and likeness activities. The state board or any agency designated by the state board to manage interscholastic athletics shall promulgate administrative regulations to govern and enforce this paragraph.
- (3) (a) The Kentucky Board of Education is hereby authorized to lease from the State Property and Buildings Commission or others, whether public or private, any lands, buildings, structures, installations, and facilities suitable for use in establishing and furthering television and related facilities as an aid or supplement to classroom instruction throughout the Commonwealth and for incidental use in any other proper public functions. The lease may be for any initial term commencing with the date of the lease and ending with the next ensuing June 30, which is the close of the then-current fiscal biennium of the Commonwealth, with exclusive options in favor of the board to renew the same for successive ensuing bienniums, July 1 in each even year to June 30 in the next ensuing even year; and the rentals may be fixed at the sums in each

biennium, if renewed, sufficient to enable the State Property and Buildings Commission to pay therefrom the maturing principal of and interest on, and provide reserves for, any revenue bonds which the State Property and Buildings Commission may determine to be necessary and sufficient, in agreement with the board, to provide the cost of acquiring the television and related facilities with appurtenances and costs as may be incident to the issuance of the bonds.

- (b) Each option of the Kentucky Board of Education to renew the lease for a succeeding biennial term may be exercised at any time after the adjournment of the session of the General Assembly at which appropriations shall have been made for the operation of the state government for such succeeding biennial term, by notifying the State Property and Buildings Commission in writing, signed by the chief state school officer, and delivered to the secretary of the Finance and Administration Cabinet as a member of the commission. The option shall be deemed automatically exercised, and the lease automatically renewed for the succeeding biennium, effective on the first day thereof, unless a written notice of the board's election not to renew shall have been delivered in the office of the secretary of the Finance and Administration Cabinet before the close of business on the last working day in April immediately preceding the beginning of the succeeding biennium.
- (c) The Kentucky Board of Education shall not itself operate leased television facilities, or undertake the preparation of the educational presentations or films to be transmitted thereby, but may enter into one (1) or more contracts to provide therefor, with any public agency and instrumentality of the Commonwealth having, or able to provide, a staff with proper technical qualifications, upon which agency and instrumentality the board, through the chief state school officer and the Department of Education, is represented in such manner as to coordinate matters of curriculum with the curricula prescribed for the public schools of the Commonwealth. Any contract for the operation of the leased television or related facilities may permit limited and special uses of the television or related facilities for other programs in the public interest, subject to the reasonable terms and conditions as the board and the operating agency and instrumentality may agree upon; but any contract shall affirmatively forbid the use of the television or related facilities, at any time or in any manner, in the dissemination of political propaganda or in furtherance of the interest of any political party or candidate for public office, or for commercial advertising. No lease between the board and the State Property and Buildings Commission shall bind the board to pay rentals for more than one (1) fiscal biennium at a time, subject to the aforesaid renewal options. The board may receive and may apply to rental payments under any lease and to the cost of providing for the operation of the television or related facilities not only appropriations which may be made to it from state funds, from time to time, but also contributions, gifts, matching funds, devises, and bequests from any source, whether federal or state, and whether public or private, so long as the same are not conditioned upon any improper use of the television or related facilities in a manner inconsistent with the provisions of

this subsection.

- (4) The state board may, on the recommendation and with the advice of the chief state school officer, prescribe, print, publish, and distribute at public expense such administrative regulations, courses of study, curriculums, bulletins, programs, outlines, reports, and placards as each deems necessary for the efficient management, control, and operation of the schools and programs under its jurisdiction. All administrative regulations published or distributed by the board shall be enclosed in a booklet or binder on which the words "informational copy" shall be clearly stamped or printed.
- (5) Upon the recommendation of the chief state school officer or his or her designee, the state board shall establish policy or act on all matters relating to programs, services, publications, capital construction and facility renovation, equipment, litigation, contracts, budgets, and all other matters which are the administrative responsibility of the Department of Education.

**Effective:** June 29, 2023

**History:** Amended 2023 Ky. Acts ch. 93, sec. 1, effective June 29, 2023. -- Amended 2022, Ky. Acts ch 12, sec 8, effective March 9, 2022; and ch. 198, sec. 1, effective July 14, 2022. -- Amended 2021 Ky. Acts ch. 167, sec. 3, effective June 29, 2021. -- Amended 2018 Ky. Acts ch. 75, sec. 1, effective July 14, 2018. -- Amended 2012 Ky. Acts ch. 72, sec. 2, effective April 11, 2012. -- Amended 2010 Ky. Acts ch. 85, sec. 26, effective July 15, 2010; and ch. 146, sec. 1, effective April 13, 2010. -- Amended 2007 Ky. Acts ch. 112, sec. 1, effective June 26, 2007. -- Amended 2002 Ky. Acts ch. 277, sec. 2, effective July 15, 2002; and ch. 301, sec. 1, effective July 15, 2002. -- Amended 2001 Ky. Acts ch. 147, sec. 1, effective June 21, 2001. -- Amended 1998 Ky. Acts ch. 108, sec. 1, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 318, sec. 45, effective July 15, 1996; and ch. 362, sec. 6, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 230, sec. 1, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 405, sec. 1, effective April 10, 1992. -- Amended 1990 Ky. Acts ch. 182, sec. 1, effective March 30, 1990; ch. 470, sec. 50, effective July 1, 1990; and Ky. Acts ch. 476, Pt. II, sec. 47, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 361, sec. 8, effective July 15, 1988. -- Amended 1982 Ky. Acts ch. 381, sec. 4, effective July 15, 1982. -- Amended 1978 Ky. Acts ch. 60, sec. 1, effective June 17, 1978; and ch. 155, secs. 41, 82, and 89, effective June 17, 1978. -- Amended 1976 Ky. Acts ch. 327, sec. 2. -- Amended 1970 Ky. Acts ch. 204, sec. 7. - - Amended 1964 Ky. Acts ch. 5, sec 1. -- Amended 1962 Ky. Acts ch. 13, sec. 3. -- Amended 1958 Ky. Acts ch. 47, sec. 2. -- Amended 1952 Ky. Acts ch. 41, sec 2. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4377-1, 4377-12, 4527-63, 4618-80.

**Legislative Research Commission Note (7/14/2022).** 2022 Ky. Acts ch. 198, sec. 3, provides that the Act, which contains this statute and KRS 164.2813, may be cited as the Fairness in Women's Sports Act.

**160.380 School district personnel actions -- Restrictions on appointment of relatives, violent offenders, and persons convicted of sex crimes -- Restriction on assignment to alternative education program as disciplinary action -- National and state criminal history background checks and clear CA/N checks -- Requirements for drivers of non-school bus passenger vehicles -- Probationary status -- Termination on basis of criminal record -- Fingerprint card -- Application forms -- Employees charged with felony offenses -- Notification by employee found to have abused or neglected a child.**

(1) As used in this section:

- (a) "Administrative finding of child abuse or neglect" means a substantiated finding of child abuse or neglect issued by the Cabinet for Health and Family Services that is:
  - 1. Not appealed through an administrative hearing conducted in accordance with KRS Chapter 13B;
  - 2. Upheld at an administrative hearing conducted in accordance with KRS Chapter 13B and not appealed to a Circuit Court; or
  - 3. Upheld by a Circuit Court in an appeal of the results of an administrative hearing conducted in accordance with KRS Chapter 13B;
- (b) "Alternative education program" means a program that exists to meet the needs of students that cannot be addressed in a traditional classroom setting but through the assignment of students to alternative classrooms, centers, or campuses that are designed to remediate academic performance, improve behavior, or provide an enhanced learning experience. Alternative education programs do not include career or technical centers or departments;
- (c) "Clear CA/N check" means a letter from the Cabinet for Health and Family Services indicating that there are no administrative findings of child abuse or neglect relating to a specific individual;
- (d) "Relative" means father, mother, brother, sister, husband, wife, son and daughter; and
- (e) "Vacancy" means any certified position opening created by the resignation, dismissal, nonrenewal of contract, transfer, or death of a certified staff member of a local school district, or a new position created in a local school district for which certification is required. However, if an employer-employee bargained contract contains procedures for filling certified position openings created by the resignation, dismissal, nonrenewal of contract, transfer, or death of a certified staff member, or creation of a new position for which certification is required, a vacancy shall not exist, unless certified positions remain open after compliance with those procedures.

(2) Except as provided in KRS 160.346, the school district personnel actions identified in this section shall be carried out as follows:

- (a) All appointments, promotions, and transfers of principals, supervisors, teachers, and other public school employees shall be made only by the superintendent of schools, who shall notify the board of the action taken. All employees of the local district shall have the qualifications prescribed by law

and by the administrative regulations of the Kentucky Board of Education and of the employing board. Supervisors, principals, teachers, and other employees may be appointed by the superintendent for any school year at any time after February 1 preceding the beginning of the school year. No superintendent of schools shall appoint or transfer himself or herself to another position within the school district;

- (b) When a vacancy occurs in a local school district, the superintendent shall submit the job posting to the statewide job posting system described in KRS 160.152 fifteen (15) days before the position shall be filled. The local school district shall post position openings in the local board office for public viewing;
  - (c) When a vacancy needs to be filled in less than fifteen (15) days' time to prevent disruption of necessary instructional or support services of the school district, the superintendent may seek a waiver from the chief state school officer. If the waiver is approved, the appointment shall not be made until the person recommended for the position has been approved by the chief state school officer. The chief state school officer shall respond to a district's request for waiver or for approval of an appointment within two (2) working days; and
  - (d) When a vacancy occurs in a local district, the superintendent shall conduct a search to locate minority teachers to be considered for the position. The superintendent shall, pursuant to administrative regulations of the Kentucky Board of Education, report annually the district's recruitment process and the activities used to increase the percentage of minority teachers in the district.
- (3) Restrictions on employment of relatives shall be as follows:
- (a) No relative of a superintendent of schools shall be an employee of the school district. However, this shall not apply to a relative who is a classified or certified employee of the school district for at least thirty-six (36) months prior to the superintendent assuming office and who is qualified for the position the employee holds. A superintendent's spouse who has previously been employed in a school system may be an employee of the school district. A superintendent's spouse who is employed under this provision shall not hold a position in which the spouse supervises certified or classified employees. A superintendent's spouse may supervise teacher aides and student teachers. However, the superintendent shall not promote a relative who continues employment under an exception of this subsection;
  - (b) No superintendent shall employ a relative of a school board member of the district;
  - (c) No principal's relative shall be employed in the principal's school; and
  - (d) A relative that is ineligible for employment under paragraph (a), (b), or (c) of this subsection may be employed as a substitute for a certified or classified employee if the relative is not:
    - 1. A regular full-time or part-time employee of the district;
    - 2. Accruing continuing contract status or any other right to continuous



employment;

3. Receiving fringe benefits other than those provided other substitutes; or
  4. Receiving preference in employment or assignment over other substitutes.
- (4) No superintendent shall assign a certified or classified staff person to an alternative education program as part of any disciplinary action taken pursuant to KRS 161.011 or 161.790 as part of a corrective action plan established pursuant to the local district evaluation plan.
- (5) No superintendent shall employ in any position in the district any person who:
- (a) Has been convicted of an offense that would classify a person as a violent offender under KRS 439.3401;
  - (b) Has been convicted of a sex crime as defined by KRS 17.500 or a misdemeanor offense under KRS Chapter 510;
  - (c) Is required to register as a sex offender under KRS 17.500 to 17.580; or
  - (d) Has an administrative finding of child abuse or neglect in records maintained by the Cabinet for Health and Family Services.
- (6) Requirements for background checks shall be as follows:
- (a) A superintendent shall require the following individuals to submit to a national and state criminal background check by the Department of Kentucky State Police and the Federal Bureau of Investigation and have a clear CA/N check, provided by the individual:
    1. Each new certified or classified hire;
    2. A nonfaculty coach or nonfaculty assistant as defined under KRS 161.185;
    3. A student teacher;
    4. A school-based decision making council parent member; and
    5. Any adult who is permitted access to school grounds on a regularly scheduled and continuing basis pursuant to a written agreement for the purpose of providing services directly to a student or students as part of a school-sponsored program or activity;
  - (b)
    1. The requirements of paragraph (a) of this subsection shall not apply to:
      - a. Classified and certified individuals employed by the school district prior to June 27, 2019;
      - b. Certified individuals who were employed in another certified position in a Kentucky school district within six (6) months of the date of hire and who had previously submitted to a national and state criminal background check and who have a clear CA/N check for the previous employment; or
      - c. Student teachers who have submitted to and provide a copy of a national and state criminal background check by the Department of Kentucky State Police and the Federal Bureau of Investigation through an accredited teacher education institution in which the

student teacher is enrolled and who have a clear CA/N check.

2. The Education Professional Standards Board may promulgate administrative regulations to impose additional qualifications to meet the requirements of Pub. L. No. 92-544;
    - (c) A parent member may serve prior to the receipt of the criminal history background check and CA/N letter required by paragraph (a) of this subsection but shall be removed from the council on receipt by the school district of a report documenting a record of abuse or neglect, or a sex crime or criminal offense against a victim who is a minor as defined in KRS 17.500, or as a violent offender as defined in KRS 17.165, and no further procedures shall be required;
    - (d) A superintendent may require a volunteer or a visitor to submit to a national and state criminal history background check by the Department of Kentucky State Police and the Federal Bureau of Investigation and have a clear CA/N check, provided by the individual; and
    - (e) The superintendent of a school district operating under an alternative transportation plan approved by the Kentucky Department of Education in accordance with KRS 156.153(3) shall require the driver of any non-school bus passenger vehicle authorized to transport students to and from school pursuant to the alternative transportation plan who does not have a valid commercial driver's license issued in accordance with KRS Chapter 281A with an "S" endorsement to:
      1. Submit to a national and state criminal background check by the Department of Kentucky State Police and the Federal Bureau of Investigation at least once every three (3) years and a criminal records check conducted in accordance with KRS 27A.090 in all other years;
      2. Submit to drug testing consistent with the requirements of 49 C.F.R. pt. 40;
      3. Provide a biannual driving history record check performed by the Transportation Cabinet;
      4. Provide an annual clear CA/N check;
      5. Immediately notify the superintendent of any conviction for a violation under KRS Chapter 189 for which penalty points are assessed; and
      6. Immediately notify the superintendent of any citation or arrest for a violation of any provision of KRS Chapter 189A. The superintendent shall inform the Kentucky Department of Education of the notification.
- (7) (a) If a certified or classified position remains unfilled after July 31 or if a vacancy occurs during a school term, a superintendent may employ an individual, who will have supervisory or disciplinary authority over minors, on probationary status pending receipt of the criminal history background check and a clear CA/N check, provided by the individual. Application for the criminal record and a request for a clear CA/N check of a probationary employee shall be made no later than the date probationary employment begins.

- (b) Employment shall be contingent on the receipt of the criminal history background check documenting that the probationary employee has no record of a sex crime nor as a violent offender as defined in KRS 17.165 and receipt of a letter, provided by the individual, from the Cabinet for Health and Family Services stating the employee is clear to hire based on no administrative findings of child abuse or neglect found through a background check of child abuse and neglect records maintained by the Cabinet for Health and Family Services.
  - (c) Notwithstanding KRS 161.720 to 161.800 or any other statute to the contrary, probationary employment under this section shall terminate on receipt by the school district of a criminal history background check documenting a record of a sex crime or as a violent offender as defined in KRS 17.165 and no further procedures shall be required.
- (8) The provisions of KRS 161.790 shall apply to terminate employment of a certified employee on the basis of a criminal record other than a record of a sex crime or as a violent offender as defined in KRS 17.165, or on the basis of a CA/N check showing an administrative finding of child abuse or neglect.
- (9) (a) All fingerprints requested under this section shall be on an applicant fingerprint card provided by the Department of Kentucky State Police. The fingerprint cards shall be forwarded to the Federal Bureau of Investigation from the Department of Kentucky State Police after a state criminal background check is conducted. The results of the state and federal criminal background check shall be sent to the hiring superintendent. Any fee charged by the Department of Kentucky State Police, the Federal Bureau of Investigation, and the Cabinet for Health and Family Services shall be an amount no greater than the actual cost of processing the request and conducting the search.
- (b) Each application form, provided by the employer to an applicant for a certified or classified position, shall conspicuously state the following: "FOR THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A NATIONAL AND STATE CRIMINAL HISTORY BACKGROUND CHECK AND A LETTER, PROVIDED BY THE INDIVIDUAL, FROM THE CABINET FOR HEALTH AND FAMILY SERVICES STATING THE APPLICANT HAS NO ADMINISTRATIVE FINDINGS OF CHILD ABUSE OR NEGLECT FOUND THROUGH A BACKGROUND CHECK OF CHILD ABUSE AND NEGLECT RECORDS MAINTAINED BY THE CABINET FOR HEALTH AND FAMILY SERVICES."
- (c) Each application form for a district position shall require the applicant to:
1. Identify the states in which he or she has maintained residency, including the dates of residency; and
  2. Provide picture identification.
- (10) Notwithstanding any provision of the Kentucky Revised Statutes to the contrary, when an employee of the school district is charged with any offense which is classified as a felony, the superintendent may transfer the employee to a second position until such time as the employee is found not guilty, the charges are

dismissed, the employee is terminated, or the superintendent determines that further personnel action is not required. The employee shall continue to be paid at the same rate of pay he or she received prior to the transfer. If an employee is charged with an offense outside of the Commonwealth, this provision may also be applied if the charge would have been treated as a felony if committed within the Commonwealth. Transfers shall be made to prevent disruption of the educational process and district operations and in the interest of students and staff and shall not be construed as evidence of misconduct.

- (11) Notwithstanding any law to the contrary, each certified and classified employee of the school district shall notify the superintendent if he or she has been found by the Cabinet for Health and Family Services to have abused or neglected a child, and if he or she has waived the right to appeal a substantiated finding of child abuse or neglect or if the substantiated incident was upheld upon appeal. Any failure to report this finding shall result in the certified or classified employee being subject to dismissal or termination.
- (12) The form for requesting a CA/N check shall be made available on the Cabinet for Health and Family Services website.

**Effective:** July 15, 2024

**History:** Amended 2024 Ky. Acts ch. 35, sec. 2, effective April 4, 2024; and ch. 106, sec. 2, effective July 15, 2024. -- Amended 2023 Ky. Acts ch. 164, sec. 6, effective June 29, 2023. -- Amended 2022 Ky. Acts ch. 160, sec. 1, effective July 14, 2022. -- Amended 2020 Ky. Acts ch. 32, sec. 1, effective July 15, 2020. -- Amended 2019 Ky. Acts ch. 31, sec. 1, effective June 27, 2019. -- Amended 2024 Ky. Acts ch. 35, sec. 2, effective April 4, 2024. -- Amended 2018 Ky. Acts ch. 105, sec. 1, effective April 4, 2018. -- Amended 2017 Ky. Acts ch. 37, sec. 1, effective June 29 2017; and ch. 115, sec. 3, effective July 1, 2018. -- Amended 2016 Ky. Acts ch. 104, sec. 2, effective July 15, 2016. -- Amended 2012 Ky. Acts ch. 61, sec. 1, effective July 12, 2012; and ch. 85, sec. 1, effective July 12, 2012. -- Amended 2010 Ky. Acts ch. 1, sec. 2, effective January 14, 2010. -- Amended 2009 Ky. Acts ch. 38, sec. 1, effective June 25, 2009. -- Amended 2007 Ky. Acts ch. 85, sec. 169, effective June 26, 2007. -- Amended 2006 Ky. Acts ch. 182, sec. 18, effective July 12, 2006; and ch. 221, sec. 5, effective July 12, 2006. -- Amended 2005 Ky. Acts ch. 177, sec. 1, effective June 20, 2005. -- Amended 2001 Ky. Acts ch. 60, sec. 3, effective June 21, 2001. -- Amended 1998 Ky. Acts ch. 178, sec. 2, effective July 15, 1998; ch. 362, sec. 1, effective July 15, 1998; ch. 467, sec. 1, effective July 15, 1998; and ch. 489, sec. 1, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 349, sec. 1, effective July 15, 1996; and ch. 362, sec. 6, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 192, sec. 1, effective July 15, 1994; and ch. 483, sec. 1, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 401, sec. 1, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 476, Pt. II, sec. 78, effective July 13, 1990; and ch. 518, sec. 7, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 345, sec. 4, effective July 15, 1988. -- Amended 1978 Ky. Acts ch. 155, sec. 82, effective June 17, 1978. -- Amended 1974 Ky. Acts ch. 88, sec. 1. -- Amended 1966 Ky. Acts ch. 89, sec. 11. -- Amended 1958 Ky. Acts ch. 126, sec. 18. -- Amended 1942 Ky. Acts ch. 113, sec. 13. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4399-34.

**Legislative Research Commission Note (7/15/2024).** This statute was amended by 2024 Ky. Acts chs. 35 and 106, which do not appear to be in conflict and have been codified together.

**Legislative Research Commission Note (4/4/2018).** The amendments made to this statute in 2018 Ky. Acts ch. 105, sec. 1 are effective April 4, 2018. 2018 Ky. Acts ch. 105, sec. 1 amended the version of KRS 160.380 that was scheduled to take effect on July 1, 2018. That July 1 version would now take effect instead at the first moment of April 4, 2018, as amended by 2018 Ky. Acts ch. 105, sec. 1, superseding the current version. SB 101 (Ch. 105) was delivered to the Governor on March 22, 2018. The 10-day, not counting Sundays, veto period began on the next day, March 23, and ended at midnight on April 3, 2018. The Governor returned that bill to the Secretary of State on April 2 without signing it. Therefore, since the Governor could have retrieved it and signed it or vetoed it prior to the end of April 3, the bill would not take effect until the first moment of April 4, 2018 following the expiration of the 10-day veto period.

**Legislative Research Commission Note (7/12/2012).** Under the authority of KRS 7.136(1), the Reviser of Statutes in codification has changed the internal numbering of subsection (6) of this statute. the words in the text were not changed.