

The K.E.E.P. Act

The Kentucky Education Equality Protection Act

2026 Regular Session BR 1149

The KEEP Act prohibits the Department of Education, school districts, public schools, and educational cooperatives from:

- Providing any differential treatment or benefits to an individual based on the individual's religion, race, sex, color, or national origin;
- Prioritizing or providing preferential consideration for vendors, contracts, or other transactions based on religion, race, sex, color, or national origin;
- Expending any resources on DEI offices, officers, training, programing, initiatives, content, or materials or otherwise promoting discriminatory concepts;
- Soliciting any pledge or statement on an applicant's experience with or views on religion, race, sex, color, or national origin;
- Requiring or incentivizing an individual to attend diversity, equity, and inclusion training;
- Disseminating or profiting from any DEI research, work product, or material; and
- Implementing student disciplinary policies that consider religion, race, sex, color, or national origin or otherwise establishing student disciplinary caps or quotas based on religion, race, sex, color, or national origin.

The KEEP Act does not affect:

- Instruction on the historical oppression of a particular group of people;
- Academic research or creative works of students;
- Religious freedom of students and school employees;
- Conduct, speech, and freedom of association of students;
- Mental or physical health services;
- The ability of a school district to establish or maintain a single-sex school;
- Bona fide occupational qualifications and accommodations based on sex; or
- The ability of a school district or public school to comply with a federal mandate, if compliance is narrowly tailored to the express, enforceable provision.

Two methods of enforcement and accountability:

- The Attorney General may bring civil enforcement action to compel compliance; and
- A qualified individual may bring civil action for injunctive relief and reasonable and actual attorney's fees and litigation costs.

Other Notable Provisions:

- Conforming amendments to existing law that remove several current Kentucky DEI mandates;
- School employee salary transparency similar to other executive branch employee salary reporting;
- Discontinue racial data collection of educational certificate holders and targeted minority recruitment mandates for school districts;
- Require certificate holders transferring into Kentucky to be trained in Kentucky-specific educational laws; and
- Require the Kentucky Department of Education to take specific actions, including the creation of specific reports, in implementing the KEEP Act with fidelity.