

160.145 Definitions -- Designated traceable communication system -- Unauthorized electronic communication -- Parental authorization for exceptions -- Communications that are not restricted -- Disclosure of affiliation -- Report of unauthorized electronic communication -- Disciplinary penalties -- Notification and investigation of report.

(1) As used in this section:

- (a) "Commercial or local government affiliation" means:
 - 1. Having an ownership interest in, being employed by, or being a customer or client of a commercial business or activity; or
 - 2. An association with a city, county, consolidated local government, urban-county government, charter county government, or unified local government;
- (b) "Family member" means:
 - 1. A parent, brother, sister, son, daughter, aunt, uncle, cousin, nephew, niece, or grandparent related to the student by consanguinity, affinity, or adoption; or
 - 2. An adult that resides in the same household as the student;
- (c) "Parent" means a parent, legal guardian, a person acting as a parent in the absence of a parent or guardian, or other individual or agency responsible for the student;
- (d) "Private electronic communication" means electronic communication that involves direct one-on-one or group conversations that are only accessible to the participants;
- (e) "Qualified school volunteer" means an adult who:
 - 1. Is not:
 - a. A school district employee; or
 - b. Enrolled in the school district; and
 - 2. Has served the school or school district at any point during the current school year:
 - a. As a student teacher, a nonfaculty coach or assistant coach, a nonfaculty sponsor of an extracurricular program or activity, or a school-sponsored academic tutor; or
 - b. In a nonfaculty student services role designated as a qualified school volunteer by the local board of education;
- (f) "School district employee":
 - 1. Means a school administrator, classified employee, certified employee, contractor hired by the district to provide direct services to students, or compensated nonfaculty coach or assistant coach;
 - 2. Includes any Kentucky Department of Education or educational cooperative employee who is assigned to a school or area technology center within the school district on a full-time basis and granted official access as a user of the traceable communication system; and

3. Does not include any student enrolled in the district;
- (g) "Traceable communication system" means one (1) or more electronic school notification and communication programs or applications that:
1. Are designated by a local board of education in accordance with subsection (2) of this section;
 2. Trace all communications sent to or by a student; and
 3. Provide parents an opportunity to access and review those communications; and
- (h) "Unauthorized electronic communication":
1. Means private electronic communication with a student enrolled in a school district by the school district's employee or qualified school volunteer who is not the student's family member that occurs outside of a designated traceable communication system and without prior written parental consent;
 2. Includes any private electronic communication with a student or students enrolled in the school district through a personal email account, text messaging, social media, or other private electronic communication program outside of the traceable communication system; and
 3. Does not include:
 - a. Virtual school instruction, including nontraditional instruction, online course instruction, and home-health instruction;
 - b. Academic feedback mechanisms;
 - c. Electronic translation services;
 - d. Electronic communication with any telephone number provided by a parent for the purpose of school communication with that parent;
 - e. Electronic communication in which a parent of the student is included as a recipient or participant;
 - f. Electronic communication between two (2) or more school district employees or qualified school volunteers and one (1) or more students that is in direct relation to an academic, athletic, or extracurricular purpose;
 - g. Electronic communication between a school resource officer or director of pupil personnel and a student in which the principal, vice principal, or a school-based mental health services provider, as defined by KRS 158.4416, is included as a recipient that is in direct relation to the safety, engagement, or attendance of a student;
 - h. Voice communication on an official telephone number affiliated with the school or school district;
 - i. Social media posts and comments that are not private electronic communication;
 - j. Electronic communication related to commercial products or services with a telephone number, email address, or other

electronic account affiliated with a lawful commercial business; or

k. Secure messaging for healthcare providers.

- (2) Each local board of education shall designate a traceable communication system for school district employees and qualified school volunteers to communicate electronically with students enrolled in the school district. The principal of each public school shall provide parents written or electronic notification within the first ten (10) days of the school year of each electronic school notification and communication program designated within the traceable communication system. The notification shall include instructions for parents to access and review communications sent through each electronic school notification and communication program.
- (3)
 - (a) A school district employee or qualified school volunteer shall not engage in unauthorized electronic communication.
 - (b) A school district employee that violates paragraph (a) of this subsection may be subject to disciplinary action in accordance with:
 1. For certified employees, KRS 161.120 and 161.790; or
 2. For classified employees, KRS 161.011(7).
 - (c) A qualified school volunteer that violates paragraph (a) of this subsection may be prohibited by the school district from future school volunteer opportunities.
- (4) A parent may submit written consent to authorize a designated school district employee or qualified school volunteer who is not a family member to participate in private electronic communication with his or her child outside of the traceable communication system. The written consent:
 - (a) Shall be filed in the administrative office of the student's school;
 - (b) Shall be submitted to the administrative office of the school prior to any private electronic communication being sent from a school district employee or qualified school volunteer to a student outside of the traceable communication system;
 - (c) Shall designate each specific school district employee or qualified school volunteer that may participate in private electronic communication with the student outside of the traceable communication system and shall not be transferable to any other school district employee or qualified school volunteer;
 - (d) May be revoked by the parent who filed the consent at any time. Upon notice of a revocation, the administrative office shall promptly notify the school district and each school district employee and qualified school volunteer subject to the revocation;
 - (e) May establish terms limiting electronic communication with a student, including establishing an expiration for the term of the consent. Any electronic communication with the student enrolled in the school district outside of the traceable communication system under this subsection shall comply with all terms of the written consent;
 - (f) Shall not be rejected or denied by the school or school district unless the

written consent fails to properly identify the applicable student, school district employee, or qualified school volunteer. Upon receipt of the written consent, the administrative office shall deliver a copy of the written consent to the school district and the designated school district employee or qualified school volunteer;

- (g) Shall not be compelled as a requirement for a student to participate in an academic, athletic, or extracurricular opportunity; and
 - (h) Shall not authorize a school district employee or qualified school volunteer to engage in inappropriate or sexual electronic communication with a student or be used as a basis of a defense for a school district employee or qualified school volunteer that engages in inappropriate or sexual electronic communication with a student or students.
- (5) Notwithstanding subsections (2) and (3) of this section, this section shall not restrict any private electronic communications:
- (a) Between a student and his or her family member who is a school district employee or qualified school volunteer;
 - (b) Between a student and a school district employee or qualified school volunteer who reasonably believes an emergency exists that creates an imminent risk to any person or property, provided the school district employee promptly discloses the private electronic communication to his or her immediate supervisor after the fact in accordance with subsection (7) of this section;
 - (c) During and in direct relation to a school-sanctioned field trip the student has parental consent to attend;
 - (d) During and in direct relation to work-based learning experiences; or
 - (e) That are directly related to a commercial or local government affiliation that has been previously disclosed in accordance with subsection (6) of this section.
- (6) A school district employee or qualified school volunteer may submit a written disclosure notifying the school district of a commercial or local government affiliation that could reasonably result in private electronic communication with a student outside of the traceable communication system. Upon filing the written disclosure, subsequent private electronic communication directly related to the disclosed commercial or local government affiliation is no longer subject to the restrictions of subsections (2) and (3) of this section in accordance with subsection (5)(e) of this section.
- (7) (a) A school district employee or qualified school volunteer that participated in unauthorized electronic communication subject to subsection (2) and (3) of this section or reasonably believes that another school district employee or qualified school volunteer participated in unauthorized electronic communication that is subject to subsections (2) and (3) of this section that has not been previously reported shall immediately notify the supervising principal or applicable supervisor. If the subject of the report is the principal or a district-wide employee, the reporting employee or volunteer shall

immediately notify the superintendent of the school district. If the subject of the report is the superintendent or a Kentucky Department of Education employee assigned to a school or area technology center within the school district on a full-time and continuing basis, the reporting employee or volunteer shall immediately notify the commissioner of education and the chair of the local board of education.

- (b) A school district employee that violates paragraph (a) of this subsection may be subject to disciplinary action in accordance with:
 - 1. For certified employees, KRS 161.120 and 161.790; or
 - 2. For classified employees, KRS 161.011(7).
- (8) (a) Upon receipt of a report alleging that a school district employee or qualified school volunteer violated subsection (2) or (3) of this section, the commissioner of education, a principal, or a superintendent shall immediately:
 - 1. Notify the parent of each student that is an alleged party to the unauthorized electronic communications; and
 - 2.
 - a. If the individual that is the subject of the report is a certified employee:
 - i. Notify the Education Professional Standards Board, which shall promptly investigate all allegations received under this subsection and proceed with appropriate disciplinary actions in accordance with KRS 161.120; and
 - ii. Investigate the underlying allegations and proceed with appropriate disciplinary actions in accordance with KRS 161.790;
 - b. If the individual that is the subject of the report is a classified employee, investigate the underlying allegations and proceed with appropriate disciplinary actions in accordance with KRS 161.011(7);
 - c. If the individual that is the subject of the report is a qualified school volunteer, the school or district shall investigate the underlying allegations and, if substantiated, the qualified school volunteer may be prohibited from future school and district volunteer opportunities; and
 - d. Notwithstanding any statute to the contrary, notify the parent of each student that is an alleged party to the unauthorized electronic communication of each material phase of the investigation and disciplinary action under this subparagraph, including but not limited to a written summary of the results of an investigation and the final outcome of the disciplinary action.
- (b) A principal or superintendent who violates paragraph (a) of this subsection shall be subject to disciplinary action in accordance with KRS 156.132 and 161.120.

Effective: April 13, 2026

History: Amended 2026 Ky. Acts ch. 129, sec. 1, effective April 13, 2026. -- Created

2025 Ky. Acts ch. 149, sec. 1, effective June 27, 2025.

Legislative Research Commission Note (4/13/2026). 2026 Ky. Acts ch. 129, sec. 14, provides: "If a school district volunteer was prohibited from future school volunteer opportunities pursuant to subsection (3)(c) of KRS 160.145 prior to [April 13, 2026], a school district may permit that person to participate in future school volunteer opportunities."