

**160.145 Definitions -- Designated traceable communication system as exclusive electronic communications method -- Parental authorization for exceptions -- Report of unauthorized electronic communication -- Disciplinary penalties -- Notification and investigation of report.**

- (1) As used in this section:
  - (a) "Family member" means a parent, brother, sister, son, daughter, aunt, uncle, or grandparent;
  - (b) "Parent" means a parent, legal guardian, or other person or agency responsible for a student;
  - (c) "School district employee or volunteer" means a school administrator, classified or certified employee of a school district, school volunteer, nonfaculty coach or assistant coach, student teacher, or sponsor of an extracurricular program or activity;
  - (d) "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
  - (e) "Unauthorized electronic communication":
    1. Means an electronic communication with a student by a school district employee or volunteer who is not the student's family member that occurs outside of a designated traceable communication system and without prior written parental consent; and
    2. Includes any personal email account, text messaging, social media, or other electronic notification and communication programs outside of the traceable communication system.
- (2) Each local board of education shall designate a traceable communication system to be the exclusive means for a school district employee or volunteer to communicate electronically with students. 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) Except as provided in subsections (4) and (5) of this section, a school district employee or volunteer shall not communicate electronically with a student:
    1. Outside of the traceable communication system designated by the local board of education; or
    2. Through an unauthorized electronic communication program or application.
  - (b) A school district employee that violates paragraph (a) of this subsection shall

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 school volunteer that violates paragraph (a) of this subsection shall be prohibited from future school volunteer opportunities.
- (4) A parent may submit written consent to authorize a designated school district employee or volunteer who is not a family member to communicate electronically 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 prior to any electronic communication being sent from a school district employee or volunteer to a student outside of the traceable communication system;
  - (b) Shall designate a single, specific school district employee or volunteer per each consent form that may communicate with the student outside of the traceable communication system and shall not be transferable to any other school district employee or volunteer;
  - (c) May be revoked by a parent at any time;
  - (d) May establish terms limiting electronic communication with a student, including a term requiring that a parent be included as a direct party to all electronic communications sent to the student outside of the traceable communication system or establishing an expiration for the term of the consent. Any electronic communication with a student outside of the traceable communication system shall comply with all terms of the written consent; and
  - (e) Shall not authorize a school district employee 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 that engages in inappropriate or sexual electronic communication.
- (5) Notwithstanding subsections (2) and (3) of this section, this section shall not restrict any electronic communications between a student and his or her family member who is a school district employee or volunteer.
- (6) (a) A school district employee or volunteer that receives a report alleging that another school district employee participated in unauthorized electronic communication shall immediately notify the supervising principal. If the subject of the report is the principal, the employee shall immediately notify the superintendent of the school district. If the subject of the report is the superintendent, the employee 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 shall 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).
- (7) (a) Upon receipt of a report alleging that a school district employee or volunteer participated in unauthorized electronic communication, 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); and
    - c. If the individual that is the subject of the report is a school or district volunteer, the school or district shall investigate the underlying allegations and, if substantiated, the volunteer shall be prohibited from future school and district volunteer opportunities.
- (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.

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