

Traceable Communication Systems FAQ

The guidance provided below focuses on responses to questions received by the Kentucky Department of Education (KDE) related to implementation of KRS 160.145 and the changes made by House Bill (HB) 67 from the 2026 ordinary session of the Kentucky General Assembly. This non-regulatory guidance document is designed to assist schools, districts and staff by providing answers to frequently asked questions on how to best implement the changes in HB 67. This document does not create any new legal obligations or privileges for school districts, staff, volunteers or parents. Instead, it is intended to assist school districts, staff and volunteers as they implement the legal requirements set forth in HB 67.

Introduction

Question 1.1: What changes does HB 67 make to SB 181 (2025)?

Answer 1.1: HB 67:

- Adds definitions of commercial or local government affiliation, electronic communication, and qualified school volunteer;
- Updates the definition of family member, parent, school district employee, and unauthorized electronic communication;
- When an educator engages in prohibited electronic communications, the educator may be subject to disciplinary action rather than educators are required to be subject to disciplinary action for engaging in prohibited electronic communications;
- Updates the procedure for parental written consent;
- Updates the exception to private communications to include an exception for emergencies, field trips, work-based learning, and commercial or local government affiliation;
- Updates the procedures for teachers reporting unauthorized electronic communications; and
- Updates how alleged violations should be reported to parents. When a report of a district employee or volunteer engaging in prohibited electronic communication, the parent(s) of the student(s) alleged to have been involved in the communications shall be provided updates of each material phase of the district's investigation and the parent(s) shall receive a written summary of the results of the investigation and the final outcome of the disciplinary action.

Question 1.2: What is unauthorized electronic communication? What is private electronic communication?

Answer 1.2: HB 67 defines unauthorized electronic communication as 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 and that occurs outside of a designated traceable communication system. This includes any private electronic communication with a student or students through a personal email account, text messaging, social media, or other private electronic notification and communication programs.

Private electronic communication is defined as any electronic communication that involves direct one-on-one or group conversations that are only accessible to the participants.

Unauthorized electronic communication does not include virtual school instruction; academic feedback; translation services; communication with any telephone number provided by a parent for the purpose of communication with that parent; communication in which a parent of the student is included; communication between two or more school district employees or qualified school volunteers and one or more students that is in direct relation to an academic, athletic, or extracurricular purpose; 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 is included as a recipient that is in direct relation to the safety, engagement, or attendance of a student; voice communication on an official telephone number affiliated with the school or school district; social media posts and comments that are not private electronic communication; communication related to commercial products or services with a telephone number, email address, or other electronic account affiliated with a lawful commercial business; or secure messaging for healthcare providers.

Question 1.3: Who is considered a school volunteer subject to KRS 160.145?

Answer 1.3: HB 67 defines qualified school volunteer as an adult who is not a school district employee or enrolled in the school district and has served the school or district at any point during the current school year: as a student teacher, a nonfaculty coach or assistant coach, a nonfaculty sponsor of an extracurricular program or activity, a school-sponsored academic tutor, or in a nonfaculty student services role designated as a qualified school volunteer by the local board of education.

Question 1.4: What is an approved traceable communication system?

Answer 1.4: KRS 160.145 defines an approved traceable communication system as one (1) or more electronic school notification and communication programs or applications that: (1) Are approved by the local board of education as detailed in KRS 160.145; (2) Trace all communications sent to or by a student; and (3) Provide parents an opportunity to access and review those communications.

Question 1.5: May a school district authorize the use of more than one traceable communication system or platform?

Answer 1.5: Yes. KRS 160.145 specifically allows for “one (1) or more” traceable communication systems.

Question 1.6: How long must a traceable communication system trace and retain communications sent by or to a student?

Answer 1.6: KRS 160.145 does not address the retention period for traceable communications. KDE recommends that school districts understand the [records retention requirements for school districts](#), the retention period for each approved traceable communication system, and communicate these retention periods with parents in a transparent manner, such as on a district website. Districts should consider implementing policies to designate the retention period for its designated traceable communication systems.

Question 1.7: Does KRS 160.145 apply to private schools and their employees/volunteers?

Answer 1.7: No. KRS 160.145 requires local public school boards to designate approved traceable communication systems and for employees and volunteers of the local public school board to electronically communicate with students using the approved traceable communication system(s) unless an exception applies. KRS 160.145 does not impose any requirements on private schools or their teachers, staff and volunteers.

Question 1.8: If a teacher uses an educational platform like Google Classroom or an instructional resource like Amplify Desmos to send and receive direct messages to and from students regarding their academic performance and progress, does KRS 160.145 apply?

Answer 1.8: HB 67 created new exceptions to KRS 160.145 to exempt communications for virtual instruction, including nontraditional instruction, online course instruction, and home-health instruction and electronic academic feedback mechanisms. If the messages in the educational platform are used for virtual instruction or to provide academic feedback, then they are permitted by KRS 160.145.

Question 1.9: Does KRS 160.145 apply to contractors of school districts?

Answer 1.9: Yes, HB 67 revised the definition of school district employee to include contractors hired by the district to provide direct services to students.

Question 1.10: What about school-sponsored field trips, especially overnight trips like taking a class of students to Washington, D.C.? How should school employees and volunteers communicate with students?

Answer 1.10: HB 67 no longer restricts private electronic communications between a student and a school district employee or qualified school volunteer during and in direct relation to a school-sanctioned field trip if the student has parental consent to attend the school field trip.

Question 1.11: What about work-based learning experiences? How should school employees and volunteers communicate with students?

Answer 1.11: HB 67 no longer restricts private electronic communications between a student and a school district employee or qualified school volunteer during and in direct relation to work-based learning experience.

Question 1.12: What if a student calls the school telephone line? Are school staff able to speak with the student?

Answer 1.12: Yes. Telephone calls placed by students to official school telephone lines are not within the scope of communications limited or prohibited by KRS 160.145. Communications between a student and school employee/volunteer via the employee/volunteer's personal phone, however, are prohibited unless an exception applies. See Question and Answer 2.1 below.

Exceptions: When Electronic Communications Outside the District Traceable Communication System are Allowed

Question 2.1: Does KRS 160.145 contain any exceptions that allow for electronic communications between school district employees/volunteers and students outside of a traceable

communication system authorized by the local board of education?

Answer 2.1: Yes. School employees and volunteers may communicate electronically with students outside of the approved traceable communication system if: (1) The student is a family member of the school employee/volunteer; or (2) Written parental consent has been filed with the student’s school. Please also see Answer 1.2, 1.10, and 1.11.

Question 2.2: Who is considered a “family member” that may communicate electronically with a student outside the approved traceable communication system?

Answer 2.2: HB 67 updates the definition of a family member to include a parent, brother, sister, son, daughter, aunt, uncle, cousin, nephew, niece, or grandparent related to the student by consanguinity, affinity, or adoption; or an adult that resides in the same household as the student.

The legislation further updated the definition of a parent to include 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. For example, a stepparent who is responsible for a student is considered a parent under the definition of KRS 160.145. Likewise, a foster parent, foreign exchange host parent or other person responsible for a student is considered a parent under the KRS 160.145 definition.

Question 2.3: What requirements must written parental consent satisfy to allow school staff/volunteers to communicate with district students outside the approved traceable communication system?

Answer 2.3: HB 67 requires that the consent document be filed in the administrative office of the student’s school and shall be submitted prior to any private communications being sent. The written consent shall designate each school district employee or volunteer that may participate in private electronic communications with the student. This consent cannot be transferred to another school district employee or volunteer. Only those named may participate in private electronic communication with the student.

The consent document may be revoked by the parent who filed the consent at any time. Upon the consent document being revoked, the administrative office shall promptly notify the school district and each school district employee and volunteer whose consent was revoked.

The parent providing the written consent may establish terms limiting electronic communication with the student. For example, a parent may include an expiration date on the consent. Written parental consent never authorizes an employee or volunteer to engage in inappropriate or sexual communication with a student.

A written parental consent form cannot be a requirement for a student to participate in an academic, athletic or extracurricular opportunity.

Question 2.4: Can a school district refuse to accept parental consent forms?

Answer 2.4: HB 67 clarifies that a school district shall not reject or deny written consent unless it fails to properly identify the applicable student, school district employee or volunteer.

Question 2.5: Must a parent utilize a written consent form developed by a school district or can the parent utilize their own consent form?

Answer 2.5: KRS 160.145 does not require that a parent utilize a specific form prescribed by the school district. Therefore, parents are free to provide written consent in any form they choose. However, the written consent document must meet the requirements of KRS 160.145. See Question and Answer 2.3.

Question 2.6: Should school staff and volunteers maintain copies of consent forms for their own records?

Answer 2.6: HB 67 states that upon receipt of written consent, the administrative office shall deliver a copy to the school district and the designated employee or volunteer. It is best practice for the school district employee or volunteer communicating electronically with a student pursuant to written parental consent to maintain a copy of the consent form for the employee or volunteer's own records.

Question 2.7: Can one parent revoke consent given by another parent?

Answer 2.7: HB 67 clarifies that the written consent can only be revoked by the parent who filed the consent.

Question 2.8: May a student who has reached the age of majority sign his or her own consent form?

Answer 2.8: If a student is considered an eligible student under the Family Educational Rights and Privacy Act (FERPA) (see 34 CFR 99.3 and policy 09.14), he or she can sign the consent form.

Application to Activities Outside of a School District Employee/Volunteer's Duties for the School District

Question 3.1: Does KRS 160.145 apply to electronic communications school district employees/volunteers may have with students outside of their official school district employment/volunteer duties?

Answer 3.1: Yes. KRS 160.145 does not distinguish between communications related to official duties as a school district employee/volunteer and personal communications unrelated to school district educational activities. However, HB 67 includes exceptions that may apply.

Question 3.2: What about situations where a student is employed by a school district employee or qualified volunteer at their local business? What if a school district employee or volunteer hires a student to mow their lawn, babysit or housesit? How should school employees and volunteers communicate with students?

Answer 3.2: 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 result in private electronic communication with a student. Upon filing the written disclosure, subsequent private electronic communication directly related to the disclosed commercial or local government affiliation is now permissible under KRS 160.145.

HB 67 defines a commercial or local government affiliation as having an ownership interest in, being employed by, or being a customer or client of a commercial business or activity or having an association with a city, county, consolidated local government, urban-county government, or unified local government.

Question 3.3: If a teacher leads a youth group at their church, does KRS 160.145 apply to communication between the teacher and youth group members? If a school district employee is a scout leader in her personal time, does KRS 160.145 apply to communication between the employee and members of the scouting troop?

Answer 3.3: If a school district employee/volunteer leads a youth group at church or scouting troop, KRS 160.145 continues to apply to electronic communications between the employee/volunteer, and any member of the youth group or scouting troop who happens to be a student enrolled in the school district where the employee/volunteer works.

Furthermore, under HB 67, if electronic communication with the student includes the parent of the student as a recipient of the message, such communication is permissible. Alternatively, the school district employee or volunteer could collect parental consent forms from parents of students in the youth group or scouting troop and file those with the school district in order to communicate electronically with the students in the youth group or scouting troop.

Otherwise, the school district employee/volunteer should communicate through parents of the students in the youth group or scouting troop, or through a traceable communication system approved by the district.

Question 3.4: If a school district employee allows their child to bring a friend on a family vacation, does KRS 160.145 apply to communication with the child's friend during the trip?

Answer 3.4: KRS 160.145 continues to apply to electronic communications between the school district employee and any student who is enrolled in the school district where the employee works and who is not a family member. If any student taken on the vacation is a family member of the employee, then HB 67 does not limit electronic communications with that student.

Furthermore, the employee could collect parental consent forms from parents of students he/she takes on the family vacation and file those with the school district in order to communicate electronically with the students taken on vacation. Under HB 67, if electronic communication with the student includes the parent of the student as a recipient of the message, it would be permissible. Otherwise, the employee should communicate through parents of the students taken on vacation or through a traceable communication system approved by the district.

Question 3.5: If a teacher coaches a travelling sports team not associated with any school during his personal time, does KRS 160.145 apply to electronic communication with students who are members of the traveling sports team?

Answer 3.5: KRS 160.145 continues to apply to electronic communications between the school district employee and any student who is enrolled in the school district where the employee works and who is not a family member. If any student who is on the travelling sports team is a family member of the employee, then KRS 160.145 does not limit electronic communications

with that student. Furthermore, the employee could collect parental consent forms from parents of students on the travelling sports team and file those with the school district in order to communicate electronically with the students. Under HB 67, if electronic communication with the student includes the parent of the student as a recipient of the message, the communication would be permissible. Otherwise, the employee should communicate through parents of the students on the travelling sports team or through a traceable communication system approved by the district.

Question 3.6: What if my teenage child uses the cellular phone belonging to her friend who is a student of the district where I work to call or text me?

Answer 3.6: In this situation, the electronic communication is between a district employee/volunteer and his or her child, despite the child using a friend's phone. As explained in Question and Answer 2.2 above, electronic communication between a school employee/volunteer and family members is not prohibited by KRS 160.145.

Social Media

Question 4.1: Does KRS 160.145 have implications for school employees/volunteers use of social media?

Answer 4.1: Yes. School employees/volunteers use of social media, depending on the specific use, may be considered unauthorized electronic communication as defined in HB 67. See Question and Answer 1.2. School employees and volunteers should read and understand the questions and answers in this section to better understand the KRS 160.145 implications on use of social media.

Question 4.2: May a school district operate official social media accounts to disseminate school district information and news although it knows some district students may see posts to the official social media accounts?

Answer 4.2: Yes. A school district may continue its use of official social media accounts for communicating information to the community. Under HB 67, social media posts and comments that are not private electronic communications are permissible electronic communications. School district staff responsible for the operation of official social media accounts should ensure that such operation complies with district policy 08.2323.

School districts should consider if they will set social media accounts to accept public comments or direct messages. If the school district allows direct messaging to its social media accounts, it should not engage in electronic communication with students via direct message unless the district has designated the social media account as a traceable communication system, or an exception applies as addressed in Question and Answer 2.1 above.

Question 4.3: May a school employee/volunteer operate an unofficial social media group open only to district students who are members of a particular sports team, group or club for the purpose of communicating team/club information with students?

Answer 4.3: A social media account operated by a school employee/volunteer and restricted to students for team/club communication meets the definition of electronic communication with a student. Therefore, such a social media account would be prohibited unless: (1) It is designated

by the district as a traceable communication system; (2) Two or more school district employees or volunteers and one or more students are included, and it is in direct relation to an academic, athletic, or extracurricular activity; (3) Parents of the student are included as participants in the group; or (4) Parents provide written consent for the electronic communication through the team/club social media account.

Question 4.4: May a school district employee/volunteer like and comment on social media posts by his/her non-student adult friends when those posts involve pictures or comments about the non-student adult's child who is enrolled in the school district where the employee/volunteer works?

Answer 4.4: Yes. This situation does not involve any electronic communication with a student of the school district where the employee/volunteer works. As such, KRS 160.145 has no impact on this situation. The commenting employee/volunteer should ensure that he/she is not sharing any confidential information protected by the Family Educational Rights and Privacy Act (FERPA) about the district-enrolled student.

Question 4.5: May a school employee/volunteer operate a personal social media account although that school employee/volunteer knows some district students may see posts to their personal social media accounts?

Answer 4.5: Yes. HB 67 defines exemptions to the definition of unauthorized electronic communications. Social media posts and comments that are not private communications on social media are not prohibited.

Reporting Requirements and Consequences of Noncompliance

Question 5.1: Are school employees/volunteers required to report unauthorized electronic communications between a student and school employee/volunteer?

Answer 5.1: HB 67 requires that if a school district employee or volunteer participated in unauthorized electronic communications or reasonably believes that another school district employee or volunteer participated in unauthorized electronic communications that has not been previously reported shall immediately notify the supervising principal or applicable supervisor.

If the subject of the report is the school principal or district-wide employee, then the report shall be made to the district superintendent. If the subject of the report is the superintendent or a KDE employee assigned to a school or area technology center, then the report shall be made to the commissioner of education.

HB 67 does not impose a duty on school employees or volunteers to speculate as to whether or not another school employee or volunteer engaged in unauthorized electronic communication with a student. Instead, the duty to report only arises when a school employee or volunteer reasonably believes that another school employee or volunteer participated in unauthorized electronic communications.

Question 5.2: Are there consequences for failure to report to the principal/superintendent/commissioner as described in Question 5.1?

Answer 5.2: Yes. HB 67 states that if a school employee fails to make the reports described in

Question and Answer 5.1, they may be subject to disciplinary action by their employing school district. Furthermore, certified employees who fail to make the reports described in Question and Answer 5.1 may be subject to disciplinary action by the Education Professional Standards Board (EPSB).

Question 5.3: What are the consequences for engaging in unauthorized electronic communications with a student?

Answer 5.3: An investigation must be conducted when a principal, superintendent or the commissioner of education receives a report as detailed in Question and Answer 5.1. School districts must ensure that principals and superintendents are properly trained on how to conduct such an investigation and do so in a way that is fair and objective.

School employees found to have engaged in unauthorized electronic communication with students are subject to disciplinary action by their employing school district. Furthermore, certified employees who engage in unauthorized electronic communication with students are subject to disciplinary action by the EPSB. Finally, volunteers who engage in unauthorized electronic communication with students may be prohibited from future school volunteer opportunities.

Question 5.4: What if school staff are responding to a student who communicates with them electronically, but outside of the approved traceable communication system, about a health or safety emergency?

Answer 5.4: HB 67 creates an exemption if the school staff reasonably believe that an emergency exists that creates an imminent risk to any person or property. The school staff must promptly notify and disclose the emergency electronic communication to his or her immediate supervisor after the fact. If the school staff member is the principal or a district-wide employee, the employee shall notify the superintendent of the school district.

School districts should establish protocols to record these notifications. Districts may require the employee to provide copies of all written messages sent and received as a result of the imminent threat to health or safety as part of the notification.

Question 5.5: Should parents be notified if there is a report of unauthorized electronic communications?

Answer 5.5: Under HB 67, upon receipt of a report of unauthorized electronic communication the commissioner, superintendent or principal shall immediately notify the parent of each student that is an alleged party to the communication. Further, the parent of each student that is an alleged party to the communication shall be given a written summary of the results of the investigation and the final outcome of the disciplinary actions. Parents may also receive updates related to the material phases of the investigation. When providing parents with this information, districts should ensure that no confidential information protected by the Family Educational Rights and Privacy Act about the students allegedly involved in the communication is shared.

Additional Information

Question 6.1: Where can I find additional information on HB 67?

Answer 6.1: You can view the entirety of [HB 67](#) posted on the Legislative Research Commission website.

Question 6.2: Where can I find additional information on KRS 160.145?

Answer 6.2: You can view the entirety of [KRS 160.145](#) posted on the Legislative Research Commission website.