

SB 181 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 Senate Bill (SB) 181 from the 2025 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 SB 181. 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 SB 181.

Introduction

Question 1.1: What is SB 181? What does it require of school districts, staff and volunteers?

Answer 1.1: SB 181 requires school districts to designate a traceable communication system or systems to be the exclusive means for school district employees and volunteers to communicate electronically with students. The principal of each public school must provide parents with written or electronic notification within the first ten (10) days of school of the designated traceable communication system(s). The notification shall include instructions for parents to access and review communications sent through the designated traceable communication system(s). Unless an exception applies (see Questions and Answer 2.1-2.8), a school district employee or volunteer is prohibited from communicating 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.

Question 1.2: Does SB 181 apply to electronic communication between a school district employee or volunteer and *any* student in Kentucky? Or does SB 181 only apply to students enrolled in the school district where the individual is employed/volunteers?

Answer 1.2: KDE interprets the requirements for traceable communications in [KRS 160.145](#) (which was created by Section 1 of [SB 181](#)) as applying to electronic communications between school district employees or volunteers and students of the same school district. The language of [KRS 160.145](#), when read in its entirety, supports this position. “School district employee or volunteer” is defined throughout the legislation as “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.” The statute requires “[e]ach local board of education to designate a traceable communication system to be the exclusive means for a school district employee or volunteer to communicate electronically with students.” The statute goes on to state that “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.”

Since the traceable communication system is determined by the district and each district can have different traceable communication systems, school district employees and volunteers would likely only have knowledge of the systems designated by the local board of education for which they work/volunteer to communicate with students. That is, they will not know which systems are authorized except as notified by their employer school district. Furthermore, their access to approved systems will be for communication with students of the district for which they work, not with students enrolled in a different school district.

[KRS 160.145](#) also provides that “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 consent form 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.” When read in total, the law anticipates filing these forms in schools for the school district employees/volunteers of that school district communicating with students. Otherwise, the school would be responsible for receiving and filing forms for employees/volunteers of other school districts who they do not know and have no employment/volunteer relationship.

Though the provisions of [KRS 160.145](#) do not apply to electronic communications with students or minors who are not students of the school district for which the employee or volunteer works, it is best practice to communicate electronically with all minors and students in an open, traceable manner with the consent of the minor or student’s parents.

Question 1.3: What is electronic communication?

Answer 1.3: “Electronic communication” is not specifically defined in SB 181. However, the generally accepted definition of electronic communication is the transmission of information through electronic means, such as email, instant messaging, video conferencing and social media. It encompasses any form of communication that utilizes electronic devices and networks to send, receive or store information.

Question 1.4: Who is considered a school volunteer subject to SB 181?

Answer 1.4: “School volunteer” is not specifically defined in SB 181. However, school districts already have policies in place which define who is a volunteer and requirements for volunteers in the school district. See policy 03.6. Anyone considered a volunteer under policy 03.6 is subject to SB 181. Local board of education members are compensated for their service and are not considered school volunteers.

Question 1.5: What is an approved traceable communication system?

Answer 1.5: SB 181 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 SB 181; (2) Trace all communications sent to or by a student; and (3) Provide parents an opportunity to access and review those communications.

Question 1.6: May a school district authorize the use of more than one traceable communication system or platform?

Answer 1.6: Yes. SB 181 specifically allows for “one (1) or more” traceable communication systems.

Question 1.7: How long must a traceable communication system trace and retain communications sent by or to a student?

Answer 1.7: SB 181 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.

Question 1.8: What is unauthorized electronic communication?

Answer 1.8: SB 181 defines “unauthorized electronic communication” as: (1) 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.

Question 1.9: Does SB 181 apply to private schools and their employees/volunteers?

Answer 1.9: No. SB 181 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. SB 181 does not impose any requirements on private schools or their teachers, staff and volunteers.

Question 1.10: 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 SB 181 apply?

Answer 1.10: Yes. The educational platform should be designated by the school district as a traceable communication system that teachers are permitted to use (provided the communication is traceable and can be provided to parents upon request) if the district intends for teachers to continue using it to send direct communication to students.

Question 1.11: Does SB 181 apply to contractors of school districts?

Answer 1.11: No, the language of SB 181 does not specifically include contractors. Therefore, unless the contractor otherwise meets the definition of employee or volunteer of a school district, SB 181 does not apply to those individuals.

Question 1.12: 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 1.12: SB 181 only applies to electronic communication between school employees/volunteers and students. In-person verbal communication is not restricted by SB 181. Therefore, school staff and volunteers are permitted to communicate with students verbally, face-to-face, during a school-sponsored trip without restrictions imposed by SB 181. For electronic communication between students and school staff/volunteers during the trip, the approved traceable communication system(s) should be utilized. SB 181 does allow parents to file written consent for school staff/volunteers to communicate with students outside the approved traceable communication system(s). See Question and Answer 2.4. However, a blanket written consent form authorizing any employee/volunteer to communicate with students outside the approved traceable communication system is not permitted by SB 181. School districts may consider whether a single employee is identified in field trip permission forms to communicate electronically with students outside the traceable communication system(s) during the period of the school-sponsored trip.

Question 1.13: What if a student calls the school telephone line? Are school staff able to speak with the student?

Answer 1.13: Yes. Telephone calls placed by students to official school telephone lines are not within the scope of communications limited or prohibited by SB 181. Communications between a student and school employee/volunteer via the employee/volunteer's personal phone, however, are prohibited by SB 181 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 SB 181 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.

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: SB 181 defines a family member as a "parent, brother, sister, son, daughter, aunt, uncle, or grandparent." The legislation further defines a parent as "parent, legal guardian, or other person or agency responsible for a student." For example, a stepparent who is responsible for a student is considered a parent under the definition of SB 181. Likewise, a foster parent, foreign exchange host parent or other person responsible for a student is considered a parent under the SB 181 definition.

Question 2.3: What about sending text messages to my cousin, who is a high school student in the district where I work?

Answer 2.3: Cousin is not included in the definition of family member provided in SB 181. See Question and Answer 2.2 above. If your cousin is enrolled in the school district where you are employed or volunteer, then your cousin's parent or legal guardian should complete a written consent form (see Question and Answer 2.4) and file it with the school principal to allow you to send electronic communication (e.g. text messages) to your cousin outside the approved traceable communication system.

Question 2.4: What requirements must a written parental consent satisfy to allow school staff/volunteers to communicate with district students outside the approved traceable communication system?

Answer 2.4: SB 181 requires that the consent document 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 approved traceable communication system. A consent document must be completed for each individual school employee or volunteer authorized to communicate electronically with the student. That is, a blanket consent document authorizing multiple school staff to communicate with a student outside of the approved traceable communication system(s) is not permitted.

The consent document can be revoked by a parent at any time, and it may establish certain terms limiting electronic communication with the student. For example, a condition of the consent form may be that the parent must be copied on all electronic communication between the staff member/volunteer and the student. Written parental consent never authorizes an employee or volunteer to engage in inappropriate or sexual communication with a student.

Question 2.5: Can a school district refuse to accept parental consent forms?

Answer 2.5: SB 181 provides that "a parent may" submit written consent to authorize electronic communication, and that the parent's consent, if given, "shall be filed" in the administrative office of the student's school. This leaves the discretion of whether to file consent with the parent(s) of students, and not with the school or district. If a parent wishes to file a written consent, the school should accept and file the consent document.

Question 2.6: Must a parent utilize a written consent form developed by a school district or can the parent utilize their own consent form?

Answer 2.6: SB 181 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 SB 181. See Question and Answer 2.4.

Question 2.7: Should school staff and volunteers maintain copies of consent forms for their own records?

Answer 2.7: While not required by SB 181, it is best practice for a 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 2.8: Can one parent revoke consent given by another parent?

Answer 2.8: SB 181 does not clarify this point. Because SB 181 says that “a parent may submit written consent,” and also that the consent “may be revoked by a parent at any time,” a literal reading would mean that one parent could revoke another parent's consent. School districts are encouraged to review their existing policies on accepting and honoring instructions/decisions from multiple parents when those instructions/decisions conflict with one another.

This is especially worrisome in circumstances where parents may be in the midst of custody disputes over their children and may have many motives for revoking the other parent's ability to allow communication. In these instances, it is KDE's recommendation to allow either parent to revoke any consent for their student(s), and to inform both parents when such a revocation is made. When possible, it is good practice to notify the employee/volunteer named in the consent form when a consent is revoked so that he/she knows the consent has been revoked.

Question 2.9: May a student who has reached the age of majority sign his or her own consent form?

Answer 2.9: 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 SB 181 apply to electronic communications school district employees/volunteers may have with students outside of their official school district employment/volunteer duties?

Question 3.1: Yes. SB 181 does not distinguish between communications related to official duties as a school district employee/volunteer and personal communications unrelated to school district educational activities.

Question 3.2: If a teacher leads a youth group at their church, does SB 181 apply to communication between the teacher and youth group members? If a school district employee is a scout leader in her personal time, does SB 181 apply to communication between the employee and members of the scouting troop?

Answer 3.2: If a school district employee/volunteer leads a youth group at church or scouting troop, SB 181 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. If any member of the youth group or scouting troop is a family member of the school district employee/volunteer, then SB 181 does

not apply for the student who is a family member (See Questions and Answers 2.1 and 2.2 above).

Furthermore, the school district employee/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 3.3: If a school district employee allows their child to bring a friend on a family vacation, does SB 181 apply to communication with the child's friend during the trip?

Answer 3.3: SB 181 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 SB 181 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. Otherwise, the employee should communicate through parents of the students taken on vacation or through a traceable communication system approved by the district.

Question 3.4: If a teacher coaches a travelling sports team not associated with any school during his personal time, does SB 181 apply to electronic communication with students who are members of the traveling sports team?

Answer 3.4: SB 181 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 SB 181 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. 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 3.5: If a school district employee/volunteer operates a side business during the summer and employs students, can the employee/volunteer communicate electronically with students regarding the summer employment? What about school employees who pay high school students to babysit or mow grass?

Answer 3.5: SB 181 continues to apply to electronic communications between the school district employee/volunteer and any student who is enrolled in the school district where the employee/volunteer works and who is not a family member. If a student performing work for the district employee/volunteer is a family member, then SB 181 does not limit electronic communications with that student. Furthermore, the employee/volunteer could collect parental

consent forms from parents of any students performing work for the school district employee/volunteer and file those with the school district in order to communicate electronically with the student outside of the approved traceable communication system.

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 SB 181.

Social Media

Question 4.1: Does SB 181 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 by SB 181. See Question and Answer 1.8. School employees and volunteers should read and understand the questions and answers in this section to better understand the SB 181 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. Posts to an official district social media account is public communication with the community at large, not direct communication with a student(s), even though it is possible a student may view the public post. School district staff responsible for 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 to SB 181 applies as addressed in Question and Answer 2.1 above.

Question 4.3: May a school employee/volunteer operate an unofficial social media account 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 by SB 181 unless: (1) it is designated by the district as a traceable communication system; or (2) parents provide written

consent for the electronic communication through the team/club social media account. See Question and Answer 2.4.

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, SB 181 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. A school employee/volunteer may continue his/her use of personal social media accounts. Posts to a personal social media account are generally communication with friends and family at large, not direct communication with a student(s), even though it is possible a student may view the post. School employees/volunteers should not engage in electronic communication with students via direct messages unless an exception to SB 181 applies as addressed in Question and Answer 2.1 above.

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: SB 181 requires a school employee or volunteer to immediately notify the supervising principal in the event the school employee/volunteer receives a report alleging unauthorized communication with a student. If the subject of the report is the school principal, then the report shall be made to the district superintendent. If the subject of the report is the superintendent, then the report shall be made to the Commissioner of Education.

SB 181 does not impose a duty on school employees/volunteers to speculate as to whether or not another school employee/volunteer engaged in unauthorized electronic communication with a student. Instead, the duty to report the matter to a school principal/superintendent/Commissioner only arises when a school employee or volunteer "receives a report" alleging unauthorized electronic communication.

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. SB 181 makes clear that if a school employee fails to make the reports described in Question and Answer 5.1, they are 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 are 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 Education Professional Standards Board (EPSB). Finally, volunteers who engage in unauthorized electronic communication with students will 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: SB 181 does not contain an exception for health or safety emergencies. Nevertheless, school employees have certain ethical responsibilities to not ignore an imminent threat to health or safety once they become aware of such a threat. School districts should clearly communicate their expectations and protocols for employees responding to imminent threats to health and safety through electronic communication.

For example, a school district may establish protocols requiring the employee to immediately notify the school principal of such electronic communication and provide copies of all written messages sent and received as a result of the imminent threat to health or safety. If employees follow the protocols set by the school district in situations of imminent threat to health or safety, they should not be subject to disciplinary action for engaging in unauthorized electronic communications with a student.

Additional Information

Question 6.1: Where can I find additional information on SB 181?

Answer 6.1: You can view the entirety of [SB 181](#) posted on the [Legislative Research Commission website](#). KDE provided [comprehensive legislative guidance](#) that discusses SB 181, as well as other education-related legislation. The Kentucky School Boards Association (KSBA) also published a [question and answer document](#). The Kentucky Department of Education Office of Education Technology hosted a [webinar on June 25, 2025](#), to discuss technical details of SB 181.