

Nearly all Kentucky public schools sign compliance form with Trump’s view on civil rights

BY MCKENNA HORSLEY
Kentucky Lantern

Nearly all of Kentucky’s 171 public school districts have signed an agreement to adhere to the Trump administration’s new restrictions on diversity, equity and inclusion programs in public schools.

Only two school districts — Fayette and Jefferson counties — did not sign a form from the U.S. Department of Education to certify their compliance with the Trump administration’s interpretations of civil rights law, according to documents from the Kentucky Department of Education.

Sent last month, the federal agency’s certification form says that “any violation of Title VI — including the use of Diversity, Equity, & Inclusion (‘DEI’) programs to advantage one’s race over another — is impermissible” and using “certain DEI practices can violate federal law.” Title VI of the 1963 Civil Rights Act prohibits discrimination on the basis of race, color and national origin in programs and activities receiving federal financial assistance.

The school superintendents of Fayette and Jefferson counties instead provided alternative documents saying they comply with federal and state laws. Jefferson County has the state’s largest student enrollment, followed by Fayette County.

KDE provided the documents to the Kentucky Lantern in response to an open records request.

In a joint statement to news outlets last week about the district’s decision, Fayette County Public Schools Superintendent Demetrus Liggins and school board Chair Tyler Murphy said they “want to reaffirm that Fayette County Public Schools remains steadfast in our commitment to ensuring every student receives the support they



(Photo by Ivan Aleksic/Unsplash)

need to thrive.” The statement said the decision was based on data about students’ needs within the district.

“As we affirm each year, we continue to fully comply with the requirements of Title VI and all civil rights laws, not simply as a legal obligation, but as a reflection of who we are and what we stand for,” Liggins and Murphy said. “We will also continue to support and defend the programs that help our students — all of our students — reach their full potential. That is a commitment that has not and will not change.”

Jefferson County Public Schools Superintendent Marty Pollio wrote in an April 22 letter to USED that “the schools within our district are in compliance with” federal law, including Title VI. A spokesperson told the Lantern that as of Thursday, JCPS had not received any further communication from USED regarding the form.

Kentucky Education Commissioner Robbie Fletcher has previously said KDE signed the form a couple of weeks ago, but

added the form “is not without issues,” in a message to superintendents across the state. KDE did not suspend or pause any of its existing programs since it received the form from USED.

Fletcher also advised that “school districts should consult with board counsel on whether the district will sign the certification form.”

One superintendent, Teresa Morgan of Hardin County Schools, pushed back on USED’s request to sign the form.

“It is with great disgust and sadness that I am signing this document,” Morgan wrote in an addendum to the form. “The fact that federal funds would be withheld from our neediest students — simply because of a refusal to sign a document that serves to further divide our country — is deeply troubling.”

Morgan declined to expand on her comment in an email Thursday morning. The federal form outlined possible consequences for a state or local education agency that protects a DEI program that violates the

new federal guidance, including losing federal funding or facing a federal lawsuit.

One school district that did sign the form, Bowling Green Independent Schools, did so “at the request of the Kentucky Department of Education commissioner,” said district spokesperson Leslie McCoy in an email to the Lantern. She added the district believes it is “in compliance with all state and federal nondiscrimination laws” and has not received further contact from USED about Title VI compliance.

USED’s targeting of DEI practices comes as Republicans at the national and state levels seek to roll back such measures, particularly in education. The GOP-controlled Kentucky General Assembly passed a law earlier this year to ban DEI programs at Kentucky public universities and colleges. President Donald Trump signed an executive order aimed at eliminating DEI programs within the federal government shortly after he assumed office in January.

The 2023 U.S. Supreme Court

decision to strike down affirmative action in higher education admissions has further fueled backlash against DEI programs. That ruling is cited in the USED form K-12 school officials were asked to sign.

In general, DEI initiatives focus on supporting marginalized people in areas where they have been historically excluded. But they’ve come under fire, and not just from the right, as discriminatory themselves. DEI programs, the U.S. Department of Education acting assistant secretary for civil rights wrote in a February letter, “frequently preference certain racial groups and teach students that certain racial groups bear unique moral burdens that others do not.”

Kentucky’s legislature has not outlawed DEI in public K-12 schools, although legislation was filed this year to do so. Sen. Lindsey Tichenor, R-Smithfield, filed bills that would have prohibited DEI initiatives in the state’s public schools as well as state and local governments. Neither bill got a committee hearing.

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NOTICE TO CUSTOMERS OF KENTUCKY UTILITIES COMPANY

RECOVERY BY ENVIRONMENTAL SURCHARGE OF KENTUCKY UTILITIES COMPANY’S 2025 ENVIRONMENTAL COMPLIANCE PLAN

PLEASE TAKE NOTICE that in an April 30, 2025 Application, Kentucky Utilities Company (“KU”) is seeking approval by the Kentucky Public Service Commission (“Commission”) in Case No. 2025-00105, pursuant to Kentucky Revised Statute 278.183, of an amended compliance plan (“2025 Plan”). (Collectively, KU’s Application and supporting testimony and exhibits are KU’s “tariff filing.”) If approved, KU will begin recovering capital costs associated with a new pollution control facility in the 2025 Plan under KU’s existing Electric Rate Schedule ECR (also known as the Environmental Surcharge tariff) through an increase in the environmental surcharge on customers’ bills beginning in December 2025.

KU filed an application with the Commission on February 28, 2025, in Case No. 2025-00045 seeking approval to construct a selective catalytic reduction system at the Ghent generating station to reduce nitrogen oxide (NOx) emissions, which are a precursor to ozone. In Case No. 2025-00105, KU is seeking an order approving the 2025 Plan to recover the costs of this new pollution control facility through its Environmental Surcharge tariff. This project will help ensure ongoing compliance with regulations issued under the federal Clean Air Act as amended, including the National Ambient Air Quality Standards for ozone.

The estimated total capital cost of this new pollution control facility is \$152.3 million. Additionally, KU is requesting recovery of future incremental capital and operation and maintenance expenses associated with this new pollution control facility. KU is also asking to recover the cost of publishing this customer notice through the Environmental Surcharge over 12 months and to have Environmental Surcharge recovery of future Commission-approved administrative expenses, including customer notice costs.

Beginning in December 2025, the initial bill impact for KU’s Group 1 customers is estimated to be a 0.01% increase with a maximum increase of 0.81% in 2029. Group 1 includes Rate Schedules Residential Service (RS), Residential Time-of-Day Energy Service (RTODE), Residential Time-of-Day Demand Service (RTODD), Volunteer Fire Department Service (VFD), All Electric School (AES), and all Lighting Rates (i.e., LS, RLS, LE, and TE).

RS and VFD customers using 1,085 kWh/month could expect a monthly increase of \$0.01 up to \$1.09. RTODE customers using 1,043 kWh/month could expect a monthly increase of \$0.01 up to \$1.14. RTODD customers using 987 kWh/month could expect a monthly increase of \$0.02 up to \$1.80. AES customers using 25,620 kWh/month could expect a monthly increase of \$0.30 up to \$24.28. LS and RLS customers could expect a monthly increase of \$0.00 up to \$0.12. LE customers using 2,473 kWh/month could expect a monthly increase of \$0.02 up to \$1.59. TE customers using 147 kWh/month could expect a monthly increase of \$0.00 up to \$0.15.

Beginning in December 2025, the initial bill impact for KU’s Group 2 customers is estimated to be a 0.01% increase with a maximum increase of 1.10% in 2029. Group 2 includes Rate Schedules General Service (GS), General Time-of-Day Energy Service (GTODE), General Time-of-Day Demand Service (GTODD), Power Service (PS), Time-of-Day Secondary Service (TODS), Time-of-Day Primary Service (TODP), Retail Transmission Service (RTS), Fluctuating Load Service (FLS), and Outdoor Sports Lighting Service (OSL).

GS customers using 1,657 kWh/month could expect a monthly increase of \$0.03 up to \$2.41. GTODD customers using 19,652 kWh/month could expect a monthly increase of \$0.31 up to \$25.26. PS-Secondary customers using 30,434 kWh/month could expect a monthly increase of \$0.39 up to \$32.35. PS-Primary customers using 35,028 kWh/month could expect a monthly increase of \$0.45 up to \$36.82. TODS customers using 189,538 kWh/month could expect a monthly increase of \$1.54 up to \$126.82. TODP customers using 1,242,574 kWh/month could expect a monthly increase of \$8.25 up to \$678.42. RTS customers using 7,387,224 kWh/month could expect a monthly increase of \$38.91 up to \$3,199.31. FLS-Transmission customers using 44,229,667 kWh/month could expect a monthly increase of \$237.46 up to \$19,525.53. OSL-Secondary customers using 4,627 kWh/month could expect a monthly increase of \$0.17 up to \$13.87.

The Application described in this Notice is proposed by KU, but the Commission may issue an order resulting in an environmental surcharge for customers other than the environmental surcharge described in this Notice.

Comments regarding KU’s 2025 Plan and Application may be submitted to the Commission through its website or by mail to the Public Service Commission, Post Office Box 615, Frankfort, Kentucky 40602.

Any person may submit a timely written request for intervention to the Public Service Commission, Post Office Box 615, Frankfort, Kentucky 40602, establishing the grounds for the request including the status and interest of the party. If the Commission does not receive a written request for intervention within thirty (30) days of the initial publication of this Notice, the Commission may take final action on the Application.

Any person may examine KU’s tariff filing at the Commission’s offices located at 211 Sower Boulevard, Frankfort, Kentucky, Monday through Friday, 8:00 a.m. to 4:30 p.m., or through the Commission’s website at <http://psc.ky.gov> or KU’s website (<http://www.lge-ku.com>) after KU makes its tariff filing on April 30, 2025. KU has requested a deviation from the requirement to make the tariff filing available at its office at One Quality Street, Lexington, Kentucky 40507. If the Commission denies that request, KU will make the tariff filing available at its office upon request by any person.