

26-CI-00624

**COMMONWEALTH OF KENTUCKY
FRANKLIN CIRCUIT COURT
DIVISION II**

CIVIL ACTION No. 26-CI-624

**TYLER MURPHY, and
KENTUCKY EDUCATION ASSOCIATION**

PLAINTIFFS

vs.

COMMONWEALTH OF KENTUCKY; *et al.*

DEFENDANTS

ORDER

This matter is before the Court upon Plaintiffs, Tyler Murphy and Kentucky Education Association's *Motion for Summary Judgement and a Permanent Injunction*, and Defendants, the Commonwealth of Kentucky's *Motion to Dismiss*. This matter was called before the Court on Monday, August 24, 2026. Upon review of the parties' briefs and papers, and after being sufficiently advised, this Court hereby **GRANTS** Plaintiffs' *Motion for Summary Judgment and Permanent Injunction*, and **DENIES** Defendants' *Motion to Dismiss*.

STATEMENT OF FACTS

Plaintiff Tyler Murphy is a National Board Certified Teacher and an active member of Kentucky Education Association ("KEA"), a voluntary membership organization with more than 44,000 members who work for school boards across the Commonwealth, where he currently serves on the Executive Committee of KEA and on the Board of Directors of KEA's national affiliate, the National Education Association.

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In 2018, Murphy, a resident of Fayette County, ran for election as a member of the Fayette County Board of Education ("FCBOE"). In that election, Murphy was elected to represent District 2, and in 2021, Murphy's board colleagues elected him to serve as chair. In 2022, Murphy ran for reelection to the FCBOE and was again elected to serve on the FCBOE. His board colleagues reelected him to serve as Chair in 2023 and again in 2025. Murphy's current term as a member of the board ends after December 31, 2026. On April 14, 2026, Murphy filed with the Fayette County Clerk as a candidate for election to a third term.

On January 27, 2026, SB 4 was introduced as "an act relating to school leadership" and originally focused exclusively on training for school principals. On February 9, 2026, the bill passed the Senate and was sent to the House on February 9, 2026. On March 20, 2026, the House passed a substitute bill, House Committee Substitute 1 as well as a separate committee amendment altering the title of the bill. Among the changes, House Committee Substitute 1 sought to amend the existing statute governing eligibility for membership on a board of education, KRS 160.180(2), amending the statute to bar any "employee of a board of education in the Commonwealth whose position requires work on more than one hundred (100) days per year" from being a member of any board of education. House Committee Substitute 1 also added a provision declaring an emergency, such that most provisions of the bill, including the eligibility restriction, would take effect immediately on enactment.

The two chambers failed to resolve the differences between the two versions of SB 4 through an ordinary Conference Committee, and the General Assembly then formed a Free Conference Committee, which then reported out a rewritten version of SB 4 on April

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1, 2026. One of the edits made by the Free Conference Committee focused on altering the bar against school employees' serving on boards of education, changing it to apply only to a small subset of school districts. That membership applied to boards of education of large school districts. Under Section 5 of the bill, "large school districts" are defined as districts that have "more than three hundred thousand (300,000) inhabitants."¹

Despite some legislators questioning the Free Conference Committee's revised SB 4, this version of SB 4 passed both chambers of the General Assembly on April 1, 2026.²

On April 13, Governor Beshear vetoed SB 4. His veto message stated, in pertinent part:

Senate Bill 4 is special legislation that violates Sections 59 and 60 of Kentucky's Constitution by attempting to control common schools. The bill targets the Jefferson County and Fayette County boards of education by changing board membership for only large public school districts, which by definition can only be Louisville and Lexington. ...

The bill also improperly targets large school districts by prohibiting people from serving on these boards if they are employees of any school district in the Commonwealth and work more than 100 days per year. Of course, our dedicated teachers and school employees work more than 100 days per year, and this would effectively keep them from serving on these boards of education.³

On April 14, the same day Murphy filed for reelection with the Fayette County Clerk, the Senate and House each voted to override Governor Beshear's veto of SB 4.⁴ Because SB 4 included a declaration of emergency on the ground that "timely elections and appointments are critically important to the operation of large school districts," the

¹ Only two school districts in Kentucky have more than 300,000 inhabitants. Jefferson County Public Schools ("JCPS") has a population of over 790,000, and Fayette County Public Schools ("FCPS") has a population over 329,000. The third largest school district is Boone County Public Schools, with a population over 135,000. Therefore, only FCPS and JCPS would be subject to the Free Conference Committee's version of SB 4.

² The Free Conference Committee report passed 72-21 in the House, and passed 28-7 in the Senate.

³ Veto Message from the Governor of the Commonwealth of Kentucky Regarding Senate Bill 4 of the 2026 Regular Session, April 13, 2026, <https://apps.legislature.ky.gov/record/26rs/sb4/veto.pdf>

⁴ The Senate veto override passed 30-8, and the House veto override passed 78-19.

eligibility bar took effect immediately. Therefore, Murphy is barred from serving after his current term ends, and the eligibility bar renders all other KEA members who live within the boundaries of JCPS and FCPS, but work for other school districts, ineligible to serve as members of the boards of education in their home school districts.

STANDARD OF REVIEW

Summary judgment is appropriate when the Court concludes that no genuine issue of material fact for which the law provides relief exists. CR 56.03. Summary judgment “shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, stipulations, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.” CR 56.01.

The moving party bears the initial burden of showing the non-existence of a genuine issue of material fact, and the burden then shifts to the opposing party to affirmatively show the absence of a genuine issue of material fact. *Jones v. Abner*, 335 S.W.3d 471, 475 (Ky. Ct. App. 2011). The movant will only succeed by showing “with such clarity that there is no room left for controversy.” *Steelvest, Inc. v. Scansteel Service Ctr.*, 807 S.W. 2d 476, 482 (Ky. 1991). “The inquiry should be whether, from the evidence on record, facts exist which would make it possible for the non-moving party to prevail. In the analysis, the focus should be on what is of record rather than what might be presented at trial.” *Welch v. Am. Publ'g Co. of Kentucky*, 3 S.W.3d 724, 730 (Ky. 1999). In reviewing Motions for Summary Judgment, the Court views all facts in the light most favorable to the non-moving party and resolves all doubts in its favor. The Court will only grant

summary judgment when the facts indicate that the nonmoving party cannot produce evidence at trial that would render a favorable judgment. *Steelvest*, 807 S.W. 2d at 480.

The Court recognizes that the summary judgment is a device that should be used with caution and is not a substitute for trial. “[T]he proper function of summary judgment is to terminate litigation when, as a matter of law, it appears that it would be impossible for the respondent to produce evidence at the trial warranting a judgment in his favor.” *Jones v. Abner*, 335 S.W.3d at 480. Thus, this Court finds that summary judgment will be proper when it is shown with clarity from the evidence on record that the adverse party cannot prevail, as a matter of law, under any circumstances.

ANALYSIS

I. Standing

In *Commonwealth v. Sexton*, 566 S.W.3d 185 (Ky. 2018), Kentucky adopted the federal *Lujan* constitutional standing test. Under that standard, a plaintiff must establish three elements: 1) a concrete and particularized injury that is actual or imminent; 2) the injury must be fairly traceable to the defendants’ allegedly unlawful conduct; and 3) the injury can likely be redressed by judicial relief. Before the Court can address constitutional issues, it must first answer the standing question and, here, the Court believes Plaintiff, Tyler Murphy, has standing.

The first prong of a concrete and particularized injury is satisfied by Murphy. Murphy, as a current member of the Fayette County Board of Education and candidate for reelection to that position, is subject to the implementation of SB 4. SB 4 effectively bars Murphy from continuing in his campaign, and the implementation of SB 4 harms Murphy’s campaign for reelection, and a reasonable individual would presume that the

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implementation of SB 4 would raise doubt in potential voters when observing his current campaign. A voter may question his eligibility to serve if he was elected, and thus faces an imminent possibility that he could lose the election on November 3 as a direct result of the uncertainty that the School Board Eligibility Bar may cause among Fayette County voters. Moreover, the harms to Murphy's current authority as well as his chances of winning the election are concrete and imminent. Withholding consideration could cause Murphy serious and irreparable hardship, as if Murphy were to lose the election on November 3, there would be no possible redressability when it comes to the question of whether or not he lost because voters preferred another candidate, or if voters were unwilling to vote for Murphy due to the cloud that SB 4 currently casts over his campaign.

The second prong requires causation. Murphy must allege that his injuries are fairly traceable to SB 4. The Court believes that this School Board Eligibility Bar is precisely the reason for Murphy's injury. Without SB 4, there would be no reason to call into question Murphy's eligibility to serve another term on the school board. Murphy is the only present individual, that the Court is aware of, that is being harmed by the implementation of SB 4, and agrees with Plaintiffs that the uncertainty of SB 4 would, and has, harmed Murphy's campaign.

Third, Plaintiff must demonstrate that the requested relief is likely to redress his injuries. This requirement is also satisfied, as the requested relief of declaring SB 4 unconstitutional and prohibiting its enforcement and implementation would directly address the source of the injuries alleged by Murphy. Redressability is straightforward with respect to injuries caused by the statutory authority itself. Without SB 4, Murphy will not have to combat doubt that he could serve if voters elected him to serve another term on the

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Board. It follows, then, that declaration that the statute is void would remove harm to both Murphy's campaign and a potential future re-election.

II. Special Legislation

Section 59 of the Kentucky Constitution provides that the General Assembly shall not pass local or special acts, including the management of common schools, as well as all other cases where a general law can be made applicable.

When determining whether a statute is impermissible special legislation, Kentucky courts look to "whether there is any articulable natural and distinctive reason for the class distinctions drawn by the legislature." *Coleman v. Jefferson Cnty. Bd. of Educ.*, 733 S.W.3d 302, 310 (Ky. 2024), reh'g denied (Apr. 23, 2026) When the legislative aim is focused on one entity without any articulable reasonable basis, that legislation violates the prohibition on special legislations. In Section 59 challenges, where one can "perceive that a statutorily drawn classification reasonably furthers the underlying statutory purposes and objectives, the statute does not violate Sections 59 or 60." *Id.*

The justification for the classification stems from the assertion that large school districts have "unique challenges" and are more difficult to manage than smaller school districts, due to having larger numbers of employees, students, and schools, as well as taking into consideration of urban versus rural areas. The Court is unconvinced by this bare assertion, and the holding in *Coleman v. Jefferson County Board of Education* lends favor to this conclusion. The Kentucky Supreme Court rejected a similar argument that the Commonwealth provides here, holding that a law increasing school superintendents' power and correspondingly decreasing school boards' power in a county school district in a county with a consolidated local government, a class consisting *only* of Jefferson County

Public Schools, “is focused on one and only one county without any articulable reasonable basis” and thus “violates Sections 59 and 60 of our Constitution.” *Coleman v. Jefferson Cnty. Bd. of Educ.*, 733 S.W.3d 302, 306 (Ky. 2024), *superseded and modified on reh’g* (Dec. 19, 2025). Just as the Court found in the case above, financial and management difficulties are not unique to large school districts, and the Commonwealth has not presented convincing assertions that financial difficulties nor the large, urban-centric locations are meaningfully different in terms of time and attention needed for board service, nor are financial and management difficulties a product solely of its large population. The time and attention required for board service does not appear to be significantly more important for districts with more than 300,000 residents versus the time and attention required for the third largest district, Boone County, with an estimated population over 135,000.

Furthermore, the Court finds the scope of SB 4’s eligibility restriction difficult to reconcile with the Commonwealth’s stated rationale. The new eligibility bar specifically applies to employees of school districts, while imposing no comparable restriction upon other individuals employed in demanding professions who work in excess of 100 days per year, such as university faculty, medical professionals, attorneys, and vice presidents of organizations or corporations. Both the Fayette County Board of Education and the Jefferson County Board of Education include members who are practicing attorneys, vice-presidents of organizations, or university professors.

The new statutory restriction excludes a relatively narrow class of individuals who possess professional experience directly related to education and the interests of children served by Kentucky’s public school system. The Court is unable to discern a reasonable

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basis for concluding that a school-district employee, solely by virtue of that employment, is incapable of “devot[ing] their energies” to the duties of a large board of education, while individuals employed in other demanding professions are presumed capable of doing so. If the concern is the difficulty of simultaneously maintaining professional employment and serving on a large board of education, the distinction drawn by SB 4 is not readily apparent to the Court. There appears to be no articulable reason why, for example, an attorney may serve on the board in a large school district, and yet a teacher employed by another school district may not.

The Commonwealth’s assertion that there is concern for “divided loyalties” in its eligibility bar is also questionable. School districts are not rival entities in the same vein as businesses competing for market share. Each district is engaged in a common endeavor: providing a free, public education to every child that resides within their boundaries. KRS 158.030(1). And, again, if the issue were “divided loyalties,” the Court finds no apparent explanation for limiting the restriction to only two school districts, when there are 171 public school districts. The Commonwealth has not articulated why divided loyalty would present a cognizable concern in those two districts, while possessing no similar concern in the remaining 169 districts. As the Kentucky Supreme Court’s decision in *State Bd. for Elementary & Secondary Educ. v. Howard*, 834 S.W.2d 657, 662 (Ky. 1992), is instructive. There, an educator who was employed by one board of education sought to run for a seat on the board of education of another school district in which he resided. The Supreme Court rejected the notion that the educator’s circumstances created any “corrupting influence” and characterized such a proposition as “ludicrous.” *Id.* The reasoning of *Howard* undermines the proposition that an educator’s employment by one school district creates a

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substantial conflict of loyalty such that it would justify prohibiting that individual from serving on the board of another district.

The existing statutory framework further demonstrates that the General Assembly has long recognized circumstances in which competing interests may legitimately disqualify an individual from serving on school boards.⁵ The General Assembly has demonstrated its ability to identify and prohibit circumstances presenting an actual or sufficiently substantial conflict of interest. If the Legislature concluded that employment by one board of education creates an impermissible conflict of “divided loyalty” when an individual seeks to serve on the board of another school district, it had ample opportunity to establish such a prohibition on a broader basis. SB 4 draws a significantly narrower distinction centralized on only two school districts. Thus, the justifications for SB 4’s eligibility restriction do not correspond with the scope of the restriction imposed.

The Commonwealth’s contention that Plaintiffs’ Section 59 and 60 claims fail because the eligibility bar does not concern the “management of common schools” is misplaced. Section 59’s twenty-ninth provision and Section 60’s independent prohibition against enacting special or local legislation by exempting particular districts from a general law both serve to bolster Plaintiffs’ assertions that SB 4 is impermissible special legislation. Eligibility for membership on a board of education necessarily concerns the management of common schools, with KRS 160.160(2) stating that each school district “shall be under the management and control of a board of education.” Furthermore, *Coleman v. Jefferson County Board of Education*, 733 S.W.3d 301, 312 (Ky. 2024), confirms that legislation

⁵ There are pre-existing eligibility requirements that bar individuals from serving on school boards if they hold federal, state, county, or city offices, if they are interested in the sale of goods or services that use school funds, as well as other exclusions.

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altering the allocation of authority within a school district constitutes a “scheme for the management of common schools.”

Finally, the Court agrees with Plaintiffs in that the eligibility bar in SB 4 classifies on the basis of profession, not just population. SB 4 cannot avoid scrutiny by characterizing the two affected districts as population-based class. A legislative classification must have a reasonably articulable, natural, and distinctive relationship to the statute’s purposes. In *Louisville/Jefferson Cnty. Metro Gov’t v. O’Shea’s-Baxter, LLC*, the Court invalidated a law that only applied “cities of the first class,” which Louisville was the only class member. In doing so, the Court reaffirmed the principle that “[g]enerally, classifications that are ‘favorable or unfavorable to particular localities, and rested alone upon numbers and populations, are invidious, and therefore offensive to the letter and spirit of the Constitution.’” 438 S.W.3d 379, 383 (Ky. 2014), *quoting United Dry Forces v. Lewis*, 619 S.W.2d 489, 491 (Ky. 1981), *in turn quoting James v. Barry*, 128 S.W. 1070, 1072 (Ky. 1910). Furthermore, the Kentucky Supreme Court opined in *O’Shea’s-Baxter* that “a legislative classification according to population and its density, and according to the division of cities into classes, will be constitutional under the framework of Sections 59 and 60 only if (1) the act relates to the organization and structure of a city or county government or (2) the classification bears ‘a reasonable relation to the purpose of the act.’” 438 S.W.3d at 384, *quoting Mannini v. McFarland*, 172 S.W.2d 631, 632 (1943). Here, SB 4 and the eligibility bar classification do not fit within the parameters set forth by the Supreme Court in *O’Shea’s-Baxter*.

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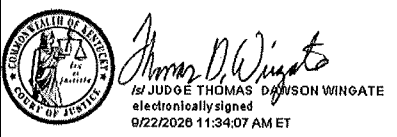
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CONCLUSION

WHEREFORE, Defendants' *Motion to Dismiss* is **DENIED**; Plaintiffs' *Motion for Summary Judgment and Permanent Injunction* is **GRANTED**.

This order is final and appealable and there is no just cause for delay.

SO ORDERED, this ____ day of September, 2026.



The image shows a rectangular box containing an electronic signature. On the left is a circular seal of the Franklin Circuit Court of Justice, featuring a scale of justice and the text 'FRANKLIN CIRCUIT COURT OF JUSTICE'. To the right of the seal is a handwritten signature 'Thomas D. Wingate'. Below the signature, the text reads: '1st JUDGE THOMAS DAWSON WINGATE', 'electronically signed', and '9/22/2026 11:34:07 AM ET'.

THOMAS D. WINGATE
Judge, Franklin Circuit Court