

Second Regular Session of the 124th General Assembly (2026)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

## SENATE ENROLLED ACT No. 78

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AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 20-26-5-40.7, AS ADDED BY P.L.24-2024, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 40.7. (a) As used in this section, ~~"instructional time"~~ has the meaning set forth in ~~IC 20-30-2-1~~. **"school day" means the entirety of the time a student is present on school property for a student instructional day (as defined in IC 20-30-2-2).**

**(b) As used in this section, "school sanctioned wireless communication device" means a wireless communication device that:**

- (1) is owned by a student or a third party vendor;**
- (2) is approved by the school for instructional use;**
- (3) is required or permitted by the school for participation in classroom instruction;**
- (4) is subject to school managed network controls, filtering, or monitoring that restrict access to noninstructional content during the school day; and**
- (5) is not a cellular telephone, gaming device, or smartwatch described in subsection (c)(5).**

**This subsection expires July 1, 2028.**

~~(b)~~ **(c)** As used in this section, "wireless communication device" means any portable wireless device that has the capability to provide voice, messaging, or other data communication between two (2) or

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more parties, including a:

- (1) cellular telephone;
- (2) tablet computer;
- (3) laptop computer; ~~or~~
- (4) gaming device; **or**
- (5) smartwatch that is connected to a cellular telephone, a cell tower, or the Internet.**

**The term does not include a device described in subsection (i).**

~~(e)~~ **(d) Except as provided in subsection (e), each school corporation and charter school shall adopt and implement a wireless communication device policy that does the following:**

- ~~(1) Except as provided in subdivisions (2) and (3), subdivision (2), and subsection (d), prohibits a student from using a wireless communication device during instructional time; the school day.~~
- ~~(2) authorizes a teacher to allow a student to use a wireless communication device for educational purposes during instructional time; and~~
- ~~(3) permits a student to use a wireless communication device in the event of an emergency or to manage the student's health care.~~

**(2) Requires teacher directed use of a wireless communication device for educational purposes during the school day to occur only on the following:**

**(A) Before July 1, 2028, on:**

- (i) a school supplied wireless communication device; or**
- (ii) if the school corporation or charter school does not provide a school supplied wireless communication device, a school sanctioned wireless communication device.**

**This clause expires July 1, 2028.**

**(B) After June 30, 2028, a school supplied wireless communication device.**

**(3) Mandates one (1) of the following policies:**

**(A) A no device policy under which students are not permitted to bring wireless communication devices to school.**

**(B) A storage policy under which wireless communication devices may be brought to school, but must be stored away, powered off, and inaccessible to a student throughout the school day.**

~~(d)~~ **(e) The policy adopted and implemented under subsection (e) (d) may not prohibit a student from using a wireless communication device during instructional time the school day if the use of the**



wireless communication device is: ~~included in the student's:~~

- (1) **included in the student's** individualized education program;
- ~~or~~
- (2) **included in the student's** plan developed under Section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. 794;
- (3) **necessary for the management of a documented medical condition pursuant to an order provided by a licensed health care provider;**
- (4) **authorized by the superintendent or the superintendent's designee at the appropriate time during an emergency, as determined by the superintendent or designee; or**
- (5) **necessary for language translation to ensure access for multi-lingual learners, prioritizing school-managed wireless communication devices or applications where available.**

~~(e)~~ (f) Each school corporation and charter school shall publish on its website the wireless communication device policy established under subsection ~~(e)~~: (d).

(g) **The department shall publish model policy language and implementation guidance consistent with this section, which may include guidance for how existing lockers and resources can be used to comply with this section.**

(h) **A school corporation, a school maintained by a school corporation, a charter school, and personnel of a school corporation, a school maintained by a school corporation, or a charter school, are immune from civil liability for any actions taken in good faith to comply with this section. The civil immunity under this subsection does not apply to an act or omission that constitutes gross negligence or willful, wanton, or intentional misconduct.**

(i) **Notwithstanding subsections (a) through (g), a student may possess and use an unobtrusive audio recording device solely for the student's individual educational notetaking or personal learning assistance if the device:**

- (1) **is designed principally to capture spoken word audio for the purpose described in this subsection, including through recording, transcription, summarization, or other personal assistant functionality;**
- (2) **does not capture, store, or transmit images or video;**
- (3) **is visible to the classroom teacher or other appropriate school personnel at all times while in use;**
- (4) **is provided to the school for inspection upon request; and**
- (5) **is used in a manner consistent with applicable state and**



federal law governing consent to audio recording.

(j) Except as provided in subsection (e), nothing in the exemption under subsection (i) shall be interpreted to limit a school's authority to adopt and enforce policies to control or restrict the possession or use of audio recording devices described in subsection (i), including policies that:

- (1) restrict where and when such devices may be used while at school;
- (2) prohibit the use of the devices during an assessment or other activity designated by the school;
- (3) prohibit the real time transmission, broadcasting, or live streaming of audio recorded by the devices;
- (4) require advance notification to either a classroom teacher or building administrator as may be applicable in the school's policy before use;
- (5) require that recorded material be stored, retained, or deleted in a manner consistent with school policy; and
- (6) require consent requirements consistent with applicable law for the recording of another student or school employee.

(k) A school corporation or charter school that adopts a policy under this section that permits the possession or use of an audio recording device under subsection (i) shall include in the policy a provision that a recording made under subsection (i) may not be used for a disciplinary, evaluative, or supervisory purpose against a:

- (1) student; or
- (2) school employee.

SECTION 2. IC 34-30-2.1-271.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 271.5. IC 20-26-5-40.7 (Concerning school corporations, schools maintained by school corporations, charter schools, school personnel, and compliance with a school's wireless communication device policy).**



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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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