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## SENATE BILL No. 78

Proposed Changes to introduced printing by AM007804

### DIGEST OF PROPOSED AMENDMENT

Civil immunity. Provides that a school corporation, a school maintained by a school corporation, and a charter school (school), including school personnel, are immune from civil liability for any actions taken in good faith to comply with the school's wireless communication device policy, with exceptions.

A BILL FOR AN ACT to amend the Indiana Code concerning education.

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

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

7 (b) As used in this section, "wireless communication device"  
8 means any portable wireless device that has the capability to provide  
9 voice, messaging, or other data communication between two (2) or  
10 more parties, including a:

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

17 (c) **Except as provided in subsection (d),** each school corporation  
18 and charter school shall adopt and implement a wireless  
19 communication device policy that:

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1 (1) except as provided in subdivisions (2) and (3) and subsection  
2 (d), subdivision (2), prohibits a student from using or  
3 possessing        a wireless communication device during  
4 instructional time; the school day;

14 (3) mandates one (1) of the following policies:

25 (d) The policy adopted and implemented under subsection (c) may  
26 not prohibit a student from using a wireless communication device  
27 during ~~instructional time the school day~~ if the use of the wireless  
28 communication device is; ~~included in the student's~~.

29 (1) included in the student's individualized education  
30 program; Her

(2) included in the student's plan developed under Section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. 794;

32 of the federal Rehabilitation Act of 1973, 29 U.S.C. 794,  
33 **(3) necessary for the management of a documented medical**  
34 **condition pursuant to a physician's directive;**

36 design, during an emergency, or  
37 **(5) necessary for language translation to ensure access for**  
38 **multi-lingual learners, prioritizing school-managed wireless**  
39 **communication devices or applications where available.**

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(g) A school corporation, a school maintained by a school corporation, and 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.

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

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