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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) except as provided in subdivisions (2) and (3) and subsection (d), **subdivision (2)**, prohibits a student from using or **possessing** 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 school supplied wireless communication devices; and

(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 secure storage policy under which wireless communication devices may be brought to school, but must be:

(i) stored and inaccessible throughout the school day; and

(ii) returned to the student upon dismissal at the end of the school day.

(d) The policy adopted and implemented under subsection (c) 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; ~~for~~

(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 a physician's directive;

(4) authorized by the superintendent, or the superintendent's designee, during an emergency; or

(5) necessary for language translation to ensure access for multi-lingual learners, prioritizing school-managed wireless communication devices or applications where available.

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



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1 (f) The department shall publish model policy language and
2 implementation guidance consistent with this section. [

3 (g) A school corporation, a school maintained by a school
4 corporation, and a charter school, and personnel of a school
5 corporation, a school maintained by a school corporation, or a
6 charter school, are immune from civil liability for any actions
7 taken in good faith to comply with this section. The civil immunity
8 under this subsection does not apply to an act or omission that
9 constitutes gross negligence or willful, wanton, or intentional
10 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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