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SENATE BILL No. 78

Proposed Changes to January 14, 2026 printing by AM007810

DIGEST OF PROPOSED AMENDMENT

Charge of fees. Provides that, if a school corporation or charter school stores a student's wireless communication device, the school corporation or charter school shall charge a fee for costs associated with the storage.

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)~~; **subdivision**
 2 **(2), and subsection (d)**; prohibits a student from using a wireless
 3 communication device during ~~instructional time~~; **the school**
 4 **day**;
 5 ~~(2)~~ authorizes a teacher to allow a student to use a wireless
 6 communication device for educational purposes during
 7 ~~instructional time~~; and
 8 ~~(3)~~ permits a student to use a wireless communication device in
 9 the event of an emergency or to manage the student's health care.
 10 **(2) requires teacher directed use of a wireless communication**
 11 **device for educational purposes during the school day to**
 12 **occur only on school supplied wireless communication**
 13 **devices; and**
 14 **(3) mandates one (1) of the following policies:**
 15 **(A) A no device policy under which students are not**
 16 **permitted to bring wireless communication devices to**
 17 **school.**
 18 **(B) A secure storage policy under which wireless**
 19 **communication devices may be brought to school, but**
 20 **must be stored away and inaccessible to a student**
 21 **throughout the school day.**
 22 (d) The policy adopted and implemented under subsection (c) may
 23 not prohibit a student from using a wireless communication device
 24 during ~~instructional time~~ **the school day** if the use of the wireless
 25 communication device is: ~~included in the student's~~
 26 **(1) included in the student's** individualized education
 27 program; ~~or~~
 28 **(2) included in the student's** plan developed under Section 504
 29 of the federal Rehabilitation Act of 1973, 29 U.S.C. 794;
 30 **(3) necessary for the management of a documented medical**
 31 **condition pursuant to an order provided by a licensed health**
 32 **care provider;**
 33 **(4) authorized by the superintendent, or the superintendent's**
 34 **designee, during an emergency; or**
 35 **(5) necessary for language translation to ensure access for**
 36 **multi-lingual learners, prioritizing school-managed wireless**
 37 **communication devices or applications where available.**
 38 (e) Each school corporation and charter school shall publish on its
 39 website the wireless communication device policy established under
 40 subsection (c).
 41 **(f) The department shall publish model policy language and**
 42 **implementation guidance consistent with this section.**

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

9 [(h) If a school corporation or charter school stores a student's
10 wireless communication device as provided under subsection
11 (c)(3)(B), the school corporation or charter school shall charge the:

12 (1) parent of a student if the student is an unemancipated
13 minor; or

14 (2) student if the student is an adult or emancipated minor;
15 a fee in the amount of not less than twenty-five dollars (\$25) and
16 not more than one hundred dollars (\$100), as determined by the
17 school corporation or charter school, for costs associated with the
18 storage of the student's wireless communication device.

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

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