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SENATE BILL No. 78

Proposed Changes to January 14, 2026 printing by AM007811

DIGEST OF PROPOSED AMENDMENT

Department of education guidance. Provides the department of education's guidance may include guidance for how existing lockers and resources can be used to comply with the provision.

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:
- 20 (1) except as provided in ~~subdivisions (2) and (3)~~, **subdivision**

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

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used to comply with this section].

(g) 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.

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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