



February 15, 2024

ENGROSSED
SENATE BILL No. 185

DIGEST OF SB 185 (Updated February 15, 2024 9:16 am - DI 140)

Citations Affected: IC 20-26.

Synopsis: Student use of wireless communication device. Requires each school corporation and charter school to: (1) adopt and implement a wireless communication device policy that governs student use of a wireless communication device; and (2) publish the policy on the school corporation's or charter school's website.

Effective: July 1, 2024.

Raatz, Donato, Crane, Buck,
Randolph Lonnie M, Rogers
(HOUSE SPONSORS — MCGUIRE, TESHKA, DAVIS, PFAFF)

January 9, 2024, read first time and referred to Committee on Education and Career Development.

January 25, 2024, amended, reported favorably — Do Pass.

January 29, 2024, read second time, amended, ordered engrossed.

January 30, 2024, engrossed. Read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 6, 2024, read first time and referred to Committee on Education.

February 15, 2024, reported — Do Pass.

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February 15, 2024

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 185

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 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2024]: **Sec. 40.7. (a) As used in this section,**
4 **"instructional time" has the meaning set forth in IC 20-30-2-1.**
5 **(b) As used in this section, "wireless communication device"**
6 **means any portable wireless device that has the capability to**
7 **provide voice, messaging, or other data communication between**
8 **two (2) or more parties, including a:**
9 **(1) cellular telephone;**
10 **(2) tablet computer;**
11 **(3) laptop computer; or**
12 **(4) gaming device.**
13 **(c) Each school corporation and charter school shall adopt and**
14 **implement a wireless communication device policy that:**
15 **(1) except as provided in subdivisions (2) and (3) and**
16 **subsection (d), prohibits a student from using a wireless**
17 **communication device during instructional time;**

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- 1 **(2) authorizes a teacher to allow a student to use a wireless**
- 2 **communication device for educational purposes during**
- 3 **instructional time; and**
- 4 **(3) permits a student to use a wireless communication device**
- 5 **in the event of an emergency or to manage the student's**
- 6 **health care.**
- 7 **(d) The policy adopted and implemented under subsection (c)**
- 8 **may not prohibit a student from using a wireless communication**
- 9 **device during instructional time if the use of the wireless**
- 10 **communication device is included in the student's:**
- 11 **(1) individualized education program; or**
- 12 **(2) plan developed under Section 504 of the federal**
- 13 **Rehabilitation Act of 1973, 29 U.S.C. 794.**
- 14 **(e) Each school corporation and charter school shall publish on**
- 15 **its website the wireless communication device policy established**
- 16 **under subsection (c).**



COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 185, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 3, after "Sec. 40.7." insert "**(a) As used in this section, "instructional time" has the meaning set forth in IC 20-30-2-1.**

(b) 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 more parties, including a:

- (1) cellular telephone;**
- (2) tablet computer;**
- (3) laptop computer; or**
- (4) gaming device.**

(c)".

Page 1, line 4, delete "cellular telephone" and insert "**wireless communication device**".

Page 1, line 5, delete "that restricts a student from accessing a cellular telephone" and insert "**that:**

- (1) except as provided in subdivisions (2) and (3), prohibits a student from using a wireless communication device during instructional time;**
- (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.**

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

Page 1, delete line 6.

and when so amended that said bill do pass.

(Reference is to SB 185 as introduced.)

RAATZ, Chairperson

Committee Vote: Yeas 12, Nays 0.

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SENATE MOTION

Madam President: I move that Senate Bill 185 be amended to read as follows:

Page 1, line 15, delete "(3)," and insert "**(3) and subsection (d),**".

Page 2, between lines 6 and 7, begin a new paragraph and insert:

"(d) The policy adopted and implemented under subsection (c) may not prohibit a student from using a wireless communication device during instructional time if the use of the wireless communication device is included in the student's:

(1) individualized education program; or

(2) plan developed under Section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. 794."

Page 2, line 7, delete "(d)" and insert "(e)".

(Reference is to SB 185 as printed January 26, 2024.)

FORD J.D.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 185, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 185 as reprinted January 30, 2024.)

BEHNING

Committee Vote: Yeas 10, Nays 0

