

**SCHOOL BOARD-RELATED AMENDMENTS TO EDUCATION LAW
A SUMMARY OF HEA 1004 (P.L. 74-2026)
JULY 2026**

HEA 1004 passed by the 2026 Indiana General Assembly and effective July 1, 2026, is the second major legislation amending Title 20, which is the education code in Indiana law. This Act repealed many statutes in Title 20 that contained “may” provisions. These are statutes containing permissive actions and not mandates. Such provisions are not necessary as school boards have the authority to engage in these actions if not prohibited or addressed in law per the Home Rule law (see IC 20-26-3). In HEA 1004, many “may” provisions were repealed, some required provisions were repealed, some provisions were recodified and grouped together to remove previously repealed statutes in various code chapters, and some language was added.

This article will highlight those provisions relevant to school boards or school boards should be aware of in governing school corporations. These items will be addressed in groups as board related, student related, and employee related. Some of the student related provisions directly affect board policy and will be noted when discussed.

Board Related Provisions

There are three sections of HEA 1004 directly affecting school boards. Two sections would be considered additional required actions for school boards and one as providing more flexibility for school boards.

The first section is Section 48 of the Act. It amends IC 20-26-4-3. This section adds a requirement when a school board meets with one or more other school boards. The requirement states the joint meeting must take place within one of the school corporation’s boundaries. Inclusion of this language clarifies joint meetings of school boards cannot take place outside of any of school corporations’ boundaries, just as most meetings of a school board must take place within the school corporation boundaries.

The second section is Section 113. It amends IC 20-30-5-11 with respect to when a school board must provide instruction on the effects on the human body of alcohol, tobacco and nicotine products, prescription drugs, and controlled substances. Formally this instruction had to be offered in kindergarten through grade 12. The new requirements for such instruction are to be offered at least two times in kindergarten through grade 8 and one time in grades 9 through 12. This section also repealed the requirement for Indiana Department of Education (IDOE) to provide assistance in training teachers in drug education.

The third section is Section 120 and it requires every school to **conspicuously** post on the school’s website the link to the school's web page on the Internet dashboard maintained by the IDOE. The new language implies the link to the dashboard will

need to be easily found on a school's website, such as on the main web page, or an obvious link to where it can be found.

Student Related Provisions

Several sections of HEA 1004 address student matters and some of these have policy implications as noted in bold type.

Section 61: This section amends the acceptable use policy law (IC 20-26-5-40.5). The amendment requires a school corporation to adopt a policy enabling a parent to increase the strength of the filter used by the school to block Internet materials harmful to minors, to block access to websites or content harmful to minors, and to limit the amount of time a student may use the device when the student is not in school or engaging in online instruction or remote learning. This policy must be shared with all parents in the school corporation, in addition to being posted on the school corporation's website. A school has until January 1, 2027, to adopt and implement the policy.

The new language stating a policy must be adopted implies it should be separate from the acceptable use policy required by this law. Since the acceptable use policy addresses the filter requirements, it makes sense to include this language in the acceptable use policy. ISBA has distributed its revised acceptable use policy including the new language to its members. A school board has the option to remove the provision on parent filters and make it a separate policy.

Section 80 and Section 137: These sections address the same subject. Section 80 repeals the State Board of Education (SBOE) authority to hear appeals on student expulsions due to legal settlement (IC 20-26-11-15). Section 137 repeals the law allowing a school to expel a student from school due to lack of legal settlement (IC 20-33-8-17). The latter statute was a "may" provision, so a school corporation continues to have the authority to expel on the basis of legal settlement (this would require a notice in the student discipline rules); the student or parent would no longer be able to appeal the decision to the SBOE.

Section 129: This section amends IC 30-33-2-15 to add all the exemptions to the compulsory attendance law in one section rather than each individual exemption in its own section. Some of the exemptions were also amended. The exemption related to the State Fair now only applies to the student who is exhibiting at the State Fair and does not extend to siblings of students exhibiting at the State Fair. In addition, for a nonclassroom related activity, the school must give notice to the parent of the student a description of the activity and the date and time of the activity. This notice must be given to the parent at least one full school day prior to the activity.

Other new requirements per the amendments to this statute, include a student must be in good academic standing in order for the student to be exempted for participation in the civil air patrol, the air cadet exchange program, and an emergency service operation of the air patrol, exhibiting at the State Fair, and

participating in a FFA or 4-H club event, competition, or exhibition. The amendments also require the school attendance officer or principal or designee to request documentation to verify the student's participation in the exempted activity.

The amendments in this section require changes to the required board policy on absences. ISBA has distributed its amended absences policy to its members.

Section 136: This section amends the law on possession of a firearm, destructive device, and deadly weapon by a student on school property (IC 20-33-8-16). The amendment adds the principal may reduce the mandated expulsion period of one year for a student who possesses a firearm or destructive device. Previously only the superintendent had the authority to do so. This allows the principal to determine the length of the expulsion appropriate for the statutory violation rather than the additional step of the superintendent doing so. A school board may determine if the principal may do so or continue having the superintendent do so. This section also removes the permissive duty of the superintendent to report to law enforcement the possession of a deadly weapon by a student.

These amendments may require a change in your student discipline rules and/or procedures. ISBA has distributed its student discipline rules and procedures to reflect these changes.

On a related note, Section 57 of the Act repealed the provision requiring IDOE to produce a list of best practices to reduce student discipline issues and post it on its website.

Employee Related Provisions

The following sections of HEA 1004 address employee matters.

Section 94: This section amends IC 20-28-5-8 removing the subsection requiring the superintendent to immediately notify the secretary of education when a current or former licensed teacher is convicted of a crime or when the school board takes final action against an employee when the employee has engaged in criminal conduct. This provision was redundant as the law already required the prosecuting attorney to report the conviction of a licensed teacher. Even though no longer required to do so, a superintendent could still give this notice of such conviction or any final action taken by the school board against a teacher for criminal behavior.

Section 96: This section removes the requirement for school boards to report to IDOE information on adjunct teachers hired by the school board. The reporting requirements included the number of adjunct teacher permits issued and adjunct teachers hired by the school board at each grade level and subject matter, the names of all adjunct teachers at each grade level and the subject area taught, their experience level, their salary and other compensation, and the number of previous employment agreements entered into with adjunct teachers. This reporting removal relieves administrators from gathering this detailed information and reporting to IDOE, which is not legally responsible for adjunct teachers.

Section 99: This section amends the temporary teacher contract law (IC 20-28-6-6) to add teachers with an emergency permit to the list of the uses of a temporary teacher's contract. While this is an addition to the law, it is a helpful one as teachers with emergency permits could only be placed on regular teacher's contracts, which would require a school corporation to go through the regular teacher's contract cancellation process to remove the teacher from employment. A temporary teacher's contract term by law is for at most a school year and ends at the end of the stated term; thus, not requiring due process to end the contract.

Section 102: This section repealed IC 20-28-7.5-8, which required a teacher to give 30 days' notice when the teacher was under contract with a school corporation and was going to work for and sign a contract with another Indiana public school. The former law allowed the principal of the first school to release the teacher from the contract. It also allowed a principal to keep a teacher for 30 days if the teacher had not given notice in order to give the principal time to find another teacher. With the repeal of this law, the principal no longer has the 30-day leverage when a teacher leaves for another school during the school year or within 14 days of the beginning of the school year.

Section 103: This section amended the principal and assistant principal contract statute (IC 20-28-8-2) to allow the school board and the administrator upon mutual agreement to enter into an alternative employment contract other than the regular teacher's contract. This is an option and the school board can continue to require and use the regular teacher's contract. The law on non-renewing a principal or an assistant principal was not changed.

Section 104: This section removed the requirement to use a regular teacher's contract to employ a director of special education (IC 20-28-8-10). The removal of this requirement gives a school corporation the option to continue to use the regular teacher's contract or another form of employment contract. The statute still requires an employment contract to be used when hiring a special education director. In addition, the law on non-renewal of a special education director was not changed.