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FISCAL IMPACT REPORT

BILL NUMBER: Senate Bill 23

SHORT TITLE: Exceptions to Student Use of Phones

SPONSOR: Brantley/Maestas

LAST **ORIGINAL**
UPDATE: **DATE:** 2/8/2026 **ANALYST:** Liu

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT*

(dollars in thousands)

Agency/Program	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Ed. Tech. Infrastructure Fund		\$0.0 to \$1,000.0	\$0.0 to \$1,000.0	\$0.0 to \$2,000.0	Recurring	Other state funds
School Budgets		\$0.0 to \$1,034.1	\$0.0 to \$1,955.0	\$0.0 to 2,989.1	Recurring	Other state funds
Total		\$0.0 to \$2,034.1	\$0.0 to \$2,955.0	\$0.0 to \$4,989.1	Recurring	Other state funds

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Relates to House Memorial 2

Sources of Information

LFC Files
Legislative Education Study Committee (LESC) Files
National Conference of State Legislatures (NCSL)

Agency or Agencies Providing Analysis
Public Education Department
Public School Facilities Authority
Office of Broadband Access and Expansion
Regional Education Cooperatives

SUMMARY

Synopsis of Senate Bill 23

Senate Bill 23 (SB23) requires all school districts and charter schools to adopt and implement a policy prohibiting a student from using a wireless communication device during the school day with limited exceptions. The policy must provide consequences for violations and confiscation and storage of devices. The bill further adds ‘cameras and video cameras’ to the definition of wireless communication device and authorizes the Office of Broadband Access and Expansion (OBAE) to make grants to districts and charters up to \$1 million from the education technology

infrastructure fund to implement policies created by this bill. The bill requires schools to have this wireless communications device policy in place before receiving any grant assistance for education technology infrastructure projects.

The bill's effective date is applied in phases, requiring schools to develop and implement the policies for sixth through eighth grade beginning in FY27, for ninth through 12th grade beginning in FY28, and kindergarten through fifth grade beginning in FY29.

FISCAL IMPLICATIONS

The bill does not include a recurring appropriation but diverts or “earmarks” up to \$1 million from the education technology infrastructure fund for costs associated with the bill's provisions. Beginning in FY27, middle schools must enforce a ban on wireless communication device usage during the school day and provide for confiscation and storage of these devices. Costs for phone pouches, which allow students to carry their devices with limited or no functionality, can range between \$8 to \$30 per unit. Locker storage solutions can range from \$200 to \$1,700 depending on storage capacity and locking system, averaging about \$20 to \$60 per unit.

Provisions of this bill would require device storage options for 67.8 thousand students between sixth grade and eighth grade. At an average cost of \$30 per student, the estimated fiscal impact could be slightly over \$2 million for implementation in FY27. Costs will likely be lower based on device ownership rates. According to Common Sense Media, a nonprofit organization that reviews and provides ratings for media and technology, a 2024 survey found approximately 68 percent of 8-year-olds owned a tablet and nearly a quarter of them also owned a cell phone.

There are currently 98.5 thousand students in ninth through 12th grade and 149 thousand students in kindergarten through fifth grade statewide. Costs for storage in FY28 are expected to be up to \$3 million and could be as high as \$4.5 million in FY29, although costs for elementary students will likely be lower given device ownership rates. Actual costs will vary depending on individual school practices but can be relatively inexpensive. For instance, in 2024, officials at the Dayton public school district in Ohio showcased their low-cost approach to a cell phone ban nationally, which entailed students handing in their phones at the start of the school day. Phones were kept in manila envelopes at the front office, and students lined up to retrieve their phones at the end of the day.

According to OBAE, the education technology infrastructure fund receives distributions through an annual sale of \$10 million of supplemental severance tax bonds, previously under the purview of the Public School Capital Outlay Council. This bill authorizes OBAE to earmark up to \$1 million a year from existing funds for projects implementing the wireless communication device policies, leaving the remaining \$9 million per year for other education technology infrastructure projects.

SIGNIFICANT ISSUES

According to Kaiser Family Foundation, a nonprofit organization focused on health policy, banning cell phone and pager device usage in schools began in the early 1990s, largely to crack down on communications among drug dealers. As cell phones became increasingly affordable and popular with the school-age population, state legislatures began repealing bans on cell

phones in schools. The 1999 shooting at Columbine High School and September 11, 2001, terrorist attacks accelerated these repeals, spurred on by fears around the inability of parents and young people to communicate with each other during emergencies and traumatic events. Cell phone bans are increasingly being considered at the state level again in light of growing student academic and mental health concerns that are associated with the excessive use of smartphones.

National surveys suggest nearly all students, 97 percent, between the ages of 11 and 17 use their phones during school hours. While there is some evidence that when used appropriately, cell phones can aid learning, multiple studies have shown the negative effects of cellphones in classrooms on mental health, bullying, and teaching and learning, according to the National Conference of State Legislatures (NCSL).

The federal Centers for Disease Control and Prevention youth risk behavior surveillance system reports 77 percent of students use social media frequently, which has been associated with suicide risk, bullying, negative body image, poor sleep, and feelings of sadness and hopelessness. The 2023 New Mexico youth risk and resiliency survey found 12.4 percent of adolescents reporting being cyberbullied, with higher rates of reported cyberbullying for students identifying as female, a non-straight sexual or gender identity, having a disability, experiencing housing instability, and being born outside of the country.

The 2024 U.S. Surgeon General advisory on social media and mental health recommends policymakers take steps to strengthen safety standards and limit access in ways that make social media safer for children of all ages. According to the Pew Research Center, most elementary and secondary schools have a cell phone policy, but because they are difficult to enforce, they are often not effective. Since 2023, legislation to regulate cell phone use has been introduced in at least 27 states.

According to an analysis of state policies on cellphone restrictions by the Institute for Families and Technology, a nonprofit organization focused on limiting children's technology use, most states have a law or policy in place but the level of restriction varies, with:

- 2 states mandating bell-to-bell bans with inaccessible storage,
- 17 states (including D.C.) mandating bell-to-bell bans with accessible storage,
- 8 states banning cellphones during classroom instruction time only,
- 9 states (including New Mexico) requiring a cellphone policy with no mandates,
- 4 states introducing a bill on restrictions that failed,
- 2 states that have not introduced a bill on restrictions, and
- 8 states with bills pending.

New Mexico recently enacted a state law requiring all districts and charters to have a device policy. Laws 2025, Chapter 155 (Senate Bill 11) required all districts and charters to adopt a wireless communication device policy by August 1, 2025. The Public Education Department (PED) notes current school policies vary in levels of restriction, with 55 percent typically limiting device use during instructional time while allowing access during lunch, passing periods, or other non-instructional periods. About 42 percent of schools have restrictive policies that prohibit personal device use during the school day, require devices to be powered off or secured, and involve confiscation when violations occur.

PERFORMANCE IMPLICATIONS

Numerous recent surveys indicate cell phone use in schools is perceived by educators, parents, and students as problematic for learning, mental health, cyberbullying, and teacher morale. While there is some emerging research on the effects of cell phone bans, a 2024 review of nearly two dozen studies in the *Journal of Psychologists and Counsellors in Schools* found that results across these studies were inconclusive. The authors suggest that more rigorous studies are needed to better understand the effects of cell phone bans.

A 2025 study in Florida published in the *National Bureau of Economic Research* found enforcement of cell phone bans in schools initially led to a significant increase in student suspensions, especially among Black students, but dissipated after the first year. The study found student test scores improved significantly in the second year of the ban, which researchers largely attributed to a significant reduction in student unexcused absences. The effects of the ban were more pronounced in middle and high school settings where student device ownership was more common.

A 2025 study in the United Kingdom comparing secondary schools with restrictive and permissive phone policies found no evidence that restrictive school policies were associated with overall lower phone and social media use or better mental wellbeing in adolescents. While students in schools with restrictive policies did not use phones during the school day, overall phone and social media use ramped up outside of school hours. The study did find increasing phone use and social media time were associated with lower mental wellbeing. The findings did not provide evidence to support the use of school policies that prohibited phone use during the school day in their current form, noting in-school phone and social media use was only a small fraction of overall use on school days and weekends, and even when weekend use was controlled for, there were no observable differences in outcomes.

ADMINISTRATIVE IMPLICATIONS

According to PED, provisions of this bill would require school districts and charter schools to review and revise existing policies to align with the expanded school-day restriction and additional provisions related to recording and photography. Administrative activities may include updating student and family communications, publishing revised policies on district and school websites, and planning for phased implementation by grade band. The department would need to update guidance to support consistent statewide implementation.

The Public School Facilities Authority (PSFA) notes its advisory role with the education technology infrastructure fund may require agency involvement in considering spaces for device storage. The agency would need to consider what types of storage options should be part of the adequacy standards for school facilities and account for costs of construction in future awards.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

This bill relates to House Memorial 2, which requests a study of screen use in elementary schools.