Legislative EDucation Study Committee

Policy Brief

AI in K-12 Education: State Policy Trends and Implications for New Mexico

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Since OpenAI's launch of ChatGPT in 2022, artificial intelligence (AI) has been transforming education nationally and globally. States across the United States have responded through a combination of legislative and nonlegislative measures. Since 2025, 35 states, D.C., and Puerto Rico have introduced AI-related education legislation, 24 states have enacted AI laws or resolutions, and more than 35 states have published AI guidance. In 2026, 134 bills on AI in education have been introduced across 31 states.

The core promise of AI in education is to provide students with personalized learning while improving student outcomes and enhancing classroom efficiency. However, research on AI's potential remains mixed and is still emerging. In January 2026, a study by the Center for Universal Education at the Brookings Institution, a nonprofit public policy research organization, found the risks of AI in education currently outweigh its benefits because these risks can affect children's foundational development. Other research suggests AI-powered tools show promise for students who receive targeted, high-dose support. Researchers and policymakers broadly agree that realizing AI's promise while minimizing its risk depends on deliberate implementation, education training, equitable access, and strong data governance.

Reflecting national trends, New Mexico has taken steps to address AI in kindergarten through 12th grade education through legislative and nonlegislative actions, including the passage of House Memorial 2 (HM2) in the 2025 legislative session and the publication of the Public Education Department's (PED's) AI Guidance for K-12 Education 1.0. This policy brief explores New Mexico's current landscape, the federal government's approach, and national efforts to address AI in K-12 education, drawing on landscape analyses provided by the National Conference of State Legislatures (NCSL), a bipartisan organization providing policy research, and the Education Commission of the States (ECS), a nonpartisan interstate compact providing education policy research. The brief also examines trends across NCSL's six policy areas broadly categorizing state AI-education action: research and practice, guidance and requirements, literacy and professional development, career exploration and pathways, funding and pilot programs, and education technology and AI technologies to provide LESC with policy considerations for the 2027 legislative session.

Key Takeaways

- New Mexico is one of three states to have passed a legislative measure to study AI in education. However, the Legislature has not yet converted the LESC AI Working Group's recommendations into statute *(Pages 2-3)*.
- New Mexico's AI education policy gaps are connected to a broader data governance challenge, which LESC staff previously reported in November 2024 *(Page 4)*.
- 24 states have enacted AI education legislation and the pace is accelerating. States are shifting from study and guidance to enforceable mandates (*Pages 5-9*).
- The U.S. Department of Education is incentivizing AI adoption in schools through discretionary grants *(Page 5)*.

New Mexico's Policy Landscape

Currently, New Mexico law does not define the state's approach to AI in public education. New Mexico's early-stage actions on AI in K-12 education consist of the Legislature's enactment of House Memorial 2 (HM2), PED's AI Guidance, and PED's statewide implementation of Amira—each developed independently rather than as a part of a coordinated policy framework. The Legislature did not pass any new measures or resolutions during the 30-day legislative session in 2026. The state's efforts to address AI in education are also inseparable from its broader, pre-existing challenge of inadequate data governance and infrastructure, which LESC staff reported in

November 2024. AI in K-12 education depends on data systems and oversight, which New Mexico has not yet established.

Figure 1: New Mexico's AI in K-12 Education Actions

Source: LESC Files

LESC AI Working Group

HM2, LESC Artificial Intelligence Work Group, from the 2025 legislative session, directed LESC to assemble a working group of diverse stakeholders to study the use of AI in education and develop policy considerations to inform New Mexico's approach. The working group met four times between June and July 2025 to evaluate AI education tools, examine national research, and facilitate stakeholder dialogue to develop tailored policy recommendations resulting in the LESC Artificial Intelligence Working Group Report, which was presented to LESC in July 2025.

The working group identified four policy pillars:

- Promote and evaluate access to AI tools by ensuring all students can access safe, effective AI tools through funding mechanisms, infrastructure investments, and a statewide vetted tool list.
- Drive effective implementation and deter ineffective use by establishing a dedicated AI oversight body, requiring implementation plans at the local level, and investing in statewide professional development on AI literacy, pedagogy, and ethics.
- Create and enforce laws to protect student safety, data privacy, and tribal sovereignty, including clear legal guardrails for vendor contracts and enforcement mechanisms for noncompliance.
- Consider system-wide changes to prepare students for an AI-powered future, such as updating academic content standards to include AI literacy, rethinking student assessment systems, and supporting local innovation through district- and school-level AI leadership.

Additionally, the working group suggested the Legislature consider the dynamic of the 30-day session in 2026 and hold off on major proposals until the next 60-day session in 2027. **Figure 2: LESC's AI Working Group Policy Development and Implementation Recommendations** presents the actions the working group reported the Legislature, PED, and school leaders could take to promote AI policies centering students' needs and safety.

PED AI Guidance for K-12 Education

PED published New Mexico AI Guidance for K-12 Education 1.0 in May 2025. The document intends to provide educators, administrators, and communities with clear, tangible criteria and actions to integrate AI into the classroom. PED developed the guidance in partnership with New Mexico State University, the University of New Mexico, and North Carolina State University's Friday Institute for Education Innovation. It also hosted a two-day AI Summit and facilitated three stakeholder engagement sessions at Las Cruces Public Schools, Albuquerque Public Schools, and Eastern New Mexico University-Ruidoso.

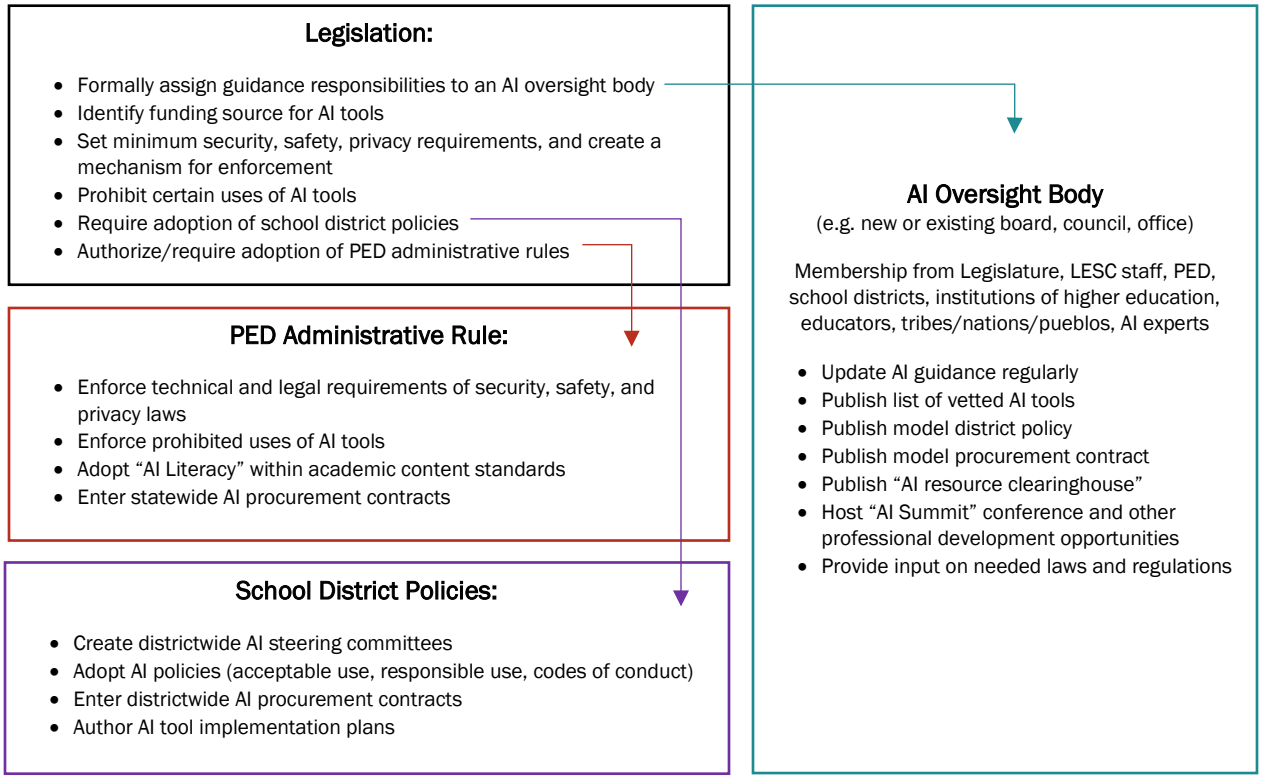
The guidelines highlight three core elements for equitable, ethical, and effective AI integration:

1. **AI Literacy:** provides grade-level differentiated frameworks for what students should understand about AI and how to use it responsibly.

2. **Guiding Principles for AI:** provides frameworks and strategies to promote ethical and responsible AI use, digital learning and AI integration, and digital citizenship.
3. **A Framework for AI Integration:** provides strategies for standards alignment, pedagogical practices, academic student support, technology integration, cognitive student support, academic integrity, and local governance.

School leaders and teachers across New Mexico have PED's guidance to inform their approach to AI in the classroom. However, school districts and charter schools are not obliged to adhere to these guidelines. It is unclear how schools are addressing AI in K-12 education, or if schools are using these guidelines.

Figure 2: LESC's AI Working Group AI Policy Development and Implementation Recommendations



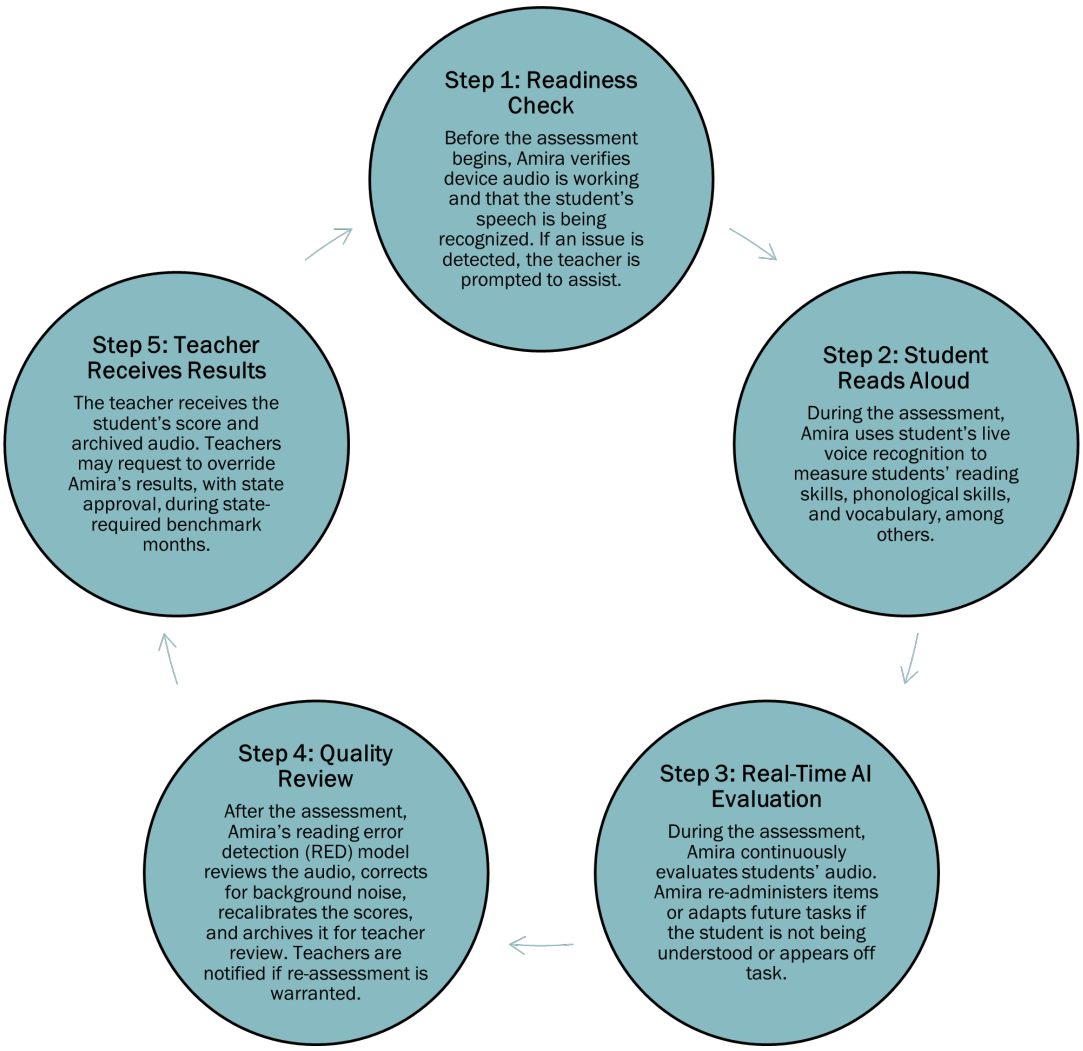
Source: LESC Files

PED Implementation of Amira Indicators of Student Progress

One of New Mexico's most prominent integrations of AI in the classroom is its use of Amira, Istation's Student Indicators of Progress (ISIP). Thirteen other states across the country also have state contracts with the company. Istation merged with Amira Learning in June 2024 to create Amira ISIP, which, according to the company, is a more advanced, effective, and interactive literacy assessment tool. Amira's AI agent uses live voice recognition and AI analysis combined with Istation's ISIP to measure student oral reading fluency, automate error detection, and provide immediate student feedback as demonstrated by **Figure 3: Amira ISIP Step-by-Step Flow** on page four.

According to a PED memo, Amira ISIP was implemented statewide at the beginning of the 2025-2026 school year (SY26) as a mandatory reading assessment for students in kindergarten through second grade. As illustrated in **Table 1: Amira ISIP at a Glance** on page five, all kindergarten through second grade students are required to take the Amira ISIP assessment at the beginning, middle, and end of year. Students who are not yet proficient in reading are also required to complete a monthly Amira ISIP assessment to enable teacher monitoring of student progress.

Figure 3: Amira ISIP Step-by-Step Flow
Beginning with Step 1 at the top



Source: LESC Analysis of PED Information

PED's deployment of Amira ISIP highlights the state's current policy gaps for AI in K-12 education and underlying data governance challenges. Although PED partnered with multidisciplinary stakeholders to create its AI guidance, it is unclear what vetting processes and stakeholder input PED used to implement Amira ISIP. Lawmakers and families expressed similar concerns and questions during LESC's committee hearing in April 2026.

Additionally, LESC staff previously reported PED's data systems were primarily designed for the department's operational purposes and were not consistently structured to support independent evaluation or legislative oversight. Without a unified data governance framework, the state appears to lack a formal mechanism for PED to assess whether a tool like Amira is producing its intended outcomes, to standardize how student reading data are collected and shared across districts, or to provide the Legislature with reliable, timely information about the tool's impact statewide. New Mexico does not currently have statewide procurement standards for AI tools, student data privacy requirements specific to AI, and a formal evaluation process for AI education tools. LESC staff highlighted stakeholders' broader concerns about AI education tools in the LESC Artificial Intelligence Working Group Report.

Table 1: Amira ISIP at a Glance

Category	Description
Grades Served	K-3 (K-2 required by PED; Grade 3 optional)
Subjects	Early literacy and early mathematics
Assessment Windows	Beginning, middle, and end of year; monthly for students not yet proficient
Languages Available	English and Spanish
Dyslexia Screener	PED-approved dyslexia screen in English and Spanish
AI Reliability	96% agreement with human rates; 98-99% correlation on fluency measures
Student Accommodation	Paper format and non-verbal version available for students with individualized education programs
Voice Recording	Student audio stored in de-identified format for duration of state contract
Data Deletion	School districts and charter schools may request erasure of recorded audio

Source: LESC Analysis of PED Information

National Policy Landscape

The rapid adoption of AI tools in education has prompted lawmakers at the federal and state level to pass various measures. As policymakers and education leaders continue navigating this evolving policy area, the U.S. government's approach broadly continues to support AI in K-12 education, while state's approaches encompass comprehensive statute, nonbinding guidelines, and research.

Federal Policies

The federal government's approach to AI in education has shifted between the Biden and Trump administration, though both treated AI as a national priority. In October 2023, the Biden administration issued Executive Order "Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence," which detailed a federal effort to regulate and implement AI across 50 federal entities, including the Department of Education (ED). As a result, ED's Office of Education Technology published an AI toolkit for K-12 leaders to use as they integrated AI into the classroom.

In April 2025, President Trump issued Executive Order "Advancing Artificial Intelligence Education for American Youth," which details a federal effort to promote AI literacy and proficiency among Americans by integrating AI into education, providing comprehensive AI training for teachers, and fostering early exposure to AI concepts to develop an AI-ready workforce and the next generation of American AI innovators. As a result, it established the White House Task Force on AI Education, authorized the Secretary of Education to prioritize discretionary grant applications focused on AI, and instructed the Secretary of Labor to incentivize AI skill development and work-based learning opportunities under the Workforce Innovation and Opportunity Act.

On May 13, 2026, ED began prioritizing AI initiatives for discretionary grant awards. Unlike formula grants, which rely on fixed criteria (e.g., enrollment or poverty levels), discretionary grants allow ED to set priorities and select applications advancing its policy goals. School districts and charter schools across the U.S., including New Mexico, applying for federal discretionary grants are incentivized to submit AI-focused proposals. As New Mexico legislators consider their future approach to AI in education, it is important to consider the federal government's approach to AI in K-12 education.

State Policies

The following sections examine states' actions across the six policy areas identified by NCSL. States have taken varied approaches depending on their existing policy infrastructure, context, and priorities. Some have focused

on a single area, others have addressed multiple areas simultaneously, and others have enacted comprehensive policies.

Research and Practice

States have established task forces, commissions, and advisory committees to study the use of AI in K-12 education. This appears to be the most common first legislative step across the country, consistent with New Mexico's approach through HM2. In 2025, eight states introduced legislation or resolutions to study AI in K-12 education; however, California, Georgia, and New Mexico were the only three states to enact or adopt these proposals. In 2026, four states introduced research-focused measures, with Maine being the only state so far this year to enact the law.

In the past two years, four states have taken legislative action to specifically study and assess AI's role in K-12 education. These measures reflect a range of research approaches states are using to inform future legislation.

- **California:** Senate Bill 1288 (2025) directed the Superintendent of Public Instruction to convene a working group on AI in public schools, resulting in an active AI Working Group under the California Department of Education.
- **Georgia**: Senate Resolution 431 (2025) created the Senate Impact of Social Media and Artificial Intelligence on Children and Platform Privacy Protection Study Committee, which focused on child safety and platform accountability alongside broader questions regarding AI in education.
- **Maine**: House Bill 1376 (2026) directs the Maine Education Policy Research Institute to survey educators about technology use, safety policies, and AI restrictions and to gather expert guidance on safe instructional technology practices before submitting recommendations to the Legislature.

New Mexico is among a small number of states that have taken formal legislative action to study AI in education. HM2 requested LESC staff to publish a report capturing the LESC AI Working Group's findings and policy recommendations. However, the Legislature has not yet converted the working group's recommendations into enforceable policies especially as it continues to be challenged by inadequate data governance and infrastructure.

Guidance and Requirements

The largest and most active area of AI legislative work involves directing state or local education agencies to develop, publish, and enforce AI guidance. ECS identifies two primary approaches states are taking:

- **State education agency directed guidance**: The state education agency is required to develop a statewide model policy or guidance document that districts can use to shape local policies. For example, Illinois Senate Bill 1920 (2025) and Ohio House Bill 96 (2025).
- **Local policy mandates**: Legislation requires each school district or charter school to directly adopt its own AI policy, sometimes within a specified timeline. For example, Tennessee Senate Bill 1711 (2024) and Arkansas House Bill 1958 (2025).

In 2026, nine states introduced measures in this category, an increase from five in 2025. This increase may suggest states are shifting from examination of AI policy toward implementation and accountability. Virginia's House Bill 1186/Senate Bill 394 (2026) requires its Department of Education to compile AI use information, post equitable use guidance, require school board policies consistent with that guidance, and establish a funded pilot program. Idaho's Senate Bill 1227 (2026) appears to be the most comprehensive enacted statute nationally. The bill requires Idaho's State Board of Education to develop a statewide framework, local policy adoption, AI literacy standards, procurement guardrails, and prohibits AI from eliminating teachers.

Literacy and Professional Development

A significant and growing category of AI-related education legislation focuses on ensuring that students and teachers are equipped to use AI responsibly and effectively. Since 2024, 10 states have enacted legislation or adopted resolutions in this policy area. State approaches range from integrating AI literacy into internet safety

instruction, embedding AI into computer science graduation requirements, and funding AI literacy programs. Despite state's varied approaches, these trends suggest that lawmakers across the U.S. view AI literacy and professional development as increasingly important skills.

New Mexico has formal computer science standards, established in NMAC 6.29.17, but it has not formally integrated AI literacy or digital citizenship into computer science standards. PED's AI Guidance for K-12 Education 1.0 includes grade-level differentiated AI literacy frameworks. Additionally, the LESC AI Working Group identified AI literacy integration and teacher professional development as two of its four policy pillars. The Legislature has these two foundational elements to potentially support its efforts to codify AI literacy and professional development by directing PED to amend NMAC 6.29.17 to include AI literacy or digital citizenship. Alternatively, PED could amend NMAC 6.29.17 to include AI literacy or digital citizenship, reflecting its AI guidance.

Career Exploration and Pathways

States are increasingly linking AI education to workforce preparation through career and technical education (CTE) programs. Several states have embedded AI concepts into computer science graduation requirements to promote workforce readiness for an AI-transformed economy. For example, Alabama and California passed legislation to integrate AI into its workforce preparation. Alabama House Bill 365 (2025) created a STEM council with duties related to AI career exploration. California Senate Bill (2025) amended its CTE incentive grant program to include AI career pathways in 2026.

ECS notes states and postsecondary educational institutions are working to understand AI's impact on instruction, operations, and the labor market. In January 2026, EDUCAUSE, a nonprofit working to advance higher education through information technology, released a report on the impact of AI on higher education. The report's findings suggest postsecondary institutions are generally prioritizing AI. Additionally, the report found many institutions have an AI-related strategy, including faculty and staff training, creating guidelines for AI use, and remain optimistic and cautious about AI's impact in the sector.

Several leading higher education institutions have dedicated degree programs or other training focused on AI, while other states are working to promote AI skills in the workforce or incentivize statewide AI use. As the Legislature continues to consider its K-12 academic design, it is important it considers how its college and career readiness programs are aligned with the broader postsecondary and workforce development landscape.

Table 2: Select U.S. Postsecondary AI Programs

Institution	Program	Degree Level
University of Pennsylvania	The Raj and Neera Singh Program in Artificial Intelligence	Bachelor of Science in Engineering; Master of Science
Carnegie Mellon University	Artificial Intelligence	Bachelor of Science
Purdue University	Artificial Intelligence	Bachelor of Arts; Bachelor of Science; Master of Science
George Washington University	Artificial Intelligence & Machine Learning	Doctor of Engineering
University of Texas Austin	Artificial Intelligence	Master of Science

Source: ECS

Funding and Pilot Programs

Research indicates AI in K-12 education has the potential to exacerbate opportunities among socioeconomic student groups if the tool is not deliberately implemented. Multiple states have appropriated dedicated funds or authorized pilot programs to accelerate AI integration in K-12 education:

- **Florida**: House Bill 1361 (2024) establishes a grant program to cover subscription fees and professional learning for school districts selecting an AI platform that meets certain specifications.
- **Connecticut**: House Bill 5224 (2024) establishes an AI education tool pilot program for instruction and learning and requires the Department of Education to provide professional development for program participants.
- **Michigan**: Senate Bill 166 (2025) directs the Michigan Virtual University to allocate funds to operate a comprehensive statewide laboratory designed to function as a hub for cutting-edge research, the identification and dissemination of best practices, rigorous experimentation, policy formulation, and proactive efforts to enhance awareness about the responsible utilization of AI in schools.
- **New Jersey:** House Bill 4700 (2024) appropriates funds for AI Innovation in Education Grants and AI CTE Expansion.

The LESC AI Working Group recommended New Mexico establish a funding mechanism for high-impact AI tools. Currently, New Mexico does not have any statute to address this potential gap, nor does it have information about statewide AI use across school districts and charter schools. Although the Legislature did not pass any appropriations directly impacting AI in K-12 education during the 2026 legislative session, existing budget formulas enable schools to use funds for instructional materials and technology, including AI tools.

EdTech and AI Technologies

Data privacy and governance of AI technologies is a rapidly expanding area of legislative activity. ECS notes in 2025 alone, 258 cybersecurity-related bills were introduced across 42 states, with 29 becoming law. In education specifically, the focus has shifted toward protecting student data from AI systems and establishing oversight mechanisms for AI tools procurement.

California Assembly Bill 1159 (2025) represents the leading edge as the bill prohibits operators from using student data to train generative AI systems, expands student data privacy protections broadly, and creates a private right of action. Idaho Senate Bill 1227 (2026) requires AI tool procurement to comply with state and federal data privacy law and authorizes its school education agency to maintain a list of approved tools.

New Mexico does not currently have a process specific to AI education tools. Under Section 22-5-4 NMSA 1978, local school boards develop education policies subject to PED's rules and contract for expenditures according to the Procurement Code. Section 13-1-63.1 NMSA 1978 defines instructional materials as school textbooks and other educational media used as the basis for instruction, including electronic media, though it is unclear if AI tools fall within this definition. PED reviews and adopts instructional materials in core subjects under NMAC 6.75.2. However, it is also unclear if this review process extends to AI tools. PED's statewide implementation of Amira ISIP highlights the absence of a formal vetting process for AI tools under current procurement and adoption standards. The LESC AI Working Group recommended the Legislature maintain a statewide list of vetted AI tools and have legal guardrails for vendor contracts.

Prohibitions and Guardrails: What States Are Restricting

In addition to promoting AI use, decision makers across several states have enacted specific restrictions on how AI may be used in schools. The following measures represent important guardrails around vulnerable populations and sensitive decisions:

- **Mental health services**: Nevada Assembly Bill 406 (2025) prohibits public schools from using AI to perform the functions of school counselors, psychologists, or social workers. This reflects research that AI cannot replace human judgement in student mental health settings.
- **Deepfakes and cyberbullying**: Illinois House Bill 3851 (2025) expanded the definition of cyberbullying to include AI-generated digital replicas (deepfakes). Alabama House Bill 168 (2024) required local boards to develop policies on AI-generated private images. At least 43

states have passed legislation addressing nonconsensual sexually explicit deepfakes, with 28 explicitly prohibiting AI-generated child sexual abuse material.

- **Teacher replacement**: Idaho Senate Bill 1227 (2026) explicitly prohibits AI from replacing teachers. This is one of the first statutory protections in the country.
- **Employment tools**: New York Senate Bill 8831 (2026) requires educational institutions to disclose AI in employment decision-making and prohibits use of AI systems to undermine employees' collective bargaining rights.
- **Foreign AI applications**: Virginia Executive Order 46 (2025) prohibited state employees from downloading or using the DeepSeek AI application on state-owned equipment or networks. This bill has implications for state education agencies, although it is not explicitly related to AI in K-12 education.

Policy Considerations and Recommendations

As the Legislature considers New Mexico's approach to AI in K-12 education, it has the opportunity to explore the LESC AI Working Group's policy recommendations and PED's AI Guidance, along with emerging national trends. LESC staff recommend the following policy considerations:

The Legislature should consider…

- **Moving from guidance to enforceable standards**: PED's AI guidance is substantive, but it is not obligatory. Schools districts and charter schools are not required to adopt or adhere to it, and it is unclear to what extent schools are using it to inform local decision-making. The Legislature could consider whether to require school districts and charter schools to adopt AI policies consistent with PED guidance within a defined timeline. Alternatively, the Legislature could direct PED to maintain a model district AI policy, reducing the burden on individual districts to develop policies independently.
- **Establishing a data governance framework to support AI oversight**: New Mexico's efforts to address AI in K-12 education are complicated by its pre-existing challenge of inadequate data governance and infrastructure needed to support reliable policy evaluation. LESC previously reported in 2024 PED's data systems currently limit legislative oversight, among others. The Legislature could consider whether to establish a formal data governance framework as outlined in LESC's report as a vehicle for AI oversight in K-12 education. Options range from directing PED to adopt internal data governance policies, establishing a statutory interagency data governance board, or an advisory committee, to establish and maintain a statewide AI policy with minimum requirements.
- **Creating student privacy and procurement standards for AI tools**: New Mexico does not currently have procurement or student data privacy requirements specific to AI tools. PED's implementation of Amira ISIP highlights this gap. The Legislature could direct PED to establish minimum data privacy requirements for AI tools used in schools, and authorize PED to maintain a statewide list of vetted AI tools, or require AI educational technology vendors to certify privacy compliance.
- **Enacting specific prohibitions or guardrails**: Multiple states have enacted explicit protections regarding AI use in schools. The Legislature could consider whether to expand New Mexico's bullying statutes to explicitly include AI-generated deepfakes and nonconsensual imagery; prohibit AI from performing mental health, counseling, and social work functions; or prohibit AI from eliminating teachers.
- **Addressing tribal data sovereignty and Indigenous community considerations**: The LESC AI Working Group identified tribal data sovereignty as a priority. Considering New Mexico has 23 sovereign tribes, nations, and pueblos, the Legislature could consider enacting statutory protections that honor tribal directives on data governance and AI tool use, requiring PED to develop guidance for districts serving large Indigenous student populations, or establishing a formal tribal consultation process before statewide AI tools are used in school settings. This is a unique area New Mexico could lead on as tribal sovereignty appears to be largely absent from other states' AI education frameworks.
- **Integrating AI literacy into academic content standards**: New Mexico has formal computer science standards, but it has not formally integrated AI literacy or digital citizenship into its computer science

standards. During the 2026 session, House Bill 330 would have allowed students to optionally complete an AI ethics course toward the computer science graduation requirement. However, the bill was not considered germane. PED's guidance includes grade-level differentiated AI literacy frameworks, and the LESC AI Working Group identified AI literacy and education professional development as essential policy considerations. The Legislature could direct PED to integrate AI literacy into its existing computer science standards or introduce digital citizenship standards, building on PED's developed frameworks.