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AN ACT

RELATING TO PUBLIC EDUCATION; REQUIRING THAT EACH SCHOOL DISTRICT AND CHARTER SCHOOL ADOPT AND IMPLEMENT A POLICY FOR THE USE OF WIRELESS COMMUNICATION DEVICES BY STUDENTS IN PUBLIC SCHOOLS; REQUIRING THE PUBLIC EDUCATION DEPARTMENT TO PROVIDE POLICY GUIDELINES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Public School Code is enacted to read:

"WIRELESS COMMUNICATION DEVICE--DEFINITION--POLICY--USE OF DEVICE BY STUDENTS.--

A. As used in this section, "wireless communication device" means a portable electronic device capable of transmitting voice, text or data, including a:

- (1) cellular phone, smartphone or smartwatch;
- (2) tablet computer;
- (3) laptop computer; or
- (4) gaming device.

B. No later than August 1, 2025, each school district and charter school shall adopt and implement a wireless communication device policy. The department shall issue guidelines outlining the minimum requirements for a wireless communication device policy, including that a policy

1 may:

2 (1) prohibit a student from using a wireless
3 communication device during instructional hours;

4 (2) authorize a teacher to permit a student
5 to use a wireless communication device for educational
6 purposes during instructional hours;

7 (3) permit a student to use a wireless
8 communication device in the event of an emergency or to
9 manage the student's health care;

10 (4) permit a student to use a wireless
11 communication device for accessibility purposes, including
12 text-to-speech, speech-to-text or other assistive
13 technologies that aid in communication, navigation or
14 learning;

15 (5) provide protections for student privacy
16 and confidentiality related to the permissible use of a
17 wireless communication device at school;

18 (6) provide for the permissible use of a
19 wireless communication device during non-instructional hours;
20 and

21 (7) provide for consequences for violation
22 of the wireless communication device policy.

23 C. A wireless communication device policy adopted
24 and implemented pursuant to this section shall not prohibit a
25 student from using during instructional hours:

1 (1) text-to-speech, speech-to-text or other
2 assistive technologies that aid in communication, navigation
3 or learning; or

4 (2) a wireless communication device if the
5 use of the device is a medical necessity, an accommodation
6 for a student with a disability or included in a student's
7 individualized education program.

8 D. Upon adoption of a wireless communication
9 device policy, each school district or charter school shall
10 publish the policy on the school district's or charter
11 school's website."

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