

LFC Requester:

Sunny Liu

**AGENCY BILL ANALYSIS - 2026 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**

**[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto:billanalysis@dfa.nm.gov)**

***(Analysis must be uploaded as a PDF)***

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

**Date Prepared:** 2/17/2026

*Check all that apply:*

**Bill Number:** SB 23

Original  Correction

Amendment  Substitute

**Sponsor:** Crystal Brantley  
Antonio Maestas

**Agency Name and Code Number:** New Mexico Public Schools  
Insurance Authority 34200

**Person Writing Analysis:** Dominique Williams

**Short Title:** EXCEPTIONS TO  
STUDENT USE OF  
PHONES

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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
			none

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
				none

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>						none

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
 Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Senate Bill 23 amends 1978 NMSA §22-1-27 to require that all public school districts and charter schools adopt and implement a policy prohibiting student use of wireless communication devices during the entire school day. Wireless communication devices include cellular phones, smartphones, smartwatches, tablets, laptops, gaming devices, and cameras or video cameras. The prohibition is a phased approach by grade level. Beginning in the 2026-2027 school year for grades 6-8, SY 2027-2028 for grades 9-12, and SY 2028-2029 for grades K-5.

*Note: the SJC amendment removed the grade level phase-in; thus the restrictions apply to all grades at the same time.*

The policy must provide for consequences for violations, as well as procedures for confiscation and storage of prohibited devices. Limited exceptions are permitted, including use with prior teacher or administrator consent for specified educational purposes, during emergencies, for health care management, and for medical necessity, disability accommodations, individualized education programs (IEPs), or assistive technologies such as text-to-speech or speech-to-text.

Senate Bill 23 also amends Sections 63-9J-5 and 63-9J-7 NMSA 1978 to allow the Education Technology Infrastructure Fund to provide grants to school districts and charter schools for projects implementing the required wireless communication device policy. Annual expenditures for these grants are capped at one million dollars. Implementation of the policy becomes a condition for eligibility for certain education technology infrastructure grants administered by the broadband office.

*Note: the Senat Floor Amendment allows awards but changes the grant reference. The SFI Amendment also clarifies that \$1,000,000 of total awards are available in year FY 2027 and 2028. This clarifies original bill language that could have been interpreted to allow \$1,000,000 awards for each school district or charter school.*

**FISCAL IMPLICATIONS**

The bill includes reasonable and practical exceptions to the wireless device ban in schools, and grants to assist schools develop and implement updated policies. For NMPSIA, there are very minimal fiscal implications for school insurance considerations.

When a school affirmatively takes possession of a student’s phone (e.g., confiscation or mandatory collection), it may be deemed a bailee of personal property, creating a duty to exercise reasonable care. If a phone is lost, stolen, or damaged while in the school’s custody, parents may assert negligence or property-loss claims, arguing the school failed to safeguard the item. Liability risk increases if phones are stored insecurely, handled by multiple staff, or retained for extended periods.

## **SIGNIFICANT ISSUES**

SB 23 refines legislation that was enacted in 2025 (see SB 11, 2025), which required all public school districts to adopt and implement a policy for the use of wireless communication devices by students in public schools during instructional hours. SB 11 2025 required PED to issue policy guidelines for the districts and charter schools. (link to PED Guidance to public schools: [https://web.ped.nm.gov/wp-content/uploads/2025/06/PED-Guidance\\_SB11-AntiDistraction-Policy-in-Schools\\_060425.pdf](https://web.ped.nm.gov/wp-content/uploads/2025/06/PED-Guidance_SB11-AntiDistraction-Policy-in-Schools_060425.pdf))

SB 23 modifies the current law enacted in 2025:

- to extend restrictions from instructional hours to the full school day;
- to expand the definition of wireless device to include photographs and videos;
- to ban the use of wireless devices, instead of a permissive approach allowing public schools and PED to set policies.
- To require punishment for violation of policies, confiscation of the device, and storage of confiscated devices

## **PERFORMANCE IMPLICATIONS**

Generally, PED will need to modify its guidance and work with public schools on their wireless device policies and implementation of the requirements of a ban contemplated in this Bill.

Public schools will need to work with and communicate with administrators, teachers, parents, and students. Communication will be essential for the successful implementation of this policy change.

Schools must decide how bans are implemented—phones locked in lockers, collected in class, stored in pouches, or allowed but silenced and inaccessible. Each approach has cost, staffing, and liability implications, including lost or damaged property and time spent enforcing compliance. Clear procedures and training are essential to avoid escalating minor violations into disciplinary issues.

Section B (2) permits a student to use a wireless device in the event of an emergency – in an active shooter scenario- studies have indicated that clogging the air waves is an issue rather than leaving the line available for law enforcement or medical aide, In addition, using a device affects the student’s ability to listen to instructions from an instructor attempting to shelter children. In the event of a “medical emergency,” an Administrator should be tasked with making those calls.

Phone bans often receive strong support from educators and mixed reactions from parents. Successful implementation usually depends on advanced communication, phased rollouts, and community buy-in, framing the policy as an educational and wellness measure rather than punishment.

## **ADMINISTRATIVE IMPLICATIONS**

Even though there are exceptions for students to have and use wireless devices during the school day, students who fall within the exceptions will need to be monitored to ensure they do not use their devices for non-educational or non-medical purposes. This may create some difficulties for staff to monitor use. Likewise, teachers and administrators will need to be very self-aware of their own phone use during the school day as they set an example for students.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

HB 58 – Telephone Crimes: Consider the definition of “electronic communication” in HB 58

SB 86 – Harassment by Telephone; Consider the definition of “electronic communication,” which includes generating content.

## **TECHNICAL ISSUES**

SB 23 adds a reference to session laws (See page 5, line 5), which will be in statute as guidance for grant-making. Amendment by reference is prohibited by the Constitution of New Mexico.

The purpose of bill drafts is to clearly inform members of the legislature and the public about what changes to the law are proposed. Readers should not be required to find references, to research other statutes, or even other pages of the bill, to understand the provisions of a given section. And this is especially true for laws enacted and compiled in the NMSA. See, NM Legislative Drafting Manual

[https://www.nmlegis.gov/Publications/Legislative\\_Procedure/drafting\\_manual.pdf](https://www.nmlegis.gov/Publications/Legislative_Procedure/drafting_manual.pdf)

## **OTHER SUBSTANTIVE ISSUES**

This bill appears to be misplaced in an infrastructure bill. Unless, it applies to installation of storage cabinets.

PED has developed a Guidance for Artificial Intelligence. <https://web.ped.nm.gov/wp-content/uploads/2025/05/NM-AI-Guidance-Signed-4-29-2025.pdf> Public schools and students face the challenges posed by emerging technologies, and wireless devices are an integral part of those challenges. Numerous studies show the mental health risks to children’s use of social media. <https://www.ncsl.org/state-legislatures-news/details/hold-the-phone-recent-state-activity-on-cell-use-in-schools> Yet, we rely on phones for safety and learning opportunities. Working with PED, public schools will need to find the right balance for phone use in schools.

## **ALTERNATIVES**

Exploring the experiences of public schools in the past year would assist in understanding the need for tighter laws prohibiting students from using phones. Other states and almost 25% of countries have banned phones in school for better mental health, improved attention, and reduced cyber-bullying of students.

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

There will continue to be increasing demands for student attention, forcing students to make choices on whether their educational goals will win the competition for their attention. Teachers will be able to use technology in the classroom, which is an effective addition to their teaching tools.

## **AMENDMENTS**

SJC Amendment removed the phased-in applicability. All students will be affected at the same time by the new cell phone restrictions.

Senate Floor Amendment changes the grant language for broadband office awards. It allows the

broadband office to make awards up to \$1,000,000 for FY 2027 and FY 2028.