

LFC Requester:

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AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to 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: 2.6.26 *Check all that apply:*
Bill Number: SB23 Original Correction
 Amendment Substitute

Sponsor: Crystal Brantley and Antonio Maestas **Agency Name and Code Number:** Office of Broadband Access and Expansion - 36100
Short: School Policies and Funds for Student Use of Cell Phones **Person Writing:** Cass Brulotte
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SECTION II: FISCAL IMPACT**APPROPRIATION (dollars in thousands)**

| Appropriation | | Recurring or Nonrecurring | Fund Affected |
|---------------|------|---------------------------|---------------|
| FY26 | FY27 | | |
| 0 | 0 | | |
| | | | |

REVENUE (dollars in thousands)

| Estimated Revenue | | | Recurring or Nonrecurring | Fund Affected |
|-------------------|------|------|---------------------------|---------------|
| FY26 | FY27 | FY28 | | |
| 0 | 0 | 0 | | |
| | | | | |

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

| | FY26 | FY27 | FY28 | 3 Year Total Cost | Recurring or Nonrecurring | Fund Affected |
|--------------|------|------|------|-------------------|---------------------------|--|
| Total | 0 | 0 | 0 | | Recurring | Educational Technology Infrastructure Fund |

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: N/A
Duplicates/Relates to Appropriation in the General Appropriation Act: No

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: The bill amends the existing statute regarding wireless communication device policies, by mandating that each school district or charter school's policy prohibits use of wireless communication devices during the school day, and include details regarding confiscation and storage of prohibited devices.

The bill authorizes the Office of Broadband Access and Expansion (OBAE) to allocate up to \$1,000,000 from the educational technology infrastructure fund (ETIF) per year to support school districts and charter schools in implementing these policies.

FISCAL IMPLICATIONS

The ETIF is currently funded exclusively through an annual sale of \$10,000,000 of supplemental severance tax bonds.

This bill explicitly authorizes OBAE to earmark up to \$1,000,000 a year from existing funds for projects implementing the wireless communication device policies, leaving the remaining \$9,000,000 per year for other education technology infrastructure projects.

Earmarking funds for these projects will not require any additional funding. It is sustainable through OBAE's existing supplemental severance tax bond issuance.

SIGNIFICANT ISSUES

N/A

PERFORMANCE IMPLICATIONS

OBAE assigns a project manager to all funded projects. The project manager assists the grantee in completing the project according to the terms of the agreement and applicable law.

ADMINISTRATIVE IMPLICATIONS

The bill will have no additional administrative impact on the Office of Broadband, as the wireless communication device projects will utilize the same processes as any other project funded through the ETIF.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

Young people are able to connect to the internet on personal phones, mobile devices, and watches from any location. This allows them to surf the internet, play games, watch videos, and message others even while present in a classroom, essentially providing endless distractions during instructional time.

As part of assisting school districts and charter schools through the Education Technology Infrastructure projects, OBAE currently certifies compliance with the federal Children’s Internet Protection Act (CIPA). CIPA imposes certain requirements on schools or libraries that receive discounts for Internet access or internal connections through the E-rate program – a program that makes certain communications services and products more affordable for eligible schools and libraries. Schools must maintain firewalls capable of restricting children's access to obscene or harmful content over the Internet.

The proliferation of use of personal devices on school networks, which are not subject to safety protocols and restrictions placed on school devices has made compliance with CIPA moot as students access content that might otherwise be restricted by the school or district.

ALTERNATIVES

N/A.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

School districts and charter schools would still be able to apply for assistance through the ETIF, but there would be no specific allocation of funding for wireless communication device policy projects.

Earmarking funds is crucial to the successful implementation and enforcement of wireless communication device policies.

A 2022 report from National Education Association stated that:

Elected officials who make funding and policy decisions have too often negated their responsibilities to ensure fair and adequate access to public education resources. The result – low pay, lack of professional respect, and a failure to fund the resources that students need to thrive – has caused an unprecedented school staffing crisis.

See, <https://www.nea.org/sites/default/files/2022-10/29302-solving-educator-shortage-report-final-oct-11-2022.pdf>

If this bill is not passed, wireless communication device policies simply become yet another unfunded mandate that does not provide the resources students need, forcing underpaid teachers to attempt to take on the burden of both funding and enforcement, and setting up both teachers and students to fail.

AMENDMENTS

N/A.