



LFC Requester: Liu

**PUBLIC EDUCATION DEPARTMENT
BILL ANALYSIS
2026 REGULAR SESSION**

SECTION I: GENERAL INFORMATION

Check all that apply:

Original Amendment
Correction Substitute

Date Prepared: February 17 2026

Bill No: SB23a

Committee Referrals: SEC/SJC

Agency Name and Code: PED - 924

Sponsor: Brantley / Maestas

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Short Title: EXCEPTIONS TO STUDENT
USE OF PHONES

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SECTION II: FISCAL IMPACT

(Parenthesis () Indicate Expenditure Decreases)

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY27	FY28		
None	None	N/A	NFA

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY27	FY28	FY29		
None	None	None	N/A	NFA

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY27	FY28	FY29	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	None	None	None	None	N/A	NFA

Duplicates/Relates to Appropriation in the General Appropriation Act: None as of 2/5/26.

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis of the SF1 Amendment: The Senate Floor 1 Amendment to Senate Bill 23 (SB23/aSJC/aSF1) limits grants from the education technology infrastructure fund for wireless communication device policies to \$1 million in FY27 and FY28 each.

Synopsis of the SJC Amendment: The Senate Judiciary Amendment to Senate Bill 23 (SB23/aSJC) removes the phased implementation schedule for the bill. As amended, school districts and charter schools would be required to comply with the provisions of the bill by its effective date, May 20, 2026.

Synopsis: Senate Bill 23 (SB23) would amend the [Public School Code](#) to require each school district and charter school to adopt and implement a policy prohibiting student use of wireless communication devices (WCDs) during the school day. Current law restricts the ban on WCD use to instructional hours, but SB23 proposes to expand the prohibition to the entire school day. The bill would expand the definition of WCD to include personal devices capable of taking photographs or recording videos, including cameras and video cameras. The bill would also allow for limited student use of a WCD with prior administrator or teacher consent for educational purposes and continues existing exceptions for emergencies and health or disability related needs. The bill would establish a phased implementation schedule by grade band, requiring compliance for grades six through eight beginning in the 2026–2027 school year, grades nine through 12 beginning in the 2027–2028 school year, and grades kindergarten through five beginning in the 2028–2029 school year.

The bill does not provide an effective date. Laws go into effect 90 days after the adjournment of the Legislature enacting them, unless a later date is specified. If enacted, this bill would become effective May 20, 2026.

FISCAL IMPLICATIONS

The bill does not contain an appropriation.

The bill would amend the [Broadband Access and Expansion Act](#) to authorize the Office of Broadband Access and Expansion (OBAE) to award grants from the Education Technology Infrastructure Fund to school districts or charter schools to support implementation of WCD policies, with annual expenditures for these grants capped at \$1 million each in FY27 and FY28.

Fiscal impacts are expected to vary based on district size, grade configuration, existing local policies, and whether schools already maintain systems for device storage and enforcement.

SIGNIFICANT ISSUES

Student access to smartphones has increased substantially over the past decade, with access rising by more than 20 percent in the last ten years. In 2023, 95 percent of teenagers ages 13 - 17 in the United States [reported](#) having access to a smartphone (Pew Research Study, 2023). In the absence of federal law regulating student cell phone use in schools, state and local governments have addressed the issue through state statutes and local policies.

Since the passage of [Senate Bill 11](#) in 2025, every school district and charter school in New Mexico has been required to adopt a local cell phone policy. A recent survey of superintendents indicated generally strong support for restricting cell phone use in schools.

When asked whether a mobile device ban would support student learning, 76.32 percent of respondents indicated that it would. Respondents most frequently cited reduced distractions, increased student focus, improved academic performance, stronger mental health outcomes, and increased face-to-face interaction among students. Several respondents also noted that a comprehensive ban established in statute could reduce disagreements with parents and students by creating clearer and more consistent expectations statewide.

Survey responses reflected variation in the restrictiveness of current local policies. Approximately 55.26 percent of respondents described their policies as moderately restrictive, typically limiting device use during instructional time while allowing access during lunch, passing periods, or other non-instructional times, particularly at the high school level. These respondents frequently cited inconsistent enforcement and variability across schools and classrooms, noting that discretion often rests with individual teachers and administrators. Another 42.11 percent reported having 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. Those with restrictive policies noted improved student outcomes such as increased student academic engagement and performance. Only 2.63 percent indicated that their policies were not restrictive.

Most respondents reported positive impacts on student learning from their current policies. Approximately 71.05 percent indicated they had observed positive effects, including improved academic performance and test scores, better student focus and engagement, stronger classroom management, increased peer interaction, and fewer discipline referrals after an initial adjustment period.

When asked about support for a statewide mobile device ban, 63.16 percent of respondents indicated support. Qualitative responses suggest that support for a statewide approach is driven by interest in greater consistency and clarity across districts. Respondents noted that a uniform statewide framework could improve enforcement, reduce confusion for families and students, and support more consistent implementation across grade levels and communities.

At least 44 states have [adopted policies](#) to regulate student cell phone use during the school day, reflecting growing concern about the impact of mobile devices on student learning and well-being. State approaches range from bell-to-bell bans to policies that rely on local discretion or incentives.

Eighteen states have enacted school-day bans for some or all grades, including Alabama, Arkansas, Florida, Georgia, Louisiana, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, Texas, and Vermont. These policies typically prohibit student cell phone use throughout the school day, with limited exceptions for medical or accessibility needs.

Nine states prohibit cell phone use during instructional time, including Indiana, Iowa, Kentucky, Michigan, North Carolina, Tennessee, Utah, Virginia, and West Virginia. Instructional-time bans generally allow students to retain access to devices outside of class periods, which may result in greater variation in implementation and enforcement.

Seventeen states require, recommend, or incentivize local school districts to adopt their own policies, including Alaska, Arizona, California, Colorado, Connecticut, Delaware, Idaho, Kansas, Maine, Maryland, Minnesota, Montana, Nevada, New Mexico, Pennsylvania, South Dakota, and Washington. This approach emphasizes local control and has resulted in wide differences in policy restrictiveness.

Six states have not yet enacted a statewide policy, including Hawaii, Illinois, Massachusetts, Mississippi, Wisconsin, and Wyoming, though legislation is pending in several of these states.

National research suggests that more comprehensive restrictions are associated with stronger outcomes. A [2025 study](#) found that cell phone restrictions are linked to reduced distractions and improved student focus. Approximately two-thirds of principals report that their schools prohibit student cell phone use for the entire school day, and principals in these schools report positive impacts on school climate, including reductions in inappropriate cell phone use and cyberbullying.

[Preliminary research](#) from Phones in Focus (2025), which surveyed more than 20,000 public school educators, found that stricter, school-wide cell phone policies are consistently associated with better outcomes than less restrictive approaches. Bell-to-bell bans were linked to lower rates of inappropriate phone use, more focused classrooms, and higher teacher satisfaction than instructional-time-only restrictions. Policies allowing students to keep phones nearby, even when restricted during class, were associated with greater enforcement challenges.

Additional national research provides context for these policies. In 2023, nine in ten public schools [reported occurrences](#) of cyberbullying during the school year. Limiting student access to devices during the school day may reduce opportunities for unmonitored online interactions that contribute to harassment. The New Mexico Youth Risk and Resiliency Survey indicates that in 2023, approximately 16 percent of New Mexico youth reported being electronically bullied in the prior year, compared with 14 percent nationally, with the highest incidence, 15.8 percent, reported by students in the ninth grade.

Student device use during instructional time is also widely viewed as a barrier to learning. Seventy-two percent of high school teachers and 33 percent of middle school teachers [reported](#) that cell phone distraction was a major problem in the classroom. By establishing restrictions on device use, schools aim to promote focused learning environments and improve student engagement and academic outcomes.

PERFORMANCE IMPLICATIONS

The bill may improve learning environments by establishing consistent, school-day restrictions on student use of personal wireless communication devices, reducing classroom distractions and variability in enforcement across schools and classrooms. More comprehensive restrictions are

associated with increased student focus and engagement and improved classroom management. By providing a clear statewide framework, the bill may support more effective and uniform implementation.

ADMINISTRATIVE IMPLICATIONS

The PED would provide technical assistance to school districts and charter schools to support consistent statewide implementation. PED would also need to update guidelines outlining minimum requirements for local wireless communication device policies.

Under the provisions of the bill, OBAE will not approve an application for grant assistance unless it determines that a school district has implemented a policy regarding student use of wireless communication devices. OBAE may collaborate with the PED to provide guidance and confirm compliance as part of the grant review process.

Under current statute, school districts and charters are already required to adopt and implement local cell phone policies during the school year. The bill would require districts and 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, and publishing revised policies on district and school websites.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If the bill is not implemented, existing variation in local policies will persist, limiting the effectiveness of efforts to address student distraction and classroom disruptions.

AMENDMENTS

None.