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**AGENCY BILL ANALYSIS
2026 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

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

Click all that apply:
Original **Amendment**
Correction **Substitute**

Date Prepared: 2026-02-05
Bill No: SB23

Sponsor: Brantley, Crystal
EXCEPTIONS TO
Short Title: STUDENT USE OF
PHONES

Agency Name and Code NMHED
Number: _____
Person Writing: Weber, Jody
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Phone: 5053940030 **Email:** gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue	Recurring	Fund Affected

FY26	FY27	FY28	or Nonrecurring	
N/A	N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	N/A	N/A	N/A	N/A	N/A	N/A

(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 (SB23) amends the current law (22-1-17) regarding the use of wireless devices by students in school. The amendments now require school districts and charter schools to adopt mandatory policies prohibiting students from using wireless communication devices during the school day, replacing the current discretionary approach. Further, SB23 expands the definition of “wireless communication device” to include devices with cameras or video cameras and requires school policies to include consequences for violations and procedures for confiscation and storage, while allowing reasonable exceptions for emergencies, student health needs, and limited educational use with prior approval.

SB23 also amends the Broadband Access and Expansion Act to allow grant funding—capped at one million dollars (\$1,000,000) annually—to support implementation of these policies, with eligibility limited to districts and charters that have adopted compliant policies.

This mandate is phased in by grade level, beginning in the:

- 2026–2027 school year for grades 6–8,
- 2027–2028 for grades 9–12, and
- 2028–2029 for grades K–5.

The New Mexico Higher Education Department’s (NMHED) analysis of this bill focuses on the higher education implications of the proposed legislation. Additional insight may be obtained from other agencies’ analyses

FISCAL IMPLICATIONS

There is no appropriation in SB23, but there are amendments to the Broadband Access and Expansion Act to allow grant funding—capped at one million dollars (\$1,000,000) annually—to support implementation of these policies.

SIGNIFICANT ISSUES

There is a national trend toward restricting student cellphone use in K–12 schools. Evidence from recent

U.S. and international research suggests that cellphone bans improves attendance, classroom focus, and aspects of student well-being, with modest gains in academic performance. Benefits are strongest in middle and high schools and in settings with high pre-existing cellphone use. However, research also indicates potential short-term increases in disciplinary actions if policies are implemented rapidly or enforced inconsistently.

Nearly all U.S. public schools already maintain some form of cellphone policy, and more than 30 states mandate or encourage restrictions. Attendance improvements, particularly reductions in unexcused absences, are consistently observed (Fordham Institute, 2025). Research also indicates stronger impacts on school climate and reductions in bullying than on academic performance alone.

Emerging research shows that policies that physically separate students from their phones (e.g., lockers or sealed pouches) are more effective than partial bans, and clear enforcement guidance is critical to avoid inconsistent application across schools.

In higher education, new research from Wharton’s Alp Sungu shows that “collecting phones during college classes raises grades and creates calmer classrooms. However, cell phones must be out of reach. College students who were already struggling academically saw the biggest grade uplift—roughly double the average effect. Phone bans can cut achievement gaps by disproportionately lifting outcomes of low-performing students. The policy narrows the gap between stronger and weaker students,” (Wharton School, 2026).

Although no major longitudinal studies currently track students from high school cell phone policy environments into college outcomes, research indicates that limiting cell phone use during instructional time is associated with improved learning conditions, student behavior, and academic performance in secondary education. By reinforcing habits such as sustained attention, self-regulation, and engagement with instruction, school-based cell phone restrictions may help better prepare students for the academic expectations and independent learning demands of New Mexico's public colleges and universities.

SB23 allows exceptions with prior consent from educators or administrators

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

The New Mexico Public Education Department (NMPED) would need to develop new rules to implement the changes to existing law in SB23, and promulgate new rules and training to school districts to ensure that they implement the new policy.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If SB23 is not enacted, current policy regarding cell phone usage in school will not be amended, leaving districts and their students to varying and inconsistent policies, expectations, and results.

AMENDMENTS

N/A