



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: January 17 2026

Bill No: SB49

Committee Referrals: SEC/SFC

Agency Name and Code: PED - 924

Sponsor: Thornton

PED Lead Analyst: /

Short Title: SCHOOL-AGE
APPROPRIATE FILTERING
PROJECT

Phone: / **Email:** /

PED Policy Senior Manager: denise terrazas

Phone: (505) 470-5303 **Email:** denise.terrazas@ped.nm.gov

SECTION II: FISCAL IMPACT

(Parenthesis () Indicate Expenditure Decreases)

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY27	FY28		
\$3,210.0	None	Nonrecurring	Public Education Reform Fund

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 1/22/26.

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: The bill would create a three-year pilot project, the “school age-appropriate filtering and evaluation project,” in which participants – school districts or charter schools – volunteer to rate library materials based on age appropriateness.

Per the bill, “age appropriateness,” means, in regard to language, violence, sexual content, or mature themes in library materials, suitability to the developmental and social maturity of a particular age or age group of children based on developing cognitive, emotional and behavioral capacity typical for the age or age group and on local norms and expectations.

FISCAL IMPLICATIONS

The bill would appropriate \$3.21 million from the Public Education Reform Fund (PERF) to the Public Education Department (PED) for expenditure in FY27 through FY29 to administer the school age-appropriate filtering and evaluation project; provided that in a single fiscal year:

- 1) no more than one million dollars (\$1,000,000) may be expended on grants to participating school districts or charter schools; and
- 2) no more than seventy thousand dollars (\$70,000) may be expended on administration.

Any unexpended balance remaining at the end of FY29 shall revert to the PERF.

SIGNIFICANT ISSUES

The bill would require that during each year of the project, 20 different participants be selected and that they reflect the geographic distribution of the state.

Participant requirements. Each participant would be required to implement the project in at least one elementary school, one high school, and, if applicable, one junior high school; provided that this requirement shall not apply to charter schools or small or rural school districts with a combined school. Additionally, each participant would be required to:

- 1) adopt and implement a rating system for library materials that is based on age appropriateness;
- 2) after the participant's library materials are rated in accordance with the adopted system, publish or otherwise provide parents with a list of the rated library materials and provide for a mechanism to receive parents' feedback; and
- 3) after the list of rated library materials is published, provide a department-approved survey to all parents at each of the public schools where the participant implemented the project.

In 2025, a federal judge granted summary judgment and [ordered a permanent injunction](#) to block Texas [House Bill 900](#) (HB900), a mandatory book ratings law that was designed to regulate access to “sexually explicit” or “sexually relevant” materials in public school libraries. A number of booksellers, publishers, and authors sued, alleging violation of their First and Fourteenth Amendment rights. In his October 21 decision, Judge Alan D. Albright of the U.S. District Court for the Western District of Texas, Austin division, wrote that HB900 “compels speech, is void for vagueness, and is an unconstitutional prior restraint” and that “Plaintiffs’ First and Fourteenth

Amendment claims are all successful,” enjoining implementation of the law. In January of 2024, the Fifth Circuit Court of Appeals upheld the District Court’s decision.

The pilot project proposed by the bill requires participants apply for the program, meaning it is voluntary not mandatory, and ratings proposed by program participants do not appear to be intended to restrict access to library materials. However, should the pilot project result in recommendations to restrict or regulate access to library materials, similar constitutional violations to those found in the Texas case are possible.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

The bill requires PED meet the following tasks by the following dates.

- On or before August 1, 2026:
 - develop or adopt guidance or best practices for rating systems that participants may use;
 - develop or adopt a survey that each participant shall use; and
 - begin accepting applications from prospective participants (presumably to be evaluated according to standards and forms determined by the department, though that is not explicitly stated).
- On or before September 1, 2026, select participants.
- On or before December 1, 2026, provide a preliminary report to the Legislative Education Study Committee (LESC) regarding participants, projected timelines, and projected expenditures.
- On or before July 1 of each year of the project, compile and analyze surveys from participants and report available survey responses to LESC.
- On or before December 1, 2029, submit a final report to the Governor and LESC.

The provisions of the bill may require a partial FTE to carry out grant and reporting requirements. One PED FTE is estimated at \$125,000, including benefits. The bill contains an appropriation providing \$70,000 to the PED for annual administration of the project.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

- Conflicts with [Senate Bill Prefile .232187.4](#), which proposes each school district or charter school create a formal written policy regarding the process of challenging books and other library resources in public school libraries.
- Conflicts with [HB26, Prohibiting Book Banning at Public Libraries](#), which prohibits book banning, though does require a public library operated by the state, a county, or a municipality to establish a written procedure for persons to challenge the library's inclusion of materials or resources believed to be obscene, unlawful, or incompatible with the library's purpose.
- Relates to [Senate Bill Prefile .232608.2](#), which would require post-secondary educational institutions to establish policies regarding the management of libraries and the

administration of library programs and services.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

This is not part of the LFC budget recommendation.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None.

AMENDMENTS

None.