



LFC Requester: Hilla

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

SECTION I: GENERAL INFORMATION

Check all that apply:

Original Amendment
Correction Substitute

Date Prepared: January 23 2026

Bill No: SB68

Committee Referrals: SHPAC/SJC

Agency Name and Code: PED - 924

Sponsor: Berghmans

PED Lead Analyst: Jacqueline Sánchez

Phone: (505) 372-8810 **Email:** jacqueline.sanchez@ped.nm.gov

Short Title: UPDATE AI GOVERNANCE ACT

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		
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 1/24/26.

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Senate Bill 68 (SB68) would create the Artificial Intelligence Government Use Act to require public bodies to establish policies governing the authorized use of artificial intelligence, automated decision tools, and other technology resources by employees. As defined by the bill, public bodies include state agencies, a school district, the governing body of a charter school, and certain state sponsored schools.

SB68 would additionally require public body policies to address cybersecurity and the protection of nonpublic data, define authorized uses of artificial intelligence and automated decision tools, and require that a human employee make final consequential decisions regardless of recommendations generated by such tools. The bill would also require public bodies to provide employee training on cybersecurity and the appropriate use of artificial intelligence and automated decision tools and to make their policies available to the public upon request.

The bill has an effective date of July 1, 2026.

This bill analysis focuses on the bill's implications for the Public Education Department (PED) and the broader public education system.

FISCAL IMPLICATIONS

SB68 does not contain an appropriation. Implementation of the provisions of the bill would likely result in costs to public bodies, including school districts, charter schools, and state sponsored schools, associated with providing employee training on cybersecurity and the appropriate use of artificial intelligence and automated decision tools. The PED spent approximately \$10,000 in FY26 providing training to its employees on artificial intelligence scams and the use, risks, and limitations of AI chatbots in the workplace.

Public bodies may also incur additional costs related to developing or updating policies governing artificial intelligence and other technology resources. Costs would vary based on the size of the public body and the extent of existing training programs.

SIGNIFICANT ISSUES

[Education Week](#) reported that in the 2024-25 school year, 85 percent of teachers and 86 percent of students used AI nationally. Additionally, the depth and breadth of AI use have expanded. Teachers reported their schools or school districts have used data or technology in the following ways:

- Using student data to predict whether individual students are at risk of dropping out, whether they are ready for college, etc.
- Using weapons detection systems to detect students, teachers, staff, or visitors who are attempting to enter the school or school grounds with a weapon.
- Tracking students' physical location through their phones, school-provided devices like laptops, or digital hall passes when they leave the classroom.
- Using cameras with facial recognition technology to check who has entered a school building, identify irregular movements, etc.

- Using AI to collect student biometric information (e.g., fingerprints, face scans) to confirm their identity.
- Analyzing student data to predict which individual students would be more likely to commit a crime or commit an act of violence.
- Sharing student data such as grades, attendance, and discipline information with immigration enforcement.

According to [AI for Education](#), an advocacy group that provides AI literacy training for educators, 33 states and Puerto Rico have official guidance or policy on the use of AI in K12 schools. In 2025, the PED published [AI guidance](#) for schools and school districts, outlining principles for the responsible use of AI in instructional and administrative contexts. The guidance emphasizes the importance of human decision-making, protection of student and educator data, ethical AI use, and local policy development. This is in alignment with national guidance and modeling of best practice. New Mexico school districts have taken different approaches regarding the formal adoption of artificial intelligence policies based on the PED guidance document. According to [KOB](#), Albuquerque Public Schools (APS), Santa Fe Public Schools, and Belen Public Schools have adopted districtwide artificial intelligence policies or guidelines. Additionally, APS has [released a directive](#) for employee use of generative AI.

PED employees receive yearly training on AI use and cybersecurity. This training is intended to promote responsible use of technology and safeguard nonpublic data.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

The bill would require PED, school districts, and charter schools to develop and adopt policies governing the use of artificial intelligence, automated decision tools, and related technology resources.

The PED, school districts, and charter schools would also be responsible for providing employee training related to cybersecurity and appropriate use of artificial intelligence tools. In addition, agencies and school districts may need to review existing policies to ensure alignment with the requirements of the bill.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

- Relates to [House Bill 22](#), Distribution of Sensitive and Deep Fake Images, which would amend the Criminal Code to provide for crimes related to the distribution and threatened distribution of deep fake images. The bill would also amend Chapter 41 NMSA 1978, Torts, to create a potential civil action for libel, slander, and invasion of privacy based upon the distribution of deep fake images.
- Relates to [House Bill 28](#), Artificial Intelligence Transparency Act, which would require notice to consumers of the use of artificial intelligence to make consequential decisions regarding the consumer and require an avenue of appeal for against an adverse consequential decision made by artificial intelligence, to be reviewed by a human being.
- Relates to [House Bill 141](#), the Artificial Intelligence Accountability Act, which would

require disclosure and identification of synthetic content, prohibit the dissemination of deceptive synthetic content, and provide for civil and criminal enforcement.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

As artificial intelligence tools have become more prevalent in classroom and administrative settings, states have increasingly begun requiring school districts and charter schools to adopt formal policies governing their use.

Recently adopted laws in Ohio and Tennessee have required school districts and charter schools to establish artificial intelligence policies. In Ohio, the law requires all traditional public school districts, community schools, and STEM schools to adopt a local artificial intelligence policy by July 1, 2026. To support consistent implementation, the Ohio Department of Education and Workforce was directed to develop a model AI policy that districts may adopt or use as a reference when developing local policies. In Tennessee, legislation enacted in 2024 required all local education agencies and charter schools to adopt policies governing artificial intelligence use by the 2024-2025 school year. Subsequent legislation in 2025 directed the Tennessee Department of Education to provide guidance and fund professional development related to responsible AI use in schools.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None.

AMENDMENTS

None.