

SENATE BILL 23

**57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026**

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO PUBLIC SCHOOLS; AMENDING THE REQUIREMENTS OF AND EXCEPTIONS TO THE MANDATORY POLICY IMPLEMENTED BY A SCHOOL DISTRICT OR CHARTER SCHOOL REGARDING STUDENT USE OF WIRELESS COMMUNICATION DEVICES; REQUIRING THE PROHIBITION OF STUDENT USE OF WIRELESS COMMUNICATION DEVICES DURING THE SCHOOL DAY; AMENDING THE EDUCATION TECHNOLOGY INFRASTRUCTURE FUND TO ALLOW GRANTS TO A SCHOOL DISTRICT OR CHARTER SCHOOL THAT IMPLEMENTS A POLICY PROHIBITING STUDENT USE OF WIRELESS COMMUNICATION

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DEVICES DURING THE SCHOOL DAY; INCLUDING A SCHOOL DISTRICT'S IMPLEMENTATION OF THE POLICY PROHIBITING STUDENT USE OF WIRELESS COMMUNICATION DEVICES AS PART OF THE CRITERIA FOR EDUCATION TECHNOLOGY INFRASTRUCTURE GRANTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1.** Section 22-1-17 NMSA 1978 (being Laws 2025, Chapter 155, Section 1) is amended to read:

"22-1-17. WIRELESS COMMUNICATION DEVICE--DEFINITION--  
POLICY--USE OF DEVICE BY STUDENTS.--

A. As used in this section, "wireless communication device" means a portable electronic device capable of transmitting voice, text or data ~~[including a]~~ or taking photographs or recording videos and includes a:

- (1) cellular phone, smartphone or smartwatch;
- (2) tablet computer;
- (3) laptop computer; ~~[or]~~
- (4) gaming device; or
- (5) camera or video camera.

B. ~~[No later than August 1, 2025]~~ Each school district and charter school shall adopt and implement a ~~wireless communication device policy. The department shall issue guidelines outlining the minimum requirements for a wireless communication device policy, including that a policy may:~~ (1) policy regarding student use of wireless communication devices at public schools. The policy shall

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prohibit a student from using a wireless communication device at a public school during [instructional hours] the school day and shall provide for consequences for violations of the policy and procedures for confiscation and storage of prohibited wireless communication devices. A policy may include reasonable exceptions that:

[~~(2) authorize a teacher to]~~ (1) permit a student to use a wireless communication device [for educational purposes during instructional hours] with an administrator's or a teacher's prior consent; provided that such use shall be limited to electronic listening, audio recording, photographing or video recording for educational purposes; or

[~~(3)~~ (2) permit a student to use a wireless communication device in the event of an emergency or to manage the student's health care.

[~~(4) permit a student to use a wireless~~ communication device for accessibility purposes, including text-to-speech, speech-to-text or other assistive technologies that aid in communication, navigation or learning;

(5) provide protections for student privacy and confidentiality related to the permissible use of a wireless communication device at school;

(6) provide for the permissible use of a wireless communication device during non-instructional hours; and

~~(7) provide for consequences for violation of the wireless communication device policy.]~~

C. A ~~wireless communication device~~ policy adopted and implemented pursuant to this section shall not prohibit a student from using during instructional hours:

(1) text-to-speech, speech-to-text or other assistive technologies that aid in communication, navigation or learning; or

(2) a wireless communication device if the use of the device is a medical necessity, an accommodation for a student with a disability or included in a student's individualized education program.

D. Upon adoption of a wireless communication device policy, each school district or charter school shall publish the policy on the school district's or charter school's website."

**SECTION 2.** Section 63-9J-5 NMSA 1978 (being Laws 2025, Chapter 82, Section 7) is amended to read:

**"63-9J-5. EDUCATION TECHNOLOGY INFRASTRUCTURE FUND**  
**CREATED--USE.--**

A. The "education technology infrastructure fund" is created in the state treasury. The fund consists of:

(1) appropriations, gifts, grants and donations; and

(2) the proceeds of supplemental severance tax

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bonds appropriated to the fund pursuant to Section 7-27-12.6 NMSA 1978 for education technology projects.

B. Disbursements from the fund shall be made upon warrants drawn by the secretary of finance and administration pursuant to vouchers signed by the director.

C. The fund may be expended annually by the broadband office Sf11→~~for:~~

(1) ~~grants~~ Sf11 for education technology infrastructure projects that are in conformance with the standards and guidelines developed pursuant to [this 2025 act] Laws 2025, Chapter 82 and grants to school districts for education technology projects, including expenses for management of such projects; provided that the total amount of project management expense assistance from the fund per project shall not exceed five percent of the project grant Sf11→; ~~and~~

(2) ~~grants to a school district or charter~~

~~school for projects to implement a policy regarding student use of wireless communication devices in accordance with Section 22-1-17 NMSA 1978; provided that annual expenditures for these project grants may not exceed one million dollars~~  
~~(\$1,000,000).~~ Sf11 Sf11→. Sf11

D. The broadband office shall promulgate rules necessary to administer the education technology infrastructure fund. Sf11→~~u~~ Sf11

Sf11→E. In fiscal years 2027 and 2028, the

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broadband office may expend money from the fund for grants to each school district or charter school to implement a policy regarding student use of wireless communication devices in accordance with Section 22-1-17 NMSA 1978; provided that no more than one million dollars (\$1,000,000) may be expended in each of these fiscal years." ←Sf11

SECTION 3. Section 63-9J-7 NMSA 1978 (being Laws 2025, Chapter 82, Section 9) is amended to read:

"63-9J-7. EDUCATION TECHNOLOGY INFRASTRUCTURE PROJECTS-- APPLICATION--GRANT ASSISTANCE.--

A. Applications for grant assistance, approval of applications, prioritization of projects and grant awards for education technology infrastructure shall be conducted pursuant to the provisions of this section.

B. The broadband office shall establish project funding requirements and priority standards for school districts by rule based on the following factors:

(1) school district geographic size and population;

(2) school district population density;

(3) local property tax base;

(4) the current condition of education technology infrastructure relative to the adequacy standards established in collaboration with the public school capital outlay council and public school facilities authority; and

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(5) whether the broadband office has designated the school district as a high-growth area pursuant to Subsection C of this section.

C. The broadband office may designate an area that equals a contiguous attendance area of one or more existing schools as a high-growth area if it determines that within five years of the grant allocation decision, the estimated use of the proposed education technology infrastructure project will exceed the functional capacity of the project as determined by the broadband office by rule.

D. The broadband office shall apply the adequacy standards to state-chartered charter schools to the same extent that they are applied to other public schools.

E. The broadband office shall adopt and apply adequacy standards appropriate to the unique needs of the constitutional special schools.

F. In an emergency in which the health or safety of students or school personnel is at immediate risk or in which there is a threat of significant property damage, the broadband office may award grant assistance for a project using criteria other than the adequacy standards.

G. The broadband office shall, in collaboration with the public school capital outlay council and the public school facilities authority, establish criteria to be used in education technology infrastructure projects that receive grant

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assistance pursuant to the Broadband Access and Expansion Act.

In establishing the criteria, the broadband office shall consider:

(1) the feasibility of using design, build and finance arrangements for education technology infrastructure projects;

(2) the potential use of more durable construction materials that may reduce long-term operating costs;

(3) concepts that promote efficient but flexible use of space; and

(4) any other financing or construction concept that may maximize the dollar effect of the state grant assistance.

H. No application for grant assistance from the fund shall be approved unless the broadband office determines that:

(1) the education technology infrastructure project is needed and included in the school district's five-year facilities plan among its top priorities;

(2) the school district has used its capital resources in a prudent manner;

(3) the school district has provided insurance for the school district's education technology infrastructure in accordance with insurance requirements established by the

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broadband office by rule;

(4) the school district has submitted an education technology infrastructure plan that includes:

(a) enrollment projections;

(b) a current preventive maintenance plan that has been approved by the broadband office and that is followed by each public school in the school district; and

(c) the education technology infrastructure needs of charter schools located in the school district;

(5) the school district is willing and able to pay any portion of the total cost of the education technology infrastructure project that is not funded with grant assistance from the fund;

(6) the application includes the education technology infrastructure needs of any charter school located in the school district, or the school district has shown that the education technology infrastructure needs of the charter school have a smaller deviation from the statewide adequacy standards than other school district education technology infrastructure included in the application; [and]

(7) the school district has agreed, in writing, to comply with any reporting requirements or conditions imposed by the broadband office pursuant to the Broadband Access and Expansion Act; and

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(8) the school district has implemented a policy regarding student use of wireless communication devices in accordance with Section 22-1-17 NMSA 1978.

I. After consulting with the public school facilities authority and other experts, the broadband office shall regularly review and update statewide adequacy standards applicable to all school districts. Except as otherwise provided in the Broadband Access and Expansion Act, the amount of outstanding deviation from the standards shall be used by the broadband office in evaluating and prioritizing education technology infrastructure projects.

J. No later than November 1 of each year, the broadband office shall prepare a report summarizing its education technology infrastructure activities during the previous fiscal year. The report shall describe in detail all projects funded, the progress of projects previously funded but not completed, the criteria used to prioritize and fund projects and all other broadband office actions. The report shall be submitted to the public education commission, the governor, the legislative finance committee, the legislative education study committee and the legislature."

**SJC→SECTION 4. APPLICABILITY.—The provisions of Section 1 of this act apply to public schools in the:**

**A. 2026-2027 school year and subsequent school years for sixth through eighth grades;**

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~~B. 2027-2028 school year and subsequent school years for ninth through twelfth grades; and~~

~~C. 2028-2029 school year and subsequent school years for kindergarten through fifth grade.~~ ←SJC

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