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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
57th Legislature, 2nd Session, 2026

Bill Number	<u>SB23</u>	Sponsor	<u>Brantley/Maestas</u>
Tracking Number	<u>.233620.1GLG</u>	Committee Referrals	<u>SEC/SJC</u>
Short Title	<u>Exceptions to Student Use of Phones</u>		
Analyst	<u>Hathaway</u>	Original Date	<u>2/8/2026</u>
		Last Updated	<u></u>

BILL SUMMARY

Synopsis of Bill

Senate Bill 23 (SB23) amends [Laws 2025, Chapter 155 \(Senate Bill 11\)](#) (Section 22-1-17 NMSA 1978), which required school districts and charter schools to adopt a wireless communication device policy. SB23 revises the scope and requirements of required wireless communication device policies by requiring school districts and charter schools to prohibit student use of wireless devices during the school day, rather than limiting restrictions to instructional hours.

SB23 would narrow the discretionary provisions included in wireless communication device policies, limit permissible exceptions, and require policies to include procedures for confiscation and storage of prohibited wireless devices. School districts and charter schools would be required to adopt such policies with SB23. The bill retains exceptions for medical necessity, disability accommodations, Individualized Education Programs (IEPs), and assistive technologies.

SB23 also expands the statutory definition of a wireless communication device to include devices capable of taking photographs or recording video, including cameras and video cameras.

SB23 notes the applicability of the proposed changes would take place for different grade levels in the following school years:

- Grades six through eight: 2026-2027 school year;
- Grades nine through 12: 2027-2028 school year; and
- Kindergarten through grade five: 2028-2029 school year.

FISCAL IMPACT

SB23 does not contain an appropriation. However, the bill amends the education technology infrastructure fund to expand its allowable uses to include up to \$1 million in grant funding for school districts and charter schools that implement a policy prohibiting student use of wireless communication devices during the school day.

SUBSTANTIVE ISSUES

Current Policies. Current law requires school districts and charter schools to adopt a wireless communication device policy, but allows school districts and charter schools to make decisions about their policies, including whether to prohibit student device use during instructional hours and whether to permit use during non-instructional time or for education purposes, subject to required exceptions for medical necessity, disability accommodations, IEPs, and assistive technologies.

SB23 would revise this framework by establishing a statewide requirement prohibiting student use of wireless communication devices during the school day, narrowing permissible exceptions, requiring procedures for confiscation and storage, and expanding the definition of wireless communication devices to include devices capable of taking photographs or recording video. Wireless communication devices would be defined as “a portable electronic device capable of transmitting voice, text, or data, or taking photographs or recording videos” and would include cellular phones, smartphones, or smartwatches; tablet computers; laptop computers; gaming devices; or cameras or video cameras.

Access to Devices. According to a 2022 [survey](#) from the Pew Research Center, a nonpartisan and nonadvocacy fact tank, most teenagers now have access to electronic devices: 95 percent own smartphones, 90 percent have desktop or laptop computers, and 80 percent have gaming consoles. Additionally, the number of teens using the internet daily has increased from 92 percent in 2014 to 97 percent in 2022. Notably, the proportion of teens reporting online almost constantly has nearly doubled, increasing from 24 percent in 2014 to 46 percent in 2022.

Effects of Electronic Devices in Schools. [Data](#) from the International Organization for Economic Co-operation and Development (OECD), an international intergovernmental organization, shows a clear correlation between electronic distractions and academic performance. Specifically, students who spend more leisure time on devices and social media, especially during school hours, tend to perform lower in math.

Further reporting from [Education Week](#), a nonprofit news organization covering kindergarten through 12th grade (K-12) education, corroborates these findings. Reporting on the same data, the publication indicated approximately two-thirds of U.S. students admit to being distracted by digital devices during school hours, while 54 percent report being distracted by classmates using these resources. Teachers share similar concerns, with many emphasizing the detrimental effects of cell phones on students’ attention and social-emotional development.

In-School Personal Device Restrictions. The majority of educators support policies limiting personal device use in schools. According to the National Education Association (NEA), a nonprofit educational advocacy organization, 90 percent of its members advocate restricting cell phones and personal devices during instructional time. Additionally, 83 percent favor a full-day ban on personal devices, allowing exceptions only for essential needs such as medical or assistive technology.

Data from a 2022 survey on safety and security measures by the [National Center for Education Statistics \(NCES\)](#), a statistical agency of the U.S. Department of Education, further highlights this trend. The survey found that over 76 percent of schools nationwide have implemented policies prohibiting non-academic use of cell phones or smartphones during school hours.

SB23 would require school districts and charter schools to prohibit student use of wireless communication devices during the school day, with limited statutory exceptions, aligning New Mexico law more closely with states that have adopted full-day restrictions on personal electronic devices in schools.

Assistive Technology in Schools. SB23 would continue to permit students to use wireless communication devices as an assistive technology if included in a student’s IEP, when medically necessary, or when required as disability accommodation. [Researchers](#) examined the use of speech-to-text (STT) technology for adolescents with learning difficulties in secondary education, highlighting its potential to support students with writing challenges. The research is limited, with findings suggesting STT technology can improve writing performance, particularly for students with spelling, grammar, and idea generation difficulties. The study also noted variability in STT accuracy, which can impact usability, especially for students with speech impairments. Additionally, students' experiences with STT were generally positive, as it reduced cognitive load and increased writing efficiency, though challenges such as errors in transcription and the need for editing persisted.

Policies on Personal Electronic Devices in New Mexico Schools. SB23 would standardize wireless communication device restrictions statewide by establishing a minimum requirement prohibiting use during the school day, replacing the locally discretionary framework enacted in 2025. Many school districts and individual schools in New Mexico have already implemented policies restricting personal electronic devices during school hours to minimize distractions and enhance the learning environment. Examples include:

- **Albuquerque Public Schools:** The [Student Acceptable Use of Technology Policy](#) allows students to possess devices but requires them to be powered off and out of sight during school hours and activities. Schools may adopt additional internal procedures for stricter regulation.
- **Santa Fe Public Schools:** The [Wireless Communication Device Policy](#) prohibits personal devices at all school levels, with limited exceptions for middle and high school students at specific times. While the policy has not been amended since 2013, Superintendent Hilario Chavez announced plans to revamp it in [August 2024](#).
- **Las Cruces Public Schools:** Board of Education [policy](#) permits students to possess devices on school property and at events but imposes restrictions that vary by grade level.
- **Ruidoso High School:** The [2022-2023 Student Handbook](#) mandates devices be silenced or powered off and stored in the student’s backpacks, pockets, or purses during school hours. Use is allowed before school, at lunch, or after school.
- **Hobbs Middle School:** The [2023-2024 Handbook](#) prohibits device use during the school day and requires devices to remain off and out of sight.

National Context. The National Conference of State Legislatures [reports](#) that as of October 2024, at least 27 states and Puerto Rico have introduced legislation related to cell phone use in schools with nine states enacting measures since 2023. Beyond state policy, NCSL notes state education agencies and state school boards have also acted on cell phone use and governors in states have also issued orders on the matter.

ADMINISTRATIVE IMPLICATIONS

School districts and charter schools would need to develop and implement wireless communication device policies that align with the proposed requirements in SB23 if such policies were not already in place.

SOURCES OF INFORMATION

- LESC Files
- Public School Facilities Authority (PSFA)
- Regional Education Cooperatives (RECs)
- Public Education Department (PED)
- Office of Broadband Access and Expansion (OBAE)

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