



LFC Requester: Malone

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

**SECTION I: GENERAL INFORMATION**

Check all that apply:

Original  Amendment   
Correction  Substitute

Date Prepared: February 4 2026

Bill No: HB202

Committee Referrals: HHHC/HAFC

**Agency Name and Code:** PED - 924

Sponsor: Dow / Armstrong

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**Short Title:** CHILD ADVOCATE OFFICE  
DATA SHARING

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**SECTION II: FISCAL IMPACT**

(Parenthesis ( ) Indicate Expenditure Decreases)

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY27	FY28		
\$75.0	None	Nonrecurring	GF

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY27	FY28	FY29		
None	None	None	Nonrecurring	NFA

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY27	FY28	FY29	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	\$125.0	\$125.0	\$125.0	\$375.0	N/A	NFA

Duplicates/Relates to Appropriation in the General Appropriation Act: None as of 2/4/26.

## **SECTION III: NARRATIVE**

### **BILL SUMMARY**

Synopsis: House Bill 202 (HB202) requires the following agencies to enter into a multi-agency memorandum of understanding (MOU) with the Office of Child Advocate (OCA) to facilitate data sharing and agency systems access: the Children, Youth and Families Department (CYFD), the Department of Health (DOH), the Public Education Department (PED), the Early Childhood Education and Care Department (ECECD), the Health Care Authority (HCA), the Department of Public Safety (DPS), and the Administrative Office of the Courts (AOC).

HB202 would establish a work group to develop the terms and provisions of the MOU and direct the Department of Information Technology and the Attorney General to assist in developing the MOU. The work group must have its initial meeting no later than June 15, 2026, and the MOU must be developed and executed by October 15, 2026.

### **FISCAL IMPLICATIONS**

HB202 would appropriate \$75,000 from the General Fund to OCA for expenditure in FY26 and FY27 to obtain technical services as necessary to carry out the provisions of this act. Any unexpended balance remaining at the end of FY27 shall revert to the General Fund.

HB202 would require agencies to assign personnel with legal or technical expertise to participate in the work group and execute the provisions of the MOU. Participating agencies are likely to incur additional operational costs from legal review, information technology coordination, cybersecurity controls, audit logging, and ongoing compliance with the terms of the MOU not supported by the appropriation.

Additionally, implementation of the MOU would require significant information technology resources beyond those explicitly funded in the bill. For the PED to support the development and maintenance of a shared application would likely require at least one FTE, at approximately \$125,000 per year.

### **SIGNIFICANT ISSUES**

State agencies increasingly rely on administrative data to inform strategic decision-making, making effective data governance essential to a modern, responsive education system. When data is both trusted and accessible, PED has better tools to evaluate program effectiveness, promptly identify student needs, and collaborate with partner agencies to improve student outcomes.

PED currently participates in the [Early Childhood Integrated Data System \(ECIDS\)](#), which integrates demographic, program, workforce, and individual early childhood data across PED, CYFD, and DOH. The [New Mexico Longitudinal Data System \(NMLDS\) Project](#) aims to expand data sharing for longitudinal reporting and analysis across PED, ECECD, the Higher Education Department, the Department of Workforce Solutions, and the Division of Vocational Rehabilitation. HB202 would presumably expand existing data integration efforts, but – considering the agencies outlined in the bill and their assumed requested data – will require a high-level of data confidentiality planning, testing, and prescribing appropriate security and privileges.

## **PERFORMANCE IMPLICATIONS**

None.

## **ADMINISTRATIVE IMPLICATIONS**

HB202 would have administrative implications for PED, as it requires participating agencies to jointly develop and execute a single MOU that clearly defines the purpose, scope, and conditions of data and systems access sharing with the OCA. At a minimum, the MOU must:

- Identify the specific agency data and the level and type of agency systems access to be shared.
- Prescribe the manner, processes, and methods for sharing and storing agency data and for accessing agency systems.
- Specify the platform, electronic network, or other means used for data sharing, systems access, and related communications.
- Establish security measures and protocols, including audit logging of access to sensitive information and breach response and mitigation procedures.
- Establish oversight and reporting requirements and ensure compliance with applicable federal and state privacy, confidentiality, court, and cybersecurity laws and requirements.
- Be reviewed by each participating agency for legal and technical soundness.

While developing the MOU, PED would need to ensure compliance with the Federal Educational Rights and Privacy Act. Extreme care will be required to protect student privacy in small or rural districts; although the department has established masking protocols for the protection of student privacy where data implicate a student group or cohort with a small ‘n’ size, this may run into conflict with the aims of this legislation, for which there is no “easy answer” on how to proceed.

Executing the MOU will increase responsibilities for PED’s information technology team, and require at least one additional FTE, though the costs and extent of these responsibilities could be expanded based on the provisions of the MOU.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None.

## **TECHNICAL ISSUES**

None.

## **OTHER SUBSTANTIVE ISSUES**

HB202 would require agencies with some of the most sensitive and federally protected public data to enter into a data sharing agreement. These data are protected by the Health Insurance Portability and Accountability Act (HIPAA), the Family Educational Rights and Privacy Act (FERPA), and other federal and state laws.

[New Mexico is ranked the 31<sup>st</sup> state](#) when considering data safety. Rankings are based on cybercrime per capita, data breaches per capita, and data protection laws. Over the last several years there have been multiple data breaches in school districts regarding education data, as well

as a [national data breach](#) in 2025 with New Mexican's educational data.

HB202's October 15<sup>th</sup> deadline for completion of an MOU does not provide sufficient time for the agencies to appropriately consider and account for the data security concerns as part of the MOU.

#### **ALTERNATIVES**

None.

#### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

None.

#### **AMENDMENTS**

None.