



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: February 5 2026

Bill No: SB234

Committee Referrals: SEC/SFC

Agency Name and Code: PED - 924

Sponsor: Tobiassen/Trujillo/Ezzell

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Short Title: FOSTER CHILD SCHOOL
TRANSPORTATION

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SECTION II: FISCAL IMPACT

(Parenthesis () Indicate Expenditure Decreases)

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY27	FY28		
\$1,200.0	None	Non-recurring	General Fund

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY27	FY28	FY29		
None	None	None	N/A	N/A

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY27	FY28	FY29	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	\$1,200.0	None	None	\$1,200.0	Nonrecurring	General Fund

Duplicates/Relates to Appropriation in the General Appropriation Act: None as of 2/7/2026.

BILL SUMMARY

Synopsis: Senate Bill 234 (SB234) would appropriate \$1.2 million to the Public Education Department (PED) to provide transportation to and from school for foster children enrolled in Albuquerque Public Schools (APS).

The bill does not provide an effective date. Laws go into effect 90 days after the adjournment of the legislature enacting them, unless a later date is specified. If enacted, this bill would become effective May 20, 2026.

FISCAL IMPLICATIONS

The bill appropriates \$1.2 million from the General Fund to PED for expenditure in FY27 and subsequent fiscal years for the APS school district to provide transportation to and from school for foster children. Any unexpended balance remaining at the end of a fiscal year shall not revert to the general fund.

SIGNIFICANT ISSUES

School districts and charter schools are required to ensure all eligible students are served within the requirements of current federal and state laws and department regulations.

The [2008 Fostering Connections to Success and Increasing Adoptions Act](#) required child welfare agencies to develop a plan for ensuring the educational stability of each child in foster care, including that:

- child welfare agencies must document in each child's case plan coordination with local educational agencies (LEAs) to ensure children remain in the school in which the child was enrolled at the time of each placement (unless it is not in the child's best interest to remain in that school); and
- every foster child's case plan must include assurances that the placement of the child in foster care takes into account the proximity to the school of origin and the appropriateness of the current education setting.

In 2015, the Every Student Succeeds Act (ESSA) [added new provisions](#) to Title I, Part A, to complement the existing requirements in child welfare law. ESSA requires every state educational agency to collaborate with the state child welfare agency to ensure the educational stability of children in foster care, including assurances that children in care remain in their school of origin, unless it is not in their best interest. ESSA also provides a blueprint for allocating responsibility for providing transportation for foster youth to remain in their school of origin. ESSA requires LEAs receiving Title I, Part A funds to collaborate with child welfare agencies to develop written procedures governing how transportation to maintain children in their school of origin will be provided, arranged, and funded. Those procedures must ensure that:

- children in foster care needing transportation will receive it promptly, in a cost-effective manner, and in accordance with the state ability to use Title IV-E (foster care) funds;
- if there are no additional costs incurred in providing school of origin transportation for children in foster care, the LEA should provide the transportation; and
- if there are additional costs incurred, the LEA must provide transportation only if: the local child welfare agency agrees to reimburse the costs; the LEA agrees to pay the costs; or the LEA and child welfare agency agree to share the costs.

Rule [6.41.4 NMAC](#), Standard for Providing Transportation for Eligible Students, provides details for how LEAs are to establish an efficient system of transportation responsive to the needs of eligible public school students, hereinafter students, including children and youth in foster care and homeless children and youth, and to guide the provision of school transportation and transportation as a related service to students with an individualized education program (IEP).

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

PED will be required to oversee the allocation, monitoring, and reporting of funds to Albuquerque Public Schools to ensure compliance with the intent of the appropriation.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to:

- [HB175](#), Reporting on School Bus Data, which requires additional school bus transportation reporting by school districts and state charter schools
- [HB261](#), School Activity Buses, which appropriates \$3 million to PED for grants to small rural school districts for the purchase of buses for student activities.
- [HB262](#), School Transport Emergency Fund Uses, which amends the Transportation Emergency Fund, to include that money in the fund, appropriated to PED, can be used for grants to small rural school districts for the purchase of buses for student activities.
- [HB289](#), School Transportation Funding, which would amend the transportation distribution language in statute to ensure school district and state charter school transportation costs consider the cost of miles traveled by a school bus to pick up the first student and the cost of miles traveled to return a school bus after the last student is dropped off.
- [SB88](#), Foster Parent Tax Credit, which proposes a tax credit for foster parents or guardians of children equal to \$500 for each month the taxpayer is a foster parent or guardian of a child in the taxable year in which the credit is to be claimed.
- [SB301](#), Foster Parent Caring for Indian Child Support, which proposes to appropriate \$4 million to the Children, Youth and Families Department for expenditure in FY27 for the Foster Engagement Adaptability Diversity Initiative Program to support culturally competent training services for foster parents caring for Indian children.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

SB234 limits the use of funds to a single school district, which may raise questions about equitable access to similar services for foster children in other districts across the state. It is also unclear why foster children riding school buses would not already be included in Albuquerque Public Schools ridership data that informs the annual school transportation allocation.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None.

AMENDMENTS

None.