



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 17 2026

Bill No: SM32

Committee Referrals: SRC

Sponsor: Tobiassen/ Spence Ezzell /  
Trujillo / Figueroa

Agency Name and Code: PED - 924

PED Lead Analyst: Jacqueline Sánchez

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**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
<b>Total</b>	None	None	None	None	N/A	NFA

Duplicates/Relates to Appropriation in the General Appropriation Act: None as of 2/17/26.

## **SECTION III: NARRATIVE**

### **BILL SUMMARY**

Synopsis: Senate Memorial 32 (SM32) requests the Legislative Finance Committee (LFC) study statewide issues relating to transportation barriers for students in foster care. The memorial directs the committee to examine existing barriers to providing transportation, analyze recent proposals related to foster care reimbursement rates and tax credits, identify gaps in support or funding, clarify the timeline or information necessary for state agencies to determine actual transportation costs for students in foster care, and recommend strategies to ensure comprehensive and consistent funding to address transportation challenges.

The LFC is requested to report its findings and recommendations to the appropriate interim legislative committee by November 1, 2026.

### **FISCAL IMPLICATIONS**

This memorial does not contain an appropriation.

### **SIGNIFICANT ISSUES**

According to the [New Mexico Child First Network](#), there are between 2,000 and 2,600 children in foster care in New Mexico. About 50 percent of this number represents children ages 0-5, and another significant population is between the ages of 12-18.

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, 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.

## **PERFORMANCE IMPLICATIONS**

None.

## **ADMINISTRATIVE IMPLICATIONS**

The memorial does not name the PED.

Because the study may include the review of school of origin transportation and school district and charter school procedures, the PED may be asked to provide information or technical assistance to the LFC.

School districts and charter schools may be asked to provide documentation of written procedures, cost sharing agreements, reimbursement practices, or data related to transportation arrangements for students in foster care.

## **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.
- [SB234](#), Foster Child School Transportation, which proposes to make an appropriation to the PED to provide transportation to and from school for foster children.
- [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**

None.

**ALTERNATIVES**

None.

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

None.

**AMENDMENTS**

None.