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

<b>Bill Number</b>	<u>SB234</u>	<b>Sponsor</b>	<u>Tobiassen/Trujillo/Ezzell</u>
<b>Tracking Number</b>	<u>.232569.1</u>	<b>Committee Referrals</b>	<u>SEC/SFC</u>
<b>Short Title</b>	<u>Foster Child School Transportation</u>		
<b>Analyst</b>	<u>Montoya</u>	<b>Original Date</b>	<u>2/8/2026</u>
		<b>Last Updated</b>	<u></u>

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**BILL SUMMARY**

Synopsis of Bill

Senate Bill 234 (SB234) would appropriate \$1.2 million to the Public Education Department (PED) to support to and from school transportation for foster children. The appropriation is designated specifically for Albuquerque Public Schools (APS).

SB234 does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or May 20, 2026.

**FISCAL IMPACT**

SB234 appropriates \$1.2 million from the general fund to PED for expenditure in FY27 and subsequent fiscal years. Any unexpended balance remaining at the end of any fiscal year shall not revert to the general fund.

The House Appropriations and Finance Committee Substitute for House Bills 2 and 3 (HB2/HAFCS) does not contain a specific appropriation for to and from transportation of foster children as proposed by SB234.

**SUBSTANTIVE ISSUES**

**Effects of School Mobility.** Students in foster care often face significant educational disruptions, including transfers between schools or school districts, which can undermine educational stability. [Research](#) published by the National Institutes of Health, a federal agency within the U.S. Department of Health and Human Services that conducts and funds medical research, notes school mobility is associated with negative student outcomes, including lower average academic achievement and disruptions in relationships with peers, teachers, and other key school staff. School mobility has also been linked to lower self-esteem and reduced engagement in school.

Research further suggests school mobility during the early elementary grades may be particularly detrimental to student well-being. Socioeconomic status and related risk factors may also

contribute to this relationship, as students who change schools are more likely to experience poverty, homelessness, residential instability, limited parental involvement, placement in single-parent households, or participation in special education. Students who experience frequent school changes also have a higher likelihood of dropping out of school.

**Foster Care Student Transportation.** According to the Children, Youth, and Families Department (CYFD) analysis of SB234, federal and state law (the federal [Every Student Succeeds Act](#) and the [New Mexico Foster Child and Youth Bill of Rights](#)) guarantee children in foster care have the right to remain in their school of origin unless a change is deemed in their best interest. School districts are responsible for providing transportation to and from the school of origin. Additionally, New Mexico Administrative Code (NMAC) 6.41.4.9 requires local education agencies to establish procedures for arranging, funding, and delivering this transportation promptly and cost-effectively.

**Transportation Distribution.** The PED transportation distribution, a recurring formula-based operating allocation established in state law (Section 22-8-26 NMSA 1978), is intended to support the costs of providing daily student transportation to and from school, including fuel, driver wages, mileage, and vehicle maintenance. While the allocation covers general transportation needs for all students, including a factor to account for students with special education needs, it does not specifically address specialized transportation required to ensure students experiencing homelessness or placed in foster care can remain at their school of origin, as required under the federal [McKinney Vento Act](#). Of note, the McKinney-Vento Act specifically addresses the educational rights of children experiencing homelessness. While foster children usually have a formal placement and are not automatically covered under the act, overlap can occur if a foster child lives in temporary housing. Both groups often face challenges with school stability and transportation. As a result, districts often rely on their operational budget or alternative funding sources to provide transportation services for these students to maintain their educational stability.

## ADMINISTRATIVE IMPLICATIONS

SB234 would have minimal impact on PED. Any administrative tasks arising from CYFD's collaboration with APS to ensure funds are spent efficiently and appropriately would be absorbed by existing CYFD resources. APS may experience additional administrative coordination to manage and track the use of these funds within the district.

## RELATED BILLS

Relates to HB261, School Activity Buses, which would make an appropriation to PED from the from the general fund to support grants to small rural school districts for the purchase of buses for student activities.

Relates to HB262, School Transport Emergency Fund Uses, which would add grants to small rural school districts for the purchase of buses for student activities to the allowable uses of transportation emergency fund proceeds.

## SOURCES OF INFORMATION

- LESC Files
- Children, Youth, and Families, Department (CYFD)
- Regional Education Cooperatives (RECs)

