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SENATE MEMORIAL 32

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

Nicole Tobiassen and Candy Spence Ezzell and Linda M. Trujillo
and Natalie Figueroa

A MEMORIAL

REQUESTING THE LEGISLATIVE FINANCE COMMITTEE TO STUDY STATEWIDE
ISSUES RELATING TO TRANSPORTATION BARRIERS FOR STUDENTS IN FOSTER
CARE.

WHEREAS, it has been reported that nationwide, students in
foster care miss twice the number of school days compared to
other students, which may be due to the fact that many foster
children experience housing instability and school changes; and

WHEREAS, a 2024 legislative finance committee evaluation and
report on student attendance found that transportation issues
account for about fifteen percent of student absences; and

WHEREAS, school districts and charter schools that receive
funding under Title I, Part A of the federal Elementary and
Secondary Education Act of 1965 must ensure that transportation
to and from school is provided for students in foster care,

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1 consistent with the procedures developed by the local education
2 agency in collaboration with the state or local child welfare
3 agency; and

4 WHEREAS, the federal Elementary and Secondary Education
5 Act of 1965 emphasizes the importance of limiting educational
6 disruption by allowing a student in foster care to remain in
7 the student's school of origin, unless it is determined to be
8 in the student's best interest to change schools; and

9 WHEREAS, efforts to maintain consistency in education for
10 students in foster care by allowing the students to remain at
11 the students' schools of origin can require creative solutions
12 and adjustments to existing transportation options, including
13 cross-jurisdictional travel and individualized rides, that
14 typical busing does not allow for; and

15 WHEREAS, New Mexico requires each school district or
16 charter school to develop and implement written procedures
17 describing how transportation options to support allowing
18 students in foster care to remain in their schools of origin
19 will be provided, arranged and funded; and

20 WHEREAS, additional costs incurred by a school district or
21 charter school to provide school-of-origin transportation must
22 be covered either through reimbursement by the children, youth
23 and families department, payment by the local education agency,
24 available federal funds or a previously negotiated cost-sharing
25 agreement, leaving some schools unsure about when, if or by

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1 whom the necessary additional transportation will be covered;
2 and

3 WHEREAS, only eligible foster care cases can claim
4 reimbursement under federal guidelines, which can become
5 complicated if any of the transportation costs are incurred for
6 students in foster care who are not eligible under a federal
7 program or if eligibility is not properly tracked and often
8 requires the state to manage the cost allocation process; and

9 WHEREAS, while in 2025, the children, youth and families
10 department contracted with two third-party providers to bring
11 transportation services to foster families, those contracts
12 have since been terminated; and

13 WHEREAS, currently there are proposals to study foster
14 care placement and treatment reimbursement rates, explicitly
15 including "reasonable travel expenses" as part of the costs
16 reimbursed to resource families, as well as to create a
17 refundable foster parent or guardian income tax credit to
18 strengthen foster family capacity and stable placement, which
19 may have indirect impacts on the need for high-cost
20 transportation options in the future; and

21 WHEREAS, reliable transportation to and from school is
22 essential for the protection and well-being of students in
23 foster care and must be a priority for the state, which
24 requires the dedication of appropriate resources and attention
25 to determine the most effective solution;

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