

LC 218  
2026 Regular Session  
1/9/26 (HRS/ps)

# D R A F T

## SUMMARY

Digest: Tells schools how to respond to immigration issues. (Flesch Readability Score: 61.2).

Requires district school boards to admit all students to all schools and programs of the school district.

Prohibits discrimination in education related to immigration or citizenship status.

Adds requirements for model policies prepared by the Attorney General related to immigration enforcement at public schools. Requires school districts and education service districts to adopt related policies and procedures and to provide training to district employees related to the policies and procedures.

Takes effect on July 1, 2026.

## A BILL FOR AN ACT

1 Relating to conduct of public education; creating new provisions; amending  
2 ORS 180.810, 185.650, 336.187, 339.115 and 659.850; and prescribing an ef-  
3 fective date.

5 **Be It Enacted by the People of the State of Oregon:**

## ACCESS TO SCHOOLS AND PROGRAMS

9 **SECTION 1.** ORS 339.115 is amended to read:

10 339.115. (1) Except as provided in ORS 339.141, authorizing tuition for  
11 courses not part of the regular school program, the district school board  
12 shall admit free of charge to the schools **and the programs** of the district  
13 all persons between the ages of 5 and 19 who reside within the school dis-  
14 trict. A person whose 19th birthday occurs during the school year shall

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1 continue to be eligible for a free and appropriate public education for the  
2 remainder of the school year. A district school board may admit nonresident  
3 persons, determine who is not a resident of the district and fix rates of tui-  
4 tion for nonresidents.

5 (2)(a) A district must admit an otherwise eligible person who has not yet  
6 attained 21 years of age prior to the beginning of the current school year if  
7 the person is:

8 (A) Receiving special education and has not yet received a high school  
9 diploma as described in ORS 329.451; or

10 (B) Receiving special education and has received a modified diploma, an  
11 extended diploma or a certificate of attendance as described in ORS 329.451.

12 (b) A district may admit an otherwise eligible person who is not receiving  
13 special education and who has not yet attained 21 years of age prior to the  
14 beginning of the current school year if the person is shown to be in need of  
15 additional education in order to receive a high school diploma or a modified  
16 diploma.

17 (3) The obligation to make a free appropriate public education available  
18 to individuals with disabilities 18 through 21 years of age who are  
19 incarcerated in an adult correctional facility applies only to those individ-  
20 uals who, in their last educational placement prior to their incarceration in  
21 the adult correctional facility:

22 (a) Were identified as being a child with a disability as defined in ORS  
23 343.035; or

24 (b) Had an individualized education program as described in ORS 343.151.

25 (4) For purposes of subsection (3) of this section, “adult correctional fa-  
26 cility” means:

27 (a) A local correctional facility as defined in ORS 169.005;

28 (b) A regional correctional facility as defined in ORS 169.620; or

29 (c) A Department of Corrections institution as defined in ORS 421.005.

30 (5) An otherwise eligible person under subsection (2) of this section whose  
31 21st birthday occurs during the school year shall continue to be eligible for

1 a free appropriate public education for the remainder of the school year.

2 (6) The person may apply to the board of directors of the school district  
3 of residence for admission after the 19th birthday as provided in subsection  
4 (1) of this section. A person aggrieved by a decision of the local board may  
5 appeal to the State Board of Education. The decision of the state board is  
6 final and not subject to appeal.

7 (7) Notwithstanding ORS 339.133 (2)(a), a school district shall not exclude  
8 from admission a child located in the district solely because the child does  
9 not have a fixed place of residence or solely because the child is not under  
10 the supervision of a parent, guardian or person in a parental relationship.

11 (8) Notwithstanding subsection (1) of this section, a school district:

12 (a) May for the remaining period of an expulsion deny admission to the  
13 regular school to a resident student who is expelled from another school  
14 district; and

15 (b) Shall for at least one calendar year from the date of the expulsion and  
16 if the expulsion is for more than one calendar year, may for the remaining  
17 period of time deny admission to the regular school program to a student  
18 who is under expulsion from another school district for an offense that con-  
19 stitutes a violation of a school district policy adopted pursuant to ORS  
20 339.250 (7).

21 (9) Notwithstanding the minimum age requirement prescribed by ORS  
22 339.010 and 339.020, a district school board may admit free of charge a child  
23 whose needs for cognitive, social and physical development would best be  
24 met in the school program, as defined by policies of the district school board,  
25 to enter school even though the child has not attained the minimum age re-  
26 quirement but is a resident of the district.

27

## 28 CLASSIFICATIONS OF PROHIBITED DISCRIMINATION

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30 **SECTION 2.** ORS 659.850 is amended to read:

31 659.850. (1) As used in this section:

1       (a)(A) “Discrimination” means any act that unreasonably differentiates  
2 treatment, intended or unintended, or any act that is fair in form but  
3 discriminatory in operation, either of which is based on race, color, religion,  
4 sex, sexual orientation, gender identity, national origin, **immigration or**  
5 **citizenship status**, marital status, age or disability.

6       (B) “Discrimination” does not include enforcement of an otherwise valid  
7 dress code or policy, as long as the code or policy:

8           (i) Provides, on a case-by-case basis, for reasonable accommodation of an  
9 individual based on the health and safety needs of the individual; and

10           (ii) Does not have a disproportionate adverse impact on members of a  
11 protected class to a greater extent than the policy impacts persons generally.

12       (b) “Race” includes physical characteristics that are historically associ-  
13 ated with race, including but not limited to natural hair, hair texture, hair  
14 type and protective hairstyles as defined in ORS 659A.001.

15       (2) A person may not be subjected to discrimination in any public ele-  
16 mentary, secondary or community college education program or service,  
17 school or interschool activity or in any higher education program or service,  
18 school or interschool activity where the program, service, school or activity  
19 is financed in whole or in part by moneys appropriated by the Legislative  
20 Assembly.

21       (3) The State Board of Education and the Higher Education Coordinating  
22 Commission shall establish rules necessary to ensure compliance with sub-  
23 section (2) of this section in the manner required by ORS chapter 183.

24

## 25       **MODEL POLICIES RELATED TO LAW ENFORCEMENT REQUESTS**

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27       **SECTION 3.** ORS 180.810 is amended to read:

28       180.810. (1) The Attorney General shall publish model policies intended  
29 to limit, to the fullest extent possible consistent with state and federal law,  
30 immigration enforcement at public schools, public health facilities, court-  
31 houses, public shelters and other public facilities operated by a public body.

1       **(2) For the purpose of developing a policy under subsection (1) of**  
2       **this section for public schools for kindergarten through grade 12:**

3       **(a) The Attorney General shall consult with the Office of Immigrant**  
4       **and Refugee Advancement and with organizations representing school**  
5       **board members and other public school professionals.**

6       **(b) In addition to any content of a policy developed under sub-**  
7       **section (1) of this section, a model policy published for public schools**  
8       **for kindergarten through grade 12 must include:**

9       **(A) A process for verifying the validity of any warrant or court or-**  
10      **der involving immigration enforcement;**

11      **(B) A requirement that the superintendent of the school district or**  
12      **the education service district, or the superintendent's designee, review**  
13      **and approve any response to a law enforcement request involving im-**  
14      **migration enforcement;**

15      **(C) A requirement that the superintendent of the school district or**  
16      **the education service district, or the superintendent's designee, con-**  
17      **sult with legal counsel prior to responding to any immigration**  
18      **enforcement efforts;**

19      **(D) Requirements to ensure compliance with ORS 180.805 and**  
20      **181A.826; and**

21      **(E) Recommendations for expectations of employees of the school**  
22      **district, education service district or public charter school in relation**  
23      **to immigration enforcement efforts.**

24      **(3)(a) All school districts, education service districts and public**  
25      **charter schools must:**

26      **(A) Adopt policies and implement procedures based on a model**  
27      **policy described in subsections (1) and (2) of this section;**

28      **(B) Provide copies of policies and procedures adopted under sub-**  
29      **paragraph (A) of this paragraph to the employees of the school dis-**  
30      **trict, education service district or public charter school; and**

31      **(C) Provide training related to the policies and procedures adopted**

1 **under subparagraph (A) of this paragraph to the employees of the**  
2 **school district, education service district or public charter school.**

3 **[(2)] (b)** All public bodies **to which paragraph (a) of this subsection**  
4 **is not applicable** are encouraged to implement policies based on the model  
5 policies described in subsection (1) of this section.

6 **[(3)] (4)** Any entity that contracts with a public body to provide services  
7 related to physical or mental health, education or access to justice is en-  
8 couraged to adopt policies based on the model policies described in sub-  
9 section (1) of this section.

10 **[(4)] (5)** The Attorney General may adopt rules to implement this section.

11 **SECTION 4.** ORS 185.650 is amended to read:

12 185.650. (1) There is established within the Department of Human Services  
13 the Office of Immigrant and Refugee Advancement for the purpose of oper-  
14 ating a statewide immigrant and refugee integration strategy.

15 (2) The Office of Immigrant and Refugee Advancement is under the  
16 supervision and control of a director, who is responsible for the performance  
17 of the duties, functions and powers of the office. The director shall be cho-  
18 sen through an open hiring process. In addition to the director, the office  
19 shall include at least the following full-time staff members:

20 (a) One staff member who focuses on community partnerships;  
21 (b) One staff member who focuses on data collection and research; and  
22 (c) One staff member who focuses on administrative support for the office.

23 (3) The office shall:

24 (a) Advocate for and partner with statewide immigrant and refugee pro-  
25 grams and services that coordinate with long-term support services to meet  
26 the needs of immigrant and refugee populations in this state;

27 (b) Collect data on immigrant and refugee populations in this state for  
28 the purposes of determining the needs of the populations and tracking  
29 progress in reducing social, economic and health disparities for the popu-  
30 lations;

31 (c) Monitor and protect data collected under this subsection and ensure

1 that any data collected and maintained by the office is not disclosed to any  
2 person or entity not affiliated with the office;

3 (d) Track state legislation that impacts immigrant and refugee popu-  
4 lations in this state;

5 (e) Ensure that any racial and ethnic impact statements for legislation  
6 accurately include the impact to immigrants and refugees in this state who  
7 are individuals who are Black, indigenous or other people of color;

8 (f) Advocate for resources from the federal government to support the  
9 immigrant and refugee populations;

10 (g) Monitor and, unless prohibited by federal or state law or rule, publish  
11 any investments made by the state for the benefit and support of the immi-  
12 grant and refugee populations;

13 (h) Partner with other state agencies as needed to meet the objectives of  
14 the office, **including the development of any model policies and proce-  
15 dures required by law**;

16 (i) Partner with community-based organizations as needed to meet the  
17 objectives of the office; and

18 (j) Adopt rules as necessary to carry out this section.

19 **SECTION 5.** ORS 336.187 is amended to read:

20 **336.187. (1) As used in this section:**

21 **(a) “Health or safety emergency” includes law enforcement efforts  
22 to locate a child who may be a victim of kidnap, abduction or custodial  
23 interference and law enforcement or child protective services efforts  
24 to respond to a report of child abuse or neglect pursuant to ORS  
25 419B.005 to 419B.050.**

26 **(b) “Law enforcement” does not include a federal immigration au-  
27 thority as that term is defined in ORS 180.805.**

28 **[(1)] (2) A public school or school district shall disclose personally iden-  
29 tifiable information or other information allowed to be disclosed by the fed-  
30 eral Family Educational Rights and Privacy Act from an education record  
31 of a student to:**

1       (a) Law enforcement, child protective services and health care profes-  
2 sionals in connection with a health or safety emergency if knowledge of the  
3 information is necessary to protect the health and safety of the student or  
4 other individuals; and

5 (b) Courts and state and local juvenile justice agencies including[, *but not*  
6 *limited to,]* law enforcement agencies, juvenile departments and child pro-  
7 tective service agencies. Disclosure under this paragraph must relate to the  
8 court's or juvenile justice agency's ability to serve the needs of a student  
9 prior to the student's adjudication under ORS chapter 419C. A person to  
10 whom personally identifiable information is disclosed under this paragraph  
11 shall certify, in writing, that the person will not disclose the information to  
12 a third party other than another court or juvenile justice agency or a person  
13 or organization providing direct services to the student on behalf of a juve-  
14 nile justice agency.

15       [(2) As used in this section, a "health or safety emergency" includes, but  
16       is not limited to, law enforcement efforts to locate a child who may be a victim  
17       of kidnap, abduction or custodial interference and law enforcement or child  
18       protective services efforts to respond to a report of child abuse or neglect pur-  
19       suant to ORS 419B.005 to 419B.050.]

20 (3) A person who receives information under this section is not liable  
21 civilly or criminally for failing to disclose the information.

## MISCELLANEOUS

25 **SECTION 6.** The unit captions used in this 2026 Act are provided  
26 only for the convenience of the reader and do not become part of the  
27 statutory law of this state or express any legislative intent in the  
28 enactment of this 2026 Act.

**29 SECTION 7. This 2026 Act takes effect on July 1, 2026.**