

# DRAFT

## SUMMARY

Digest: Tells public schools to have a policy for how to respond to immigration issues at the school. (Flesch Readability Score: 65.1).

Directs school district boards and governing bodies of institutions of higher education to adopt policies that address how the school district or the institution of higher education will respond when a federal immigration authority enters school property or a campus. Prescribes the requirements of the policies.

Declares an emergency, effective on passage.

## A BILL FOR AN ACT

Relating to policies for when federal immigration authorities enter public education property; creating new provisions; amending ORS 339.405; and declaring an emergency.

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

### **SECTION 1.** (1) **As used in this section:**

(a) **“Federal immigration authority” has the meaning given that term in ORS 180.805.**

(b) **“School district” includes an education service district and a public charter school.**

(c) **“School district board” includes the board of directors of an education service district and the governing body of a public charter school.**

(d) **“School property” means any real property owned, controlled or used by or on behalf of a school district that is accessed by students of the school district on a regular basis.**

**(2) Each school district board shall adopt a policy that addresses**

1 how the school district will respond when a federal immigration au-  
2 thority enters school property.

3 (3) The policy adopted under this section must:

4 (a) Identify at least one administrator for each school district, and  
5 at least one designee of the administrator, who shall be designated to  
6 respond when a federal immigration authority enters school property.

7 The response must include:

8 (A) Recording the time and location of the presence;

9 (B) Consulting with legal counsel, when feasible;

10 (C) Verifying the credentials and purpose of the federal immigration  
11 authority, including determining if access is sought under a judicial  
12 warrant or court order; and

13 (D) Responding to any judicial warrant or court order.

14 (b) Require that, unless otherwise prohibited by law, reasonable ef-  
15 forts are made to provide notice as expediently as possible to a student  
16 or to the parent or guardian of a student when the school district has  
17 provided information related to the student to a federal immigration  
18 authority.

19 (c) Require that notice that a federal immigration authority is  
20 present on school property is provided to:

21 (A) Students and the parents or guardians of students attending the  
22 school where the federal immigration authority is on school property;  
23 and

24 (B) The community of the school where the federal immigration  
25 authority is on school property.

26 (d) Specify the contents and delivery requirements of the notice  
27 required under paragraph (c) of this subsection, including the re-  
28 quirements that the notice:

29 (A) Must include at least the following information:

30 (i) The general location of the federal immigration authority; and

31 (ii) Whether classes or school operations are affected by the pres-

1 **ence of the federal immigration authority.**

2 **(B) May not disclose any of the following information:**

3 **(i) Personally identifiable information; or**

4 **(ii) Other information that may not be legally disclosed.**

5 **(C) May not disclose information when the disclosure:**

6 **(i) May threaten the health or safety of the students or employees**  
7 **of the school district; or**

8 **(ii) Is prohibited by a court order.**

9 **(D) Must be provided as expeditiously as possible by existing methods**  
10 **used for providing electronic communications to students, parents and**  
11 **guardians or to the school community.**

12 **(e) Ensure compliance with ORS 180.805 and 181A.826.**

13 **(f) Require the provision of written guidance in relation to federal**  
14 **immigration authority efforts, including clarifying:**

15 **(A) The difference between court orders and administrative orders;**

16 **(B) Which areas of the school are public or private and under which**  
17 **circumstances private areas may be accessed by a federal immigration**  
18 **authority; and**

19 **(C) Which actions may constitute interference with a court order**  
20 **or lawful access to public areas.**

21 **(g) Require that annual training is provided to the employees of the**  
22 **school district on:**

23 **(A) The expectations of the employees in relation to federal immi-**  
24 **gration authority efforts on school property; and**

25 **(B) The guidance described in paragraph (f) of this subsection.**

26 **(h) Require that the policy adopted under this section and the**  
27 **guidance described in paragraph (f) of this subsection be made avail-**  
28 **able:**

29 **(A) In the student handbook; and**

30 **(B) On the school district's website in culturally appropriate lan-**  
31 **guages that are used to communicate effectively with parents and**

guardians of students of the school district.

(4) The Department of Education shall submit an annual report on the provisions of this section, including the number of notifications issued under subsection (3)(c) of this section during the year, to an interim committee of the Legislative Assembly related to education.

(5) The State Board of Education shall adopt model policies and may adopt rules under this section. When adopting model policies, the board shall consult with the Attorney General to ensure consistency with model policies adopted as provided by ORS 180.810.

**SECTION 2.** ORS 339.405 is amended to read:

339.405. (1) As used in this section:

(a) “Evacuate” means a procedure used when students and staff need to move from one location to another.

(b) “Hold” means a procedure used to keep students and staff in classrooms while a disruption or minor emergency is resolved.

(c) “Lockdown” means a procedure used when a threat or hazard is inside the building.

(d) “Secure” means a procedure used when a threat or hazard is outside the building.

(e) “Shelter in place” is a procedure used to respond to and take protective actions based on a threat or hazard that may include an earthquake, tsunami or other natural or environmental hazard.

(2) Each school district must maintain a comprehensive safety program for all students and staff. The program must include procedures for:

(a) Responding to emergency situations that address an immediate threat to safety, including an evacuation, a hold, a lockdown, a secure and a shelter in place;

(b) Providing communicable disease management;

(c) Responding to medical emergencies; *[and]*

(d) Providing instruction as described in ORS 339.408[.]; **and**

**(e) Responding to a federal immigration authority on school prop-**

erty as described in section 1 of this 2026 Act.

(3) The State Board of Education may adopt rules related to a program required under this section.

**SECTION 3.** (1) Section 1 of this 2026 Act and the amendments to ORS 339.405 by section 2 of this 2026 Act become operative July 1, 2026.

(2) Section 1 of this 2026 Act and the amendments to ORS 339.405 by section 2 of this 2026 Act first apply to the 2026-2027 school year.

(3) Notwithstanding the operative date set forth in subsection (1) of this section, school districts may revise a comprehensive safety program before the operative date set forth in subsection (1) of this section to include provisions related to responses to a federal immigration authority on school property.

**SECTION 4.** (1) As used in this section:

(a) “Campus” means any real property owned, controlled or used by or on behalf of an institution of higher education that is accessed by students of the institution of higher education on a regular basis.

(b) “Federal immigration authority” has the meaning given that term in ORS 180.805.

(c) “Governing board” means:

(A) The governing board of a public university listed in ORS 352.002.

(B) The board of education of a community college district.

(C) The Oregon Health and Science University Board of Directors.

(d) “Institution of higher education” means a public university listed in ORS 352.002, a community college operated under ORS chapter 341 or the Oregon Health and Science University.

(2) Each governing board shall adopt a policy that addresses how the institution of higher education will respond when a federal immigration authority enters a campus.

(3) The policy adopted under this section must:

(a) Identify at least one administrator for the institution of higher education, and at least one designee of the administrator, who shall

1 be designated to respond when a federal immigration authority enters  
2 a campus. The response must include:

3 (A) Recording the time and location of the presence;

4 (B) Consulting with legal counsel, when feasible;

5 (C) Verifying the credentials and purpose of the federal immigration  
6 authority, including determining if access is sought under a judicial  
7 warrant or court order; and

8 (D) Responding to any judicial warrant or court order.

9 (b) Require that, unless otherwise prohibited by law, reasonable ef-  
10 forts are made to provide notice as expeditiously as possible to a student  
11 when the institution of higher education has provided information re-  
12 lated to the student to a federal immigration authority.

13 (c) Require that notice that a federal immigration authority is  
14 present on a campus is provided to:

15 (A) Students enrolled in the institution of higher education at the  
16 campus where the federal immigration authority is present; and

17 (B) The community of the campus where the federal immigration  
18 authority is present.

19 (d) Specify the contents and delivery requirements of the notice  
20 required under paragraph (c) of this subsection, including the re-  
21 quirements that the notice:

22 (A) Must include at least the following information:

23 (i) The general location of the federal immigration authority; and

24 (ii) Whether classes or campus operations are affected by the pres-  
25 ence of the federal immigration authority.

26 (B) May not disclose any of the following information:

27 (i) Personally identifiable information; or

28 (ii) Other information that may not be legally disclosed.

29 (C) May not disclose information when the disclosure:

30 (i) May threaten the health or safety of the students or employees  
31 of the institution of higher education; or

1 (ii) Is prohibited by a court order.

2 (D) Must be provided as expediently as possible by existing methods  
3 used for providing electronic communications to students or to the  
4 community of the campus.

5 (e) Ensure compliance with ORS 180.805 and 181A.826.

6 (f) Require the provision of written guidance in relation to federal  
7 immigration authority efforts, including clarifying:

8 (A) The difference between court orders and administrative orders;

9 (B) Which areas of the campus are public or private and under  
10 which circumstances private areas may be accessed by a federal im-  
11 migration authority; and

12 (C) Which actions may constitute interference with a court order  
13 or lawful access to public areas.

14 (g) Require that annual training is provided to the employees of the  
15 institution of higher education on:

16 (A) The expectations of the employees in relation to federal immi-  
17 gration authority efforts on a campus; and

18 (B) The guidance described in paragraph (f) of this subsection.

19 (h) Require that the policy adopted under this section and the  
20 guidelines described in paragraph (f) of this subsection be made avail-  
21 able:

22 (A) In the student handbook; and

23 (B) On the website of the institution of higher education in cul-  
24 turally appropriate languages that are used to communicate effectively  
25 with the students and community of the campus.

26 (4) The Higher Education Coordinating Commission shall submit an  
27 annual report on the provisions of this section, including the number  
28 of notifications issued under subsection (3)(c) of this section during  
29 the year, to an interim committee of the Legislative Assembly related  
30 to education.

31 (5) The Higher Education Coordinating Commission shall adopt

1 model policies and may adopt rules under this section. When adopting  
2 model policies, the commission shall consult with the Attorney Gen-  
3 eral to ensure consistency with model policies adopted as provided by  
4 ORS 180.810.

5 SECTION 5. (1) Section 4 of this 2026 Act becomes operative July  
6 1, 2026.

7 (2) Notwithstanding the operative date set forth in subsection (1)  
8 of this section, institutions of higher education may implement the  
9 provisions of section 4 of this 2026 Act prior to the operative date set  
10 forth in subsection (1) of this section.

11 SECTION 6. This 2026 Act being necessary for the immediate pres-  
12 ervation of the public peace, health and safety, an emergency is de-  
13 clared to exist, and this 2026 Act takes effect on its passage.