

SB 1538 -1, -3, -5, -6, -7 STAFF MEASURE SUMMARY

Senate Committee On Education

Prepared By: Lisa Gezelter, LPRO Analyst

Meeting Dates: 2/3, 2/5, 2/10

WHAT THE MEASURE DOES:

The measure creates a new protected class in educational antidiscrimination law, guarantees admission to district programs, requires the Department of Justice to modify the model policies it has created for Oregon school districts, and requires school districts to adopt those model policies. It takes effect July 1, 2026.

Detailed Summary

- Expands guaranteed enrollment to school district programs.
- Expands educational anti-discrimination law to include citizenship or immigration status as a protected class.
- Expands requirements for the Department of Justice's model policies for public schools responding to immigration enforcement authorities.
- Requires all school districts, education service districts, and public charter schools to adopt policies and procedures based on the DOJ's model policies, and to train employees on those policies and procedures.
- Excludes immigration enforcement authorities from the requirements for school districts to provide students' personally identifiable information to law enforcement in certain health or safety emergencies.

Fiscal impact: May have fiscal impact, but no statement yet issued

Revenue impact: May have revenue impact, but no statement yet issued

ISSUES DISCUSSED:

- Experiences of students
- Nature of immigration enforcement efforts
- Existing model policies published by Department of Justice and need for more specific school policies
- Citizenship status and access to publicly funded programs

EFFECT OF AMENDMENT:

-1 The amendment modifies the requirement for admission to district programs to include only instructional programs. It also provides for exceptions in cases where state law specifies certain requirements for foreign exchange students.

-3 The amendment modifies the requirement for admission to district programs to include only instructional programs. It also provides for exceptions in cases where state law specifies certain requirements for foreign exchange students. It also removes the requirement that school districts adopt the model policies published by the Department of Justice and adds a requirement that they distribute the model policies to their employees.

-5 The amendment modifies the requirement for admission to district programs to include only instructional programs. It also provides for exceptions in cases where state law specifies certain requirements for foreign exchange students. It modifies the model policy to encourage rather than require legal consultation. It also removes the requirement that school districts adopt the model policies published by the Department of Justice and adds a requirement that they distribute the model policies to their employees along with information about how to implement those model policies.

-6 The amendment modifies the requirement for admission to district programs to include only instructional programs. It also provides for exceptions in cases where state law specifies certain requirements for foreign exchange students. It modifies the model policy to encourage rather than require legal consultation. It also

removes the requirement that school districts adopt the model policies published by the Department of Justice and adds a requirement that they distribute the model policies to their employees.

-7 The amendment modifies the requirement for admission to district programs to include only instructional programs. It also provides for exceptions in cases where state law specifies certain requirements for foreign exchange students and modifies the definition of discrimination to exclude higher education institutions in certain circumstances. It modifies the model policy to encourage rather than require legal consultation. It also removes the requirement that school districts adopt the model policies published by the Department of Justice and adds a requirement that they distribute the model policies to their employees.

BACKGROUND:

In 1982, the U.S. Supreme Court decided *Plyler v Doe*, guaranteeing public school enrollment to students regardless of immigration documentation status. ORS 180.810 requires the Department of Justice to create [model confidentiality policies](#) for Oregon public bodies to limit, within the bounds of state and federal law, immigration enforcement at public schools and other public facilities. These policies were most recently updated in February 2025.

In 2011, U.S. Immigration and Customs Enforcement (ICE) issued a [memo governing enforcement actions at sensitive locations](#), including both K-12 schools and post-secondary institutions. On January 20, 2025, the memo was [revoked](#), and on September 9, 2025, ICE issued a [statement](#) indicating that it does not generally conduct enforcement actions at schools and that secondary supervisor approval is required. News reports in [Oregon](#) and [elsewhere](#) indicate that ICE enforcement actions can impact school operations.