

Minority Report

A-Engrossed

House Bill 4079

Ordered by the House February 13
Including House Minority Report Amendments dated February 13

Sponsored by nonconcurring members of the House Committee on Education: Representatives HARBICK, WRIGHT

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

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.

Directs state and local law enforcement and employees and officers of school districts and institutions of higher education to cooperate with federal immigration authorities in carrying out any action concerning any person who is charged with, or convicted of, certain crimes and who has entered school property or a campus.

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 how the school district will respond when a federal immigration authority enters school property.

(3) The policy adopted under this section must:

(a) Identify at least one administrator for each school district, and at least one designee of the administrator, who shall be designated to respond when a federal immigration authority enters school property. The response must include:

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

(B) Consulting with legal counsel, when feasible;

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

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

2 (b) **Require that, unless otherwise prohibited by law, reasonable efforts are made to**
3 **provide notice as expediently as possible to a student or to the parent or guardian of a stu-**
4 **dent when the school district has provided information related to the student to a federal**
5 **immigration authority.**

6 (c) **Require that notice that a federal immigration authority is present on school property**
7 **is provided to:**

8 (A) **Students and the parents or guardians of students attending the school where the**
9 **federal immigration authority is on school property; and**

10 (B) **The community of the school where the federal immigration authority is on school**
11 **property.**

12 (d) **Specify the contents and delivery requirements of the notice required under para-**
13 **graph (c) of this subsection, including the requirements that the notice:**

14 (A) **Must include at least the following information:**

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

16 (ii) **Whether classes or school operations are affected by the presence of the federal im-**
17 **migration authority.**

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

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

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

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

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

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

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

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

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

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

31 (B) **Which areas of the school are public or private and under which circumstances pri-**
32 **ivate areas may be accessed by a federal immigration authority;**

33 (C) **Which actions may constitute interference with a court order or lawful access to**
34 **public areas; and**

35 (D) **The requirement to cooperate with federal immigration authorities as provided by**
36 **section 6 of this 2026 Act when a person charged with or convicted of certain crimes has**
37 **entered school property.**

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

39 (A) **The expectations of the employees in relation to federal immigration authority efforts**
40 **on school property; and**

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

42 (h) **Require that the policy adopted under this section and the guidance described in**
43 **paragraph (f) of this subsection be made available:**

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

45 (B) **On the school district's website in culturally appropriate languages that are used to**

1 **communicate effectively with parents and guardians of students of the school district.**

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

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

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

9 339.405. (1) As used in this section:

10 (a) "Evacuate" means a procedure used when students and staff need to move from one location
11 to another.

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

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

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

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

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

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

22 (b) Providing communicable disease management;

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

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

25 **(e) Responding to a federal immigration authority on school property as described in**
26 **section 1 of this 2026 Act.**

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

29 **SECTION 3. (1) Section 1 of this 2026 Act and the amendments to ORS 339.405 by section**
30 **2 of this 2026 Act become operative July 1, 2026.**

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

33 **(3) Notwithstanding the operative date set forth in subsection (1) of this section, school**
34 **districts may revise a comprehensive safety program before the operative date set forth in**
35 **subsection (1) of this section to include provisions related to responses to a federal immi-**
36 **gration authority on school property.**

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

38 (a) "Campus" means any real property owned, controlled or used by or on behalf of an
39 institution of higher education that is accessed by students of the institution of higher edu-
40 cation on a regular basis.

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

42 (c) "Governing board" means:

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

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

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

1 (d) "Institution of higher education" means a public university listed in ORS 352.002, a
2 community college operated under ORS chapter 341 or the Oregon Health and Science Uni-
3 versity.

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

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

7 (a) Identify at least one administrator for the institution of higher education, and at least
8 one designee of the administrator, who shall be designated to respond when a federal immi-
9 gration authority enters a campus. The response must include:

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

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

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

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

15 (b) Require that, unless otherwise prohibited by law, reasonable efforts are made to
16 provide notice as expediently as possible to a student when the institution of higher edu-
17 cation has provided information related to the student to a federal immigration authority.

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

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

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

23 (d) Specify the contents and delivery requirements of the notice required under para-
24 graph (c) of this subsection, including the requirements that the notice:

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

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

27 (ii) Whether classes or campus operations are affected by the presence of the federal
28 immigration authority.

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

30 (i) Personally identifiable information; or

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

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

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

35 (ii) Is prohibited by a court order.

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

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

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

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

42 (B) Which areas of the campus are public or private and under which circumstances
43 private areas may be accessed by a federal immigration authority;

44 (C) Which actions may constitute interference with a court order or lawful access to
45 public areas; and

1 (D) The requirement to cooperate with federal immigration authorities as provided by
2 section 6 of this 2026 Act when a person charged with or convicted of certain crimes has
3 entered a campus.

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

6 (A) The expectations of the employees in relation to federal immigration authority efforts
7 on a campus; and

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

9 (h) Require that the policy adopted under this section and the guidelines described in
10 paragraph (f) of this subsection be made available:

11 (A) In the student handbook; and

12 (B) On the website of the institution of higher education in culturally appropriate lan-
13 guages that are used to communicate effectively with the students and community of the
14 campus.

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

19 (5) The Higher Education Coordinating Commission shall adopt model policies and may
20 adopt rules under this section. When adopting model policies, the commission shall consult
21 with the Attorney General to ensure consistency with model policies adopted as provided by
22 ORS 180.810.

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

24 (2) Notwithstanding the operative date set forth in subsection (1) of this section, institu-
25 tions of higher education may implement the provisions of section 4 of this 2026 Act prior
26 to the operative date set forth in subsection (1) of this section.

27 SECTION 6. Notwithstanding any other provision of Oregon law, all state and local law
28 enforcement agencies and all employees and officers of a school district, as defined in section
29 1 of this 2026 Act, or an institution of higher education, as defined in section 4 of this 2026
30 Act, shall cooperate with federal immigration authorities, as defined in ORS 180.805, in car-
31 rying out any action concerning any person who:

32 (1) Is charged with, or convicted of, a crime constituting a felony or a Class A
33 misdemeanor under Oregon law; and

34 (2) Has entered school property, as defined in section 1 of this 2026 Act, or a campus, as
35 defined in section 4 of this 2026 Act.

36 SECTION 7. This 2026 Act being necessary for the immediate preservation of the public
37 peace, health and safety, an emergency is declared to exist, and this 2026 Act takes effect
38 on its passage.