

Senate Bill 1538

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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 **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

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 July 1, 2026.

A BILL FOR AN ACT

Relating to conduct of public education; creating new provisions; amending ORS 180.810, 185.650, 336.187, 339.115 and 659.850; and prescribing an effective date.

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

ACCESS TO SCHOOLS AND PROGRAMS

SECTION 1. ORS 339.115 is amended to read:

339.115. (1) Except as provided in ORS 339.141, authorizing tuition for courses not part of the regular school program, the district school board shall admit free of charge to the schools **and the programs** of the district all persons between the ages of 5 and 19 who reside within the school district. A person whose 19th birthday occurs during the school year shall continue to be eligible for a free and appropriate public education for the remainder of the school year. A district school board may admit nonresident persons, determine who is not a resident of the district and fix rates of tuition for nonresidents.

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

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

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

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

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.

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

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

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

(4) For purposes of subsection (3) of this section, "adult correctional facility" means:

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

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

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

(5) An otherwise eligible person under subsection (2) of this section whose 21st birthday occurs during the school year shall continue to be eligible for a free appropriate public education for the remainder of the school year.

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

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

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

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

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

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

CLASSIFICATIONS OF PROHIBITED DISCRIMINATION

SECTION 2. ORS 659.850 is amended to read:

659.850. (1) As used in this section:

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

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

(i) Provides, on a case-by-case basis, for reasonable accommodation of an individual based on the

1 health and safety needs of the individual; and

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

4 (b) "Race" includes physical characteristics that are historically associated with race, including
5 but not limited to natural hair, hair texture, hair type and protective hairstyles as defined in ORS
6 659A.001.

7 (2) A person may not be subjected to discrimination in any public elementary, secondary or
8 community college education program or service, school or interschool activity or in any higher
9 education program or service, school or interschool activity where the program, service, school or
10 activity is financed in whole or in part by moneys appropriated by the Legislative Assembly.

11 (3) The State Board of Education and the Higher Education Coordinating Commission shall es-
12 tablish rules necessary to ensure compliance with subsection (2) of this section in the manner re-
13 quired by ORS chapter 183.

14 15 **MODEL POLICIES RELATED TO LAW ENFORCEMENT REQUESTS**

16
17 **SECTION 3.** ORS 180.810 is amended to read:

18 180.810. (1) The Attorney General shall publish model policies intended to limit, to the fullest
19 extent possible consistent with state and federal law, immigration enforcement at public schools,
20 public health facilities, courthouses, public shelters and other public facilities operated by a public
21 body.

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

24 **(a) The Attorney General shall consult with the Office of Immigrant and Refugee Ad-**
25 **vancement and with organizations representing school board members and other public**
26 **school professionals.**

27 **(b) In addition to any content of a policy developed under subsection (1) of this section,**
28 **a model policy published for public schools for kindergarten through grade 12 must include:**

29 **(A) A process for verifying the validity of any warrant or court order involving immi-**
30 **gration enforcement;**

31 **(B) A requirement that the superintendent of the school district or the education service**
32 **district, or the superintendent's designee, review and approve any response to a law**
33 **enforcement request involving immigration enforcement;**

34 **(C) A requirement that the superintendent of the school district or the education service**
35 **district, or the superintendent's designee, consult with legal counsel prior to responding to**
36 **any immigration enforcement efforts;**

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

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

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

41 **(A) Adopt policies and implement procedures based on a model policy described in sub-**
42 **sections (1) and (2) of this section;**

43 **(B) Provide copies of policies and procedures adopted under subparagraph (A) of this**
44 **paragraph to the employees of the school district, education service district or public charter**
45 **school; and**

(C) Provide training related to the policies and procedures adopted under subparagraph (A) of this paragraph to the employees of the school district, education service district or public charter school.

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

[(3)] (4) Any entity that contracts with a public body to provide services related to physical or mental health, education or access to justice is encouraged to adopt policies based on the model policies described in subsection (1) of this section.

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

SECTION 4. ORS 185.650 is amended to read:

185.650. (1) There is established within the Department of Human Services the Office of Immigrant and Refugee Advancement for the purpose of operating a statewide immigrant and refugee integration strategy.

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

(a) One staff member who focuses on community partnerships;

(b) One staff member who focuses on data collection and research; and

(c) One staff member who focuses on administrative support for the office.

(3) The office shall:

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

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

(c) Monitor and protect data collected under this subsection and ensure that any data collected and maintained by the office is not disclosed to any person or entity not affiliated with the office;

(d) Track state legislation that impacts immigrant and refugee populations in this state;

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

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

(g) Monitor and, unless prohibited by federal or state law or rule, publish any investments made by the state for the benefit and support of the immigrant and refugee populations;

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

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

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

SECTION 5. ORS 336.187 is amended to read:

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

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

(b) “Law enforcement” does not include a federal immigration authority as that term is defined in ORS 180.805.

[(1)] (2) A public school or school district shall disclose personally identifiable information or other information allowed to be disclosed by the federal Family Educational Rights and Privacy Act from an education record of a student to:

(a) Law enforcement, child protective services and health care professionals in connection with a health or safety emergency if knowledge of the information is necessary to protect the health and safety of the student or other individuals; and

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

[(2)] *As used in this section, a “health or safety emergency” includes, but is not limited to, law enforcement efforts to locate a child who may be a victim of kidnap, abduction or custodial interference and law enforcement or child protective services efforts to respond to a report of child abuse or neglect pursuant to ORS 419B.005 to 419B.050.]*

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

MISCELLANEOUS

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

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