

SB 1538 A STAFF MEASURE SUMMARY

Carrier: Sen. Frederick

Senate Committee On Education

Action Date: 02/10/26

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 4-1-0-0

Yea: 4 - Frederick, Neron Misslin, Sollman, Weber

Nays: 1 - Robinson

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

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 Oregon school districts' instructional programs, requires the Oregon Department of Justice (DOJ) to modify the model policies it has created for school districts, and requires school districts to distribute those model policies to their employees. It takes effect July 1, 2026.

Detailed Summary

- Expands guaranteed enrollment to school districts' instructional programs
- Expands educational antidiscrimination law to include citizenship or immigration status as a protected class, with certain exceptions
- Expands requirements for the DOJ's model policies for public schools responding to immigration enforcement authorities
- Requires all school districts, education service districts, and public charter schools to distribute the DOJ's model policies to their employees
- Excludes immigration enforcement authorities from the requirement that school districts provide students' personally identifiable information to law enforcement in certain health or safety emergencies

ISSUES DISCUSSED:

- Students' experiences
- Nature of immigration enforcement efforts
- Existing model policies published by the DOJ and their applicability in school settings
- Citizenship status and access to publicly funded programs

EFFECT OF AMENDMENT:

The amendment modifies the requirement for admission to district programs to include only instructional programs. It also provides exceptions in cases in which 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 DOJ 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 for students regardless of immigration documentation status. Oregon Revised Statute 180.810 requires the DOJ 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.

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