

A-Engrossed Senate Bill 1538

Ordered by the Senate February 11
Including Senate Amendments dated February 11

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Education)

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 schools how to respond to immigration issues. (Flesch Readability Score: 61.2).

Requires district school boards to admit all students to all schools and **instructional** programs of the school district.

Prohibits discrimination in education related to immigration or citizenship status. **Makes limited exceptions.**

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]* **provide applicable model policies to employees.**

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, 332.405, 336.187, 339.115, 339.133, 340.005 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 instructional 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

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.

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.

(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 health and safety needs of the individual; and

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

(C) "Discrimination" does not include:

(i) An act by a higher education program or service, school or interschool activity taken for the purpose of complying with immigration or citizenship requirements that are:

(I) Imposed under federal law; or

(II) Required under the terms of a grant funded by a source that is not the higher education program, service, school or activity; or

(ii) The charging of an international program fee by a higher education program or service, school or interschool activity.

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

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

(3) The State Board of Education and the Higher Education Coordinating Commission shall establish rules necessary to ensure compliance with subsection (2) of this section in the manner required by ORS chapter 183.

SECTION 3. ORS 332.405 is amended to read:

332.405. (1) The district school board shall provide transportation for pupils or combinations of pupils and other persons to and from school-related activities where required by law or when considered advisable by the board.

(2) The board may furnish board and room for pupils in lieu of transportation when reasonable board and room can be provided at equal or less expense than transportation. The board may also provide board and room in a facility that existed on July 1, 1998, or a replacement facility for that facility, for pupils attending a district school as described in ORS 327.006 (6)(a)(B) or through a power of attorney authorized under ORS 109.056 (2). **Notwithstanding ORS 659.850**, this subsection does not apply to a pupil who attends a district school through a power of attorney and who is a foreign exchange student enrolled in a school under a cultural exchange program.

(3) The transportation costs or expenses for board and room shall be paid from funds available to the district for that purpose.

(4) The district school board may expend district funds to improve or provide for pedestrian facilities off district property if the board finds that the expenditure reduces transportation costs of the district and enhances the safety of pupils going to and from schools of the district.

SECTION 4. ORS 339.133 is amended to read:

339.133. (1) As used in this section:

(a)(A) "Foster care" means substitute care for children placed by the Department of Human Services or a tribal child welfare agency away from their parents and for whom the department or agency has placement and care responsibility, including placements in foster family homes, foster

1 homes of relatives, group homes, emergency shelters, residential facilities, child care institutions and
2 preadoptive homes.

3 (B) "Foster care" does not mean care for children whose parent or guardian voluntarily placed
4 the child outside the child's home with a public or private agency and for whom the child's parent
5 or guardian retains legal guardianship.

6 (b)(A) "Person in parental relationship" means an adult who has physical custody of an indi-
7 vidual or resides in the same household as the individual, interacts with the individual daily, pro-
8 vides the individual with food, clothing, shelter and incidental necessities and provides the
9 individual with necessary care, education and discipline.

10 (B) "Person in parental relationship" does not mean a person with a power of attorney or other
11 written delegation of parental responsibilities if the person does not have other evidence of a par-
12 ental relationship.

13 (c) "School district of origin" means the school district where an individual was a resident be-
14 fore:

15 (A) The individual was placed into foster care; or

16 (B) The foster care placement of the individual changed.

17 (d) "School of origin" means the school that an individual attended before:

18 (A) The individual was placed into foster care; or

19 (B) The foster care placement of the individual changed.

20 (2)(a) Except as provided in subsections (3) to (5) of this section, individuals between the ages
21 of 4 and 18 shall be considered resident for school purposes in the school district in which their
22 parents, their guardians or persons in parental relationship to them reside.

23 (b) Nonemancipated individuals between the ages of 4 and 18 living outside the geographic area
24 of the school district for such reasons as attending college, military service, hospital confinement
25 or employment away from home shall be considered resident in the district in which their parents,
26 their guardians or persons in parental relationship to them reside.

27 (c) Individuals living temporarily in a school district for the primary purpose of attending a
28 district school may not be considered resident in the district in which they are living temporarily,
29 but shall be considered resident in the district in which they, their parents, their guardians or per-
30 sons in parental relationship to them reside.

31 (3) Individuals considered legally emancipated from their parents shall be considered resident
32 in the district in which they actually reside, irrespective of the residence of their parents, their
33 guardians or persons in parental relationship.

34 (4)(a) An individual who is between the ages of 4 and 21 and who is placed in foster care shall
35 be considered a resident of:

36 (A) The school district of origin; or

37 (B) The school district where the individual resides due to placement by the Department of
38 Human Services or a tribal child welfare agency if a juvenile court determines it is not in the best
39 interest of the individual to continue attending the school of origin or any other school in the school
40 district of origin, based on consideration of all factors relating to the individual's best interests.

41 (b) If a juvenile court makes a determination that it is not in the best interest of the individual
42 to continue attending the school of origin, the individual shall be immediately enrolled in a new
43 school, even if the individual is unable to produce records normally required for enrollment.

44 (c) Individuals who are residents of their school district of origin pursuant to paragraph (a)(A)
45 of this subsection shall:

(A) Remain in the individual's school district of origin and, if applicable, the individual's school of origin for the duration of the individual's time in foster care; and

(B) Be provided, free of charge, transportation between the individual's home and the individual's school district of origin or, if applicable, the individual's school of origin.

(d) The Department of Education, the Department of Human Services, tribal child welfare agencies and school districts shall collaborate to ensure that the provisions of this subsection are implemented.

(5)(a) Except as provided in ORS 327.006 (6) and 335.090, an individual whose legal residence is not within the district but who attends school in the district is considered a resident in the district in which the individual attends school if the individual receives written consent from both of the affected district school boards as provided by policies adopted by the boards.

(b) An individual whose legal residence is not within the district but who attends school in the district is considered a resident in the district in which the individual attends school if:

(A) The legal residence of the individual had been in the district in which the individual attends school before a boundary change was made to the district;

(B) The legal residence of the individual is no longer in the district in which the individual attends school because of the boundary change; and

(C) The individual has had the same legal residence and has continuously been enrolled in a school in the district since the boundary change.

(6)(a) **Notwithstanding ORS 659.850**, individuals who are foreign exchange students and who are residing in Oregon in a dormitory operated by a school district are considered to be residents of the school district in which the dormitory is located.

(b) For the purpose of this subsection:

(A) An individual may not be considered to be a foreign exchange student for more than one school year.

(B) An individual may be considered to be a resident of a school district as provided by this subsection only if, for the 2010-2011 school year, the school district had foreign exchange students who would have been considered residents under the provisions of this subsection.

(C) The number of individuals who may be considered residents under the provisions of this subsection may not increase relative to the number who would have been considered residents under the provisions of this subsection for the 2010-2011 school year.

(c) As used in this subsection, "foreign exchange student" means an individual who attends school in Oregon under a cultural exchange program and whose parent, guardian or person in parental relationship resides in another country.

SECTION 5. ORS 340.005 is amended to read:

340.005. For purposes of ORS 340.005 to 340.090:

(1) "Accelerated college credit program" has the meaning given that term by rules adopted by the State Board of Education.

(2) "At-risk student" means:

(a) A student who qualifies for a free or reduced lunch program; or

(b) An at-risk student as defined by rules adopted by the board if the board has adopted rules to define an at-risk student.

(3) "Duplicate course" means a course with a scope that is identical to the scope of another course.

(4)(a) "Eligible post-secondary course" means any nonsectarian course or program offered

through an eligible post-secondary institution if the course or program may lead to high school completion, a certificate, professional certification, associate degree or baccalaureate degree.

(b) “Eligible post-secondary course” does not include a duplicate course offered at the student’s resident school.

(c) “Eligible post-secondary course” includes:

(A) Academic courses;

(B) Career and technical education courses; and

(C) Distance education courses.

(5) “Eligible post-secondary institution” means:

(a) A community college;

(b) A public university listed in ORS 352.002; and

(c) The Oregon Health and Science University.

[(6)(a)] (6) “Eligible student” means a student who is enrolled in an Oregon public school and who:

[(A)] (a) Is 16 years of age or older at the time of enrollment in a course under the Expanded Options Program;

[(B)(i)] (b)(A) Is in grade 11 or 12 at the time of enrollment in a course under the Expanded Options Program; or

[(ii)] (B) Is not in grade 11 or 12, because the student has not completed the required number of credits, but who has been allowed by the school district to participate in the program;

[(C)] (c) Has developed an educational learning plan as described in ORS 340.025; [and]

[(D)] (d) Has not successfully completed the requirements for a high school diploma as established by ORS 329.451, the State Board of Education and the school district board[.]; and

(e) **Notwithstanding ORS 659.850, is not a foreign exchange student enrolled in a school under a cultural exchange program.**

[(b) “Eligible student” does not include a foreign exchange student enrolled in a school under a cultural exchange program.]

(7) “Expanded Options Program” means the program created under ORS 340.005 to 340.090.

(8) “Scope” means depth and breadth of course content as evidenced through a planned course statement including content outline, applicable state content standards where appropriate, course goals and student outcomes.

MODEL POLICIES RELATED TO LAW ENFORCEMENT REQUESTS

SECTION 6. ORS 180.810 is amended to read:

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

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

(a) **The Attorney General shall consult with the Office of Immigrant and Refugee Advancement and with organizations representing school board members and other public school professionals.**

(b) **In addition to any content of a policy developed under subsection (1) of this section,**

1 a model policy published for public schools for kindergarten through grade 12 must include:

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

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

7 (C) Provisions that encourage the superintendent of the school district or the education
8 service district, or the superintendent's designee, to consult with legal counsel of the district
9 or a statewide or regional education organization prior to responding to any immigration
10 enforcement efforts;

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

12 (E) Recommendations for how employees of the school district, education service district
13 or public charter school will respond to immigration enforcement efforts.

14 (3)(a) All school districts, education service districts and public charter schools must
15 provide to the employees of the school district, education service district or public charter
16 school applicable model policies published by the Attorney General under this section.

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

20 [(3)] (4) Any entity that contracts with a public body to provide services related to physical or
21 mental health, education or access to justice is encouraged to adopt policies based on the model
22 policies described in subsection (1) of this section.

23 [(4)] (5) The Attorney General may adopt rules to implement this section.

24 **SECTION 7.** ORS 185.650 is amended to read:

25 185.650. (1) There is established within the Department of Human Services the Office of Immi-
26 grant and Refugee Advancement for the purpose of operating a statewide immigrant and refugee
27 integration strategy.

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

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

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

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

35 (3) The office shall:

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

39 (b) Collect data on immigrant and refugee populations in this state for the purposes of deter-
40 mining the needs of the populations and tracking progress in reducing social, economic and health
41 disparities for the populations;

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

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

45 (e) Ensure that any racial and ethnic impact statements for legislation accurately include the

1 impact to immigrants and refugees in this state who are individuals who are Black, indigenous or
2 other people of color;

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

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

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

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

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

12 **SECTION 8.** ORS 336.187 is amended to read:

13 336.187. (1) **As used in this section:**

14 (a) **“Health or safety emergency” includes law enforcement efforts to locate a child who**
15 **may be a victim of kidnap, abduction or custodial interference and law enforcement or child**
16 **protective services efforts to respond to a report of child abuse or neglect pursuant to ORS**
17 **419B.005 to 419B.050.**

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

20 [(1)] (2) A public school or school district shall disclose personally identifiable information or
21 other information allowed to be disclosed by the federal Family Educational Rights and Privacy Act
22 from an education record of a student to:

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

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

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

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

40 41 MISCELLANEOUS

42
43 **SECTION 9.** The unit captions used in this 2026 Act are provided only for the convenience
44 of the reader and do not become part of the statutory law of this state or express any leg-
45 islative intent in the enactment of this 2026 Act.

1 **SECTION 10. This 2026 Act takes effect on July 1, 2026.**

2 _____