Supporting All of Oregon's Students

Guidance for protecting and upholding the rights of immigrant students in Oregon's K-12 public schools
Version 4.0

OREGON DEPARTMENT OF EDUCATION
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The Oregon Department of Education is committed to ensuring all students and their families feel safe, valued, and supported. Oregon is home to approximately 184,000 children from immigrant families, and schools are often on the front lines, witnessing firsthand the effects of heightened immigration enforcement on students and their families. Every student in Oregon deserves the chance to receive a high-quality education, free from discrimination or harassment based on age, color, citizenship status, disability, gender identity, immigration status, marital status, national origin, race, religion, sex, or sexual orientation and without fear of violence, racism, or hatred. It is the responsibility of adults within the system to protect students, recognize their strengths, and teach in ways that allow them to thrive.

Oregon schools must remain compliant with federal and state laws while focusing on our primary responsibility: educating children. Our schools do not play a role in immigration enforcement. This updated toolkit offers a starting point for school districts to help safeguard Oregon students. This guidance is not legal advice, nor should it be relied on as legal advice. Districts may wish to discuss this guidance with their legal counsel.

Purpose of this Guidance

This guidance provides school district staff and leaders with:

- An overview of legal protections for immigrant students
- Recommended procedures for responding to actions and requests for information for purposes of enforcing immigration laws.
- Information and resources to support welcoming environments for all students and to safeguard the rights and privacy of every student and their family.
- Information to ensure that school and district policies and practices uphold the civil rights of immigrant students and comply with Oregon state laws that prohibit the use of state and local resources for immigration enforcement.
- Model policies and procedures for responding to immigration enforcement.

Please note: This guidance is based on the most current information as of October 8, 2026.

Legal Protections

Enrollment and Immigration Information Protections

Schools and districts may not restrict access to educational programs and activities based on a student's immigration status. This can include enrollment policies that may discourage families from enrolling their student.

In 1982, the U.S. Supreme Court determined that states cannot deny students a free public education due to their immigration status. The Court determined that the Equal Protection Clause of the U.S. Constitution applies to undocumented students, and schools are unable to deny students enrollment based on immigration status.[1]

Likewise, Oregon has state-specific laws pertaining to enrollment procedures. Under Oregon law, districts must allow "all persons between the ages of 5 and 19 who reside within the school district" to enroll in public school.[2] Districts may also enroll older students up to age 21 and are required to enroll students with disabilities who need additional support up to age 21.[3]

Districts should ensure that they are enrolling all eligible students in their geographic boundaries, regardless of immigration status, and that enrollment policies/procedures do not preemptively discourage families from enrolling, such as enrollment forms that require social security numbers or a student's place of birth.[4]

Record Laws

Under both federal and state law, students also have privacy protections related to their educational records.

The Family Educational Rights and Privacy Act ("FERPA") protects personally identifiable information (such as place of birth) in students' education records from unauthorized

[1] *Plyler v. Doe*, 457 U.S. 202 (1982)
[2] ORS 339.115(1)
[3] *Id*.
[4] ORS 181A.823(1)(b) prohibits a public body to inquire into or collect information about an individual's country of birth except under limited, specific circumstances.

disclosure.[5] Oregon also has comparable student record laws that prohibit unauthorized disclosure.[6]

Oregon's record laws also contain conditions for disclosure of information to comply with an order or subpoena.[7]

Note: ODE recently revised state student records rules to align with the Oregon Sanctuary Promise Act. To read more about those changes and districts' obligations under student records and sanctuary law, follow this link.

Oregon's Sanctuary Promise Law

It is against Oregon law for public agencies (including school districts) in the state of Oregon to participate in immigration enforcement without a warrant, order, or subpoena issued by a court. In general, requests made by federal immigration authorities[8] to state and local law enforcement and government agencies regarding immigration enforcement must be documented, reported, and denied.

The term "sanctuary" might be perceived as protection from deportation, and it is important to communicate the limitations of the law. **Federal immigration authorities like ICE can and do operate in Oregon. Oregon's sanctuary laws do not stop deportations or federal prosecutions for immigration-related crimes in Oregon.**

[5] 20 U.S.C. § 1232g
[6] OAR 581-021-0220, OAR 581-021-0330
[7] OAR 581-021-0371
[8] ORS 180.805(1)(a) defines a "federal immigration authority" as "the United States Department of Homeland Security, the United States Immigration and Customs Enforcement, the United States Citizenship and Immigration Services, the United States Customs and Border Protection or a successor agency, any other federal immigration agency or official, or any other entity to which a federal immigration agency delegates or assigns the authority to detect, investigate or enforce violations of immigration law."

How should schools respond if immigration authorities come on campus without a judicial warrant or order?

Do ☑	Don't ⊘
• Stay calm and professional. • Ask: Who is making the request? • What is the request for? • Document time, names, badge numbers, contact information, purpose of visit, and any documentation presented. • Escalate any requests to the principal or designee to coordinate with district leadership and legal counsel. • Report any suspected violations of Oregon's sanctuary laws to the Oregon Criminal Justice Commission Hotline. • Report ICE activity to the Portland Immigrant Rights Coalition hotline.	• Provide access to any part of the building or campus not normally open to the public. • Release any records or provide access to students, staff or school property not authorized by state or federal law. • Allow sharing of student records or information without parent consent or a valid legal order/judicial warrant. • Allow violations of Oregon's Sanctuary laws. • Obstruct or interfere with ICE activities or the agents.

How should schools ensure that students' data is kept private?

School districts should have clear policies and procedures for gathering, handling, and protecting confidential student information. It is essential to ensure that staff members with access to student-level data are trained on FERPA and understand Oregon's sanctuary laws. Staff members should not have access to data for which they do not have a legitimate educational interest. Schools and districts should work with their Student Information System (SIS) vendors to ensure that access to sensitive fields is limited to the minimum necessary staff.

Districts should work with their IT/SIS vendors to remove birthplace-related fields as soon as possible to comply with Oregon law. If immediate removal is not possible, districts may want to consider interim measures, such as making these fields optional and informing families that the information is not required, or entering "N/A." Districts should also consult with their legal counsel to ensure any proposed changes are in compliance with state and federal laws.

Schools and districts must adhere to state rules regarding record retention.[9] If birthplace information is contained in duplicate records (such as paper copies of electronic records), duplicate copies may be securely destroyed in accordance with Oregon public records and retention laws, rules, and guidance.

Do ☑	Don't ⊘
• Accept a variety of documents verifying proof of age. • Establish clear policies and procedures for gathering and handling student information. • Train staff on student privacy laws. • Work with IT/SIS vendors in updating enrollment forms to remove birthplace-related fields. • Provide annual notice to parents in a language they can understand. • Follow record retention rules, and ensure data are not retained longer than necessary.	• Ask about immigration status. • Require information about place of birth. • Collect Social Security numbers. • Retain copies of birth certificates, passports, or other documents related to place of birth/national origin.

What are schools prohibited from doing?

The U.S. Supreme Court has found immigrant students are protected under the Equal Protection Clause of the U.S. Constitution. Any restrictions on their access to educational programs based on their status may not be lawful. *Plyler v. Doe*, 457 U.S. 202 (1982).

Public schools in Oregon may not:

- Deny admission to a student during initial enrollment or at any other time based on a student's citizenship status.
- Treat a student differently to determine residency in the district. Immigration or citizenship status is not relevant to establishing residency in a school district, and

[9] OAR 166-400-0060

inquiring about this status in the context of establishing residency is unnecessary and may have a chilling or discouraging effect on student enrollment.

- Require students or parent(s)/guardian(s) to disclose or document their place of birth or immigration status.
- Require students to provide social security numbers or birth certificates.
- Make inquiries of students or parent(s)/guardian(s) that may expose their undocumented status.
- Participate or aid, directly or indirectly, in immigration enforcement activities without a judicial warrant, order, or subpoena.
- Specifically, unless required by a court order or a warrant authorized by a court, an educational agency may not disclose, for the purpose of enforcement of federal immigration laws, any of the following:[10]
    - The student's address;
    - The student's workplace or hours of work;
    - The student's school or school hours;
    - The student's contact information, including phone number, email, or social media accounts;
    - The identity of known associates or relatives of the student;
    - The date, time, or location of the student's hearings, proceedings, or appointments with the educational agency or institution that are not matters of public record;
    - The student's citizenship or immigration status; or
    - Information as described above with respect to known relatives or associates of the student.

Steps for Districts and Schools

What Can District Leaders do?

- Review relevant policies, procedures, and practices to ensure compliance with state and federal law. This includes student enrollment practices, release of student records, school and vicinity access by law and immigration enforcement and other visitors, and trauma-informed protocols—all essential for creating a welcoming and inclusive environment that supports student learning.

[10] ORS 180.805(2); OAR 581-021-0371(1)

- Ensure safety protocols provide clear guidance for school events that take place outside of the school day and at off campus locations.
- Review the Oregon Department of Justice Sanctuary promise website.
- Review federal guidance on Information on the Rights of All Children to Enroll in School and FERPA.
- Determine whether to provide district employees, including both administration and school-level staff, with the necessary training to align with FERPA in protecting student data and adhering to Oregon Sanctuary promise laws.
- Communicate multilingually to students, families, employees, and communities about rights, policies, and practices and Oregon's commitment to providing all students with a high-quality public education regardless of national origin, immigration status, or documentation status. Consider multiple modes of communication (audio, video, translated, written).
- Consult with local and state community partners to develop, implement, and/or strengthen comprehensive networks of support for immigrant students and families.
- Direct school and district staff to report ICE activity to the Portland Immigrant Rights Coalition hotline.
- Report any suspected violations of Oregon's sanctuary laws: Reporting Sanctuary Promise Violations to the Hotline - Oregon Department of Justice.
- Consult with district legal counsel.
- Ensure all necessary employees have been trained, and appropriate policies adopted, under HB 4079/SB 1538 (2026)

What Can Building Administrators Do?

In the simplest terms, ensure that every child and family feel welcome at your school. Building administrators help set the tone and contribute to the school climate. Recommendations for building administrators to support their students specifically related to immigration status are listed below:

- Review and communicate district procedures and policies.
- Ensure that building staff understand the policies and requirements of the district. In addition to technical or procedural trainings, consider training on how to provide a welcoming and safe environment by using recommended communication protocols when talking to families about attendance, academics, and social and emotional needs.
- Ensure registration documents do not include questions about place of birth, immigration status, or social security numbers, and that families are told they can opt out of sharing directory information.
- Ensure family and emergency contact information is up-to-date for school use.

- Provide meaningful communication with parent(s)/guardian(s) in a language they understand regarding school and district policies, programs, services, and activities.
- Communicate to families about their rights (regardless of immigration status), connect families with community and legal resources, and help families to develop preparation plans that include delegation of parental powers.
- Coordinate with school staff to work with immigrant families to develop plans for children's care in the event they are detained, deported, or otherwise unavailable for any period of time.
- Schools should be flexible and work with families to reduce interruptions in learning and support attendance. Oregon law[11] allows excused absences for illness (including mental or behavioral health), emergencies, and other pre-arranged reasons, and allows school leaders to make local determinations about excused absences.
- Provide guidance and support to families who may be considering temporary or extended moves outside of Oregon. Ensure families have access to report cards, transcripts, and other essential educational and health documents to support educational transitions.
- Check in with staff. School staff may be personally impacted by immigration policies and/or experiencing stress, additional workload, and secondary trauma.
- Offer training modules for educators on recognizing signs of trauma specific to migration experiences (e.g., fear of separation, hypervigilance). Integrate restorative practices to help students feel safe.
- Establish resources to provide families with options for social services and legal support.
- Ensure all necessary employees have been trained, and appropriate policies adopted, under HB 4079/SB 1538 (2026)

What Can School Staff Do?

School staff play a critical role in helping students feel safe and welcome in their school buildings. It is important that all staff understand their responsibilities when supporting immigrant students. Front office staff, registrars, school nutrition staff, teachers, maintenance staff, librarians, instructional assistants, school nurses, counselors, and social workers all contribute to ensuring the safety and support of students in their school. The following recommendations are geared toward school staff actions:

- Communicate with families affirming school and district support for immigrant students and families.
- Enroll all students, regardless of immigration or citizenship status, in a timely manner.

[11] ORS 339.065

- Collect only data and records required for enrollment purposes and necessary for a student to receive educational services, in compliance with state and federal law.
- Comply with FERPA and do not share protected Personally Identifiable Information (PII) for non-educational purposes without appropriate authorization or in any manner that violates state or federal law.
- Ensure family and emergency contact information is up-to-date for school use.
- Communicate to families about their rights and let them know they may opt out of sharing directory information.
- Help families to prepare for educational transitions, which may include gathering educational and health documents, document translation, and working with local consulates who can advise on requirements.
- Provide families with a list of community resources to support families in their preparedness plans.
- Utilize trauma-informed practices, including:
    - Consistency
    - Transparency
    - Providing opportunities for choice
- ∉ Engaging in meaningful interactions with peers
    - Creating physical safety in classroom environments
- Ensure they are familiar with any immigration enforcement policies that their school, district, or ESD has adopted

Frequently Asked Questions

Below are some frequently asked questions about school roles, intersections with other federal laws, and procedural requirements.

<u>School Board Authority:</u>

Question: *Can my school board fire me for upholding Oregon's sanctuary promise laws?*
Answer: Generally, no.[12] Oregon's sanctuary promise laws do not prohibit or interfere with federal immigration enforcement activities. Upholding state law is not itself a violation of federal law, and teachers who comply with both state and federal law cannot be fired for upholding state law. Teachers with specific questions should consult with an attorney about their rights and obligations.

[12] ORS 342.865(1)

Enforcement Authority:

Question: *Can a Federal Executive Order change federal laws?*
Answer: Executive orders cannot override laws, statutes, or implementing rules. Statutes must be passed by Congress and signed by the president. An executive order does not write a new law but may tell a federal agency how to implement a statute.

Question: *How do I know if a subpoena or warrant is legitimate?*
Answer: Remember, an administrative warrant/subpoena is not a judicial order, judicial subpoena, or judicial warrant. Many forms used by ICE look very official, but an ICE form is not a judicial order. An ICE form should identify ICE (or the U.S. Department of Homeland Security) as the issuer of the document and the signature block will not identify the person who signed it as a judge or a magistrate judge. A judicial warrant/subpoena will contain a signature block with a signature by a U.S. judge or magistrate judge.

Oregon Attorney General Model Policy

Pursuant to SB 1538 (2026) the Oregon Attorney General has published Model Policies for schools and districts to provide employees with guidance regarding their responsibilities when interacting with federal immigration authorities engaged in enforcement activities. Questions regarding the Model Policy should be directed to legal counsel.

Additional Resources

School districts may wish to review and consider the following resources, which ODE provides here for informational purposes only.

Oregon's Sanctuary promise Law

- Oregon Department of Justice Sanctuary Community Toolkit and outreach materials/media.
- ORS 180.805(1)(a) defines a federal immigration authority as:
    - United States Department of Homeland Security | U. S. DHS

- United States Immigration and Customs Enforcement | U. S. ICE
- United States Citizenship and Immigration Services | U. S. CIS
- United States Customs and Border Protections or a successor agency | U.S. CBP
- Any other entity or person to which a federal immigration agency gives the authority to detect, investigate, or enforce violations of immigration law.

Resources for Supporting Student Social and Emotional and Mental Health

- Trauma-Informed Care: Understanding and Addressing the Needs of Unaccompanied Children | The National Child Traumatic Stress Network
- The School Counselor and Working with Students Experiencing Issues Surrounding Undocumented Status
- How to Provide Social-Emotional Support for Immigrant Students | Colorín Colorado
- Stress Related to Immigration Status in Students: A Brief Guide for Schools

Data Security and Student Privacy

- FERPA - Protecting Student Privacy - U.S. Department of Education
- How to report a FERPA violation complaint

Resources for Supporting Families

- Safeguarding Oregon Schools: A Toolkit for Schools and School Districts to Protect School Communities Threatened with Immigration Enforcement
- Red Cards (ILRC) and Word versions in additional languages (Hillsboro SD)
- How to use your Red Card (ILRC)
- Conoce tus derechos / Know your rights information in Mesoamerican languages (University of Oregon Language Revitalization Lab)
- School and family resources for supporting student attendance (ODE)
- Latino Network immigration resources (Spanish)
- Protect Your Family Guide/Proteja Su Familia (Oregon Law Center | Latino Network)
- Step-by-Step Family Preparedness Plan | Immigrant Legal Resource Center | ILRC
- Families: know your rights (ILRC)
- Legal Help search tool through ILRC
- Helping Immigrant Families Navigate Migration Decisions and Schooling in a Different Country
- US Dept. Of Education Newcomer Toolkit
- US Dept. Of Education English Learner Toolkit
- Plaza De Nuestra Comunidad Preparedness Resources

Guidance on the Rights of Immigrant Students

- Legal Protections for K-12 English Learner and Immigrant-Background Students (Migration Policy Institute)
- Dear Colleague Letter: Resources for Ensuring Equal Access to Education for Immigrant Students (archive)*
- Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts and Parents*
- Protecting Access to Education for Unaccompanied Children: A Resource for Families and Educators*
- Protecting Access to Education for Migratory Children: A Resource for Families and Educators

*This document has been formally rescinded by the U.S. Department of Education and is provided for reference.

Resources from National Partners/Organizations

- Protecting Undocumented and Vulnerable Students (Stanford Law)
- Immigration and Customs Enforcement in Schools (Council of Parent Attorneys and Advocates)
- Guidance on Immigration Issues (National Education Association)
- Addressing Questions about Immigration Enforcement and Schools (Colorin Colorado)
- Making Students and Families Feel Welcome | Colorín Colorado (Colorin Colorado)

Resources from Oregon Districts

2025 Oregon School Board Resolutions

- Bend-La Pine Schools
- David Douglas School District
- Eugene School District 4J
- Portland Public Schools
- Reynolds School District

District Websites and Resources

- Salem-Keizer Public Schools Position on Immigration Action in Schools
- David Douglas School District- Immigration Resources
- Hillsboro School District website Safe and Welcoming Schools
- Ontario School District Equity and Inclusion guidance, policy, and resources
- Reynolds School District ¿Sabes Que? Did You Know? Podcast Episode 25 Latino Network Know Your Rights
- Portland Public Schools Supporting Immigrant & Refugee Students & Families district policy and resources
- Silver Falls website: SFSD Immigration Rights Information – Silver Falls School District
- Hillsboro School District Safe and Welcoming Schools bilingual videos, resources for immigration and safe schools
- Gresham-Barlow School District Immigration Resources
- Beaverton School District
    - Website/language page Supporting Immigrant & Refugee Students & Families
    - Bilingual infographics on protocols for handling requests for student/family information
        - Law Enforcement Requests for Student/Family Information
        - Solicitudes de información sobre estudiantes / familias por parte de las agencias externas

Important note: *This guide is not legal advice. Local educational agency management is encouraged to consult with its attorneys when formulating its own policies and practices—and in addressing any questions—regarding the issues covered in this guide.*