



Oregon Public Education and Immigration Enforcement FAQ

Rev. 12/15/2025

What are Oregon's Sanctuary laws?

"As a sanctuary state since 1987, Oregon stands for the safety, dignity and human rights of all Oregonians. Oregon was the first state in the nation to pass a statewide law stopping state and local police and government from helping federal authorities with immigration enforcement."

- Oregon Department of Justice, Sanctuary Promise

Oregon's sanctuary laws are codified under ORS 180.805, 180.810, and 181A.820 to 181A.829. The laws are very specific and grant certain exceptions depending on the government agency involved and the exact situation of the targeted person.

Are schools required to share information with and/or assist immigration officials in the enforcement of immigration law?

Under Oregon's sanctuary laws, public schools in the state of Oregon **may not** provide information or assistance to immigration officials in the enforcement of federal civil immigration law, except:

1. As may be required by a judicial warrant or subpoena issued as part of a court proceeding; or
2. To the extent that the requested information is available to the general public.

If you receive a request for student information from Immigration & Customs Enforcement ("ICE"), notify your school's legal counsel immediately. Do not disclose information or documents unless instructed to do so by your school's legal counsel. See Board Policy KBA, Public Records Request and associated administrative regulation.

Are there any other laws that protect student information?

Yes. Both federal law (FERPA) and Oregon state law protect the privacy of student education records and prohibit the disclosure of personally identifiable information without obtaining prior written parental consent.

See 34 CFR Part 99
OAR 581-021-0265; OAR 281-021-0330
ORS 336.184-187

What if law enforcement (including immigration officials) request access to a student at school?

If law enforcement arrives at a school building to question a student, school staff should handle this situation the same as any other visit from law enforcement.

This generally includes following district procedures regarding what documentation is required of law enforcement, when access will be granted, what notification is provided to parents, and whether an administrator should be present during the meeting between law enforcement and the student. See Board Policy KN, Relationship with Law Enforcement and associated administrative regulations.

If you believe the request to speak to the student is for the purposes of enforcing federal civil immigration law, notify your school's legal counsel immediately.

What should a district/school board do if they are approached by one or more of their unions and asked to agree to immigration-related requests?

School districts and boards want to support students, families and staff in times of crisis. When making decisions about how best to protect and reassure their communities, school leaders must be mindful of following state and federal laws, including those that govern the collective bargaining process. A district should consult with its designated general counsel and labor counsel before responding to local union requests.

The district's designated general counsel and labor counsel should review joint statements with a union before they are released. A district should not agree to anything that violates the law. For example, districts cannot agree to employ individuals who are not authorized to work in the United States.

However well-intentioned, a district should use caution when trying to make guarantees of safety for students and staff. We know district leaders do their best to create safe and welcoming spaces for all staff and students, but a school district is unable to guarantee absolute safety on public-school property. A district also cannot regulate the activities of other agencies or community members that take place off district property.

A district can distribute information about immigration-related resources, but it is not required to do so. The district should carefully vet any resources it distributes to make sure they meet legal standards and fit district values.

What is the school board's role in addressing issues related to immigration enforcement on school property and at school sponsored events?

School districts likely already have policies in place that will guide staff in addressing immigration-related issues in the school community. The school board is responsible for ensuring that important board-adopted policies are current and meet the needs of the district.

In the context of immigration, a school board should review the following OSBA sample policies to make sure they have the most current version in place:

- KN/AR - Relations with Law Enforcement Agencies (highly recommended, policy last updated 5/2017, AR(1) last updated 6/2018, AR(2) last updated 9/2017)
- JFG/AR - Student Searches (required, last updated 2/2015)

- JO/IGBAB/AR - Education Records/Records of Students with Disabilities (required, policy last updated 7/2017, AR last updated 8/2025)
- JOB - Personally Identifiable Information (required, last updated 7/2017)
- JOA - Directory Information (required, last updated 8/2025)
- AC/AR - Non-Discrimination and Civil Rights (required, policy last updated 11/2024, AR last updated 3/2023)
- JECA - Admission of Resident Students (highly recommended, last updated 11/2024)
- JEBA/AR - Early Entrance (conditionally required, policy last updated 4/2021, AR last updated 4/2021)
- JHFE/GBNAB - Suspected Abuse of a Child Reporting Requirements (addressing child abuse investigations conducted on district property) (required, policy last updated 4/2024, AR(1) last updated 04/2024, AR(2) last updated 10/2021)

The school board is also responsible for directly supervising, managing and supporting the school superintendent or charter director. This responsibility includes coaching and professional development opportunities. If a board is concerned about how the superintendent, charter director or other school staff are supporting the school community with immigration-related matters, the school board should schedule an executive session with the superintendent or charter director, citing to ORS 192.660(2)(b) or (2)(i). Prior to using ORS 192.660(2)(b) or (i) for executive session, notice must be provided to the superintendent or charter director in accordance with OAR 199-040-0030. School boards should review the employment contract and consult with legal counsel when scheduling an executive session.

It is not advisable for a school board to openly criticize their superintendent's or charter director's handling of a matter such as immigration-related issues in an open public meeting without having first attempted to address the concern in a private conversation. The school board may not have all the relevant information needed, or additional coaching or professional development could help the superintendent or charter director achieve the desired performance expectations. It is important for a school board and superintendent to have unified messaging on important matters like immigration, and that requires strong communication practices.

What is the superintendent's or charter director's role related to immigration enforcement on school property and at school-sponsored events?

Superintendents and charter directors should regularly update the school board on the variety of matters going on in the schools, including staff actions to address immigration-related concerns in the school community.

Superintendents and charter directors should review applicable board-adopted policies and determine whether revisions are needed. If revisions are needed, superintendents and charter directors should follow the usual process when asking the school board to adopt or revise policies. Superintendents and charter directors can contact OSBA's Policy Services department for sample policies.

Superintendents and charter directors should ensure their staff understand the policies and procedures that may apply to their work. Superintendents and charter directors may need to re-evaluate existing procedures, create new procedures, provide training to staff and communicate with the community regarding immigration issues to keep everyone on the same page and in line with student-focused values.

What if I believe there's been a violation of Oregon's sanctuary laws?

If you believe Oregon's sanctuary laws are being violated by a state or local police officer, state trooper, sheriff's deputy, or government worker, either during their employment time or off duty time, you can report the suspected violation to the Sanctuary Promise Hotline (1-844-924-STAY). If you report a suspected violation, your name and identifying information will not be made public by Oregon Department of Justice ("ODOJ"), unless the ODOJ is subpoenaed and compelled by a court order to release investigation information.

See [Sanctuary Promise Violations Hotline](#)

Does immigration status impact a student's right to education?

No. Schools have a legal obligation to educate every child between the ages of 5 through 19 who has not completed the 12th grade, regardless of their immigration status or their parents' immigration status.

*In some situations, students over the age of 19 may be entitled to continued access to free and appropriate public education. For more information, please contact your school's legal counsel.

Plyler v. Doe, 457 U.S. 202 (1982)
ORS 339.115

See JEC policy series for information and procedures for admission in your district.

Are schools required to ask about a student's immigration status when they enroll?

No. Public schools are not required to ask about a student's immigration status when they enroll and/or maintain any records about student or family immigration status. Public schools are obligated to enroll students regardless of their immigration status and without discrimination on the basis of race, color or national origin.

In the event school staff becomes aware that a student's parents have been detained, but the student has not, what steps should be taken?

If any school staff member becomes aware that a student's parents have been detained, they should notify the administration immediately to determine the student's living situation. If the student has no legal guardian and there is no paperwork delegating parental responsibility, the school should contact DHS immediately. For additional information, please contact your school's legal counsel.

Should our school board adopt a "Sanctuary" resolution?

Many school boards have discussed whether to adopt resolutions specifically related to students' immigration status. Adoption of a specific resolution is not necessary,

For OSBA member legal questions: PACE Legal Services
Ph | 503-485-4800
Email | pacelegal@osba.org

For OSBA member policy questions: OSBA Policy Services
Email slewis@osba.org

Please be advised that OSBA staff cannot answer legal or policy questions from members of the public. OSBA services are solely available to OSBA members.

This is a rapidly developing area, and this information may be subject to change. OSBA is monitoring developments to ensure that this information is kept as up to date as possible.

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but also not prohibited. School boards interested in adopting a resolution should work with the school's legal counsel.

Schools may also consider creating an effective communication plan to make sure everyone knows the school's intent to comply with Oregon's Sanctuary State requirements.

What should be included in a Communication Plan?

If a school chooses to create a communication plan, it should establish the school will: (1) follow the law, (2) implement its policies and procedures to ensure all students receive an education and (3) comply (when required) to legally authorized federal and state authorities. In addition, the communication plan should provide detailed information on relevant board policies and procedures for communicating with the school about concerns or complaints and the process the school will use to resolve issues when appropriate.

When people understand what the process is or how something is going to be handled, anxiety is reduced, and people feel more confident. A communication plan could involve communication through a letter, a frequently asked questions document or face-to-face meetings with board members or district staff.

How does the Department of Homeland Security's withdrawal of the policy limiting immigration enforcement activities at "sensitive locations" impact Oregon's sanctuary law?

On January 21, 2025, the Acting Director of DHS withdrew the policy limiting immigration enforcement activities at "sensitive locations" such as schools.

This action by DHS does not impact Oregon's sanctuary law and Oregon public schools should continue to follow Oregon's sanctuary law.

Are there any resources we can share with our community?

In addition to the resources listed below, the Oregon Department of Justice's Civil Rights Unit Sanctuary Promise Community Toolkit is a free, online resource for those seeking to understand Oregon's sanctuary laws:

[Civil Rights Unit Sanctuary Promise Community Toolkit](#)

Additional Resources:

- [Oregon Department of Justice: Sanctuary Promise](#)
- [Oregon Sanctuary Law, ORS 181A.820](#)
- [Oregon Student Information Protection Act, ORS 336.184-187](#)
- [Supporting All of Oregon's Students: Guidance for protecting and upholding the rights of immigrant students in Oregon's K-12 public schools](#)
- [NSBA 2025 Immigration Guide](#)
- [Resource Links for Supporting Students During Challenging Times](#)
- [Oregon Department of Human Services : Office of Immigrant and Refugee Advancement : About Us : State of Oregon](#)

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