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EDUCATION

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Oregon Public Education and Immigration Enforcement FAQ

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 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.

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.

This resource is intended for educational purposes only. Any information contained in this resource is not legal advice and is not intended to be interpreted as legal advice. For advice on any specific questions, please contact your general counsel or PACE Legal at pacelegal@osba.org.

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.

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.

[Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts and Parents](#)

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, 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.

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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.

Additional Resources:

[Oregon Department of Justice: Sanctuary Promise](#)

Oregon Sanctuary Law, [ORS 181A.820](#)

Oregon Student Information Protection Act, [ORS 336.184-187](#)

[Dear Colleague Letter: Resources for Ensuring Equal Access to Education for Immigrant Students](#)

[Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts and Parents](#)

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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