

Supporting All of Oregon's Students

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

Version 2.0



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 race, color, religion, gender identity, sex, sexual orientation, disability, or national origin, 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 June 16, 2025.

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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.

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.*

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disclosure.⁴ Oregon also has comparable student record laws that prohibit unauthorized disclosure.⁵

Oregon's record laws also contain conditions for disclosure of information to comply with a judicial order or subpoena.

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 authorities⁶ 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.**

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?	Provide access to any part of the building or campus not normally

⁴ 20 U.S.C. § 1232g

⁵ OAR 581-021-0220, Oar 581-021-0665

⁶ 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."

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Do 	Don't 
• What is the request for? • Document 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.	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.

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.⁷ 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.

⁷ OAR 166-400-0060

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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 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.

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- Specifically, unless required by a court order or a warrant authorized by a court, an educational agency may not disclose, for the purpose of federal immigration laws, any of the following:⁸
 - 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.
- 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

⁸ OAR 581-021-0371(1)

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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.
- 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.

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. Oregon law⁹ 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.
- Check in with staff. School staff may be personally impacted by immigration policies

⁹ ORS 339.065

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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.

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.
- 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.
- 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

Frequently Asked Questions

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

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School Board Authority:

Question: *Can my school board fire me for upholding Oregon's sanctuary promise laws?*

Answer: Generally, no.¹⁰ 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.

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.

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¹⁰ ORS 342.865(1)

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Model Policy and Procedure

Purpose:

This policy explains what school employees should do if, in the course of their work, they encounter federal officials enforcing federal immigration law. School/District/ESD may adapt this model policy to best fit their institution's needs.

Audience:

All school, district, and ESD employees should be aware of this policy and should consult it as necessary if they encounter federal immigration authorities. [School/District/ESD] has designated [Name or position title and contact information] as a resource for employees who may have questions about this policy.

Policy:

Schools/districts/ESDs are not tasked with enforcing federal immigration law. Federal immigration authorities do not have unfettered authority to access school facilities, information, or records. The steps in this policy are designed to help ensure interactions are handled appropriately.

1. Ask the federal immigration authorities to identify themselves. School staff will request and verify identification.
2. School staff will request to copy or photograph the authority's identifying credentials.
3. School staff will ask immigration authorities about the purpose of the encounter.
4. If immigration authorities request access to areas not publicly accessible, staff will inquire whether the access has been authorized by a judicial order, judicial subpoena, or judicial warrant.
 - a. If so, staff will request to copy or photograph the order before granting access and immediately call the superintendent's office for guidance.
 - b. If immigration officials have provided a judicial warrant, school staff must

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- comply and officials must be allowed to enter as authorized by the judicial warrant. Staff should document the encounter as soon as possible and immediately contact the superintendent's office.
6. If the immigration authority does not present a judicial order, judicial subpoena, or judicial warrant, staff will decline to provide information or access and will immediately call the superintendent's office for guidance.
 - a. If an immigration authority claims to have emergency authority, or otherwise enters the school without consent, school staff should document the interaction and contact the superintendent's office immediately, but should not try to physically stop them. School staff should announce the presence of immigration authorities via the PA system using a predetermined designated term.
 - b. If a public school or school district receives a communication or request from a federal agency that relates to immigration enforcement without a warrant or subpoena, the school or district must decline the request, document the communication or request, and report back to the Oregon Criminal Justice Commission.
 7. Absent an arrest warrant, immigration authorities do not have the authority to remove a student from school.
 - a. If the intent of the visit is to remove a student, staff should immediately contact the superintendent's office for guidance before allowing access to the student.
 8. If immigration enforcement attempts to make contact with school staff for any purpose, staff will immediately report to the superintendent's office.
 9. After immigration officials make any requests of school employees, staff should document everything they can remember about the request, inform their supervisor, and the supervisor should contact the superintendent. The superintendent should work with the district's attorney on next steps. School staff should contact the parents/guardians of any student who was subject to the request to inform them, unless a court order prevents that contact.

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 [Resources/Videos](#)
- [ORS 180.805\(1\)\(a\)](#) defines a federal immigration authority as:
 - United States Department of Homeland Security | U. S. DHS

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- 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 Students 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](#)
- [ODE guidance on Student Records and Policy](#)
- [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 \(ILRC\)](#)
- [Family resources for supporting student attendance and engagement \(ODE\)](#)
- [Latino Network immigration resources \(Spanish\)](#)
- Oregon Law Center [Protect Your Family Guidance / Proteja Su Familia](#)
- [Step-by-Step Family Preparedness Plan | Immigrant Legal Resource Center | ILRC](#)
- [Families: know your rights \(ILRC\)](#)
- [Legal Help search tool through ILRC](#)
- [US Dept. Of Education Newcomer Toolkit](#)
- [US Dept. Of Education English Learner Toolkit](#)
- Plaza De Nuestra Comunidad [Resources](#)

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Guidance on the Rights of Immigrant Students

- [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 \(archive\)](#)
- [Fact Sheet: Information on the Rights of all Children who Enroll in School \(archive\)](#)

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

- [David Douglas School District](#)
- [Eugene School District 4J](#)
- [Portland Public Schools](#)
- [Reynolds School District](#)

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District Websites and Resources

- [Salem-Keizer Public Schools Position on Immigration Action in Schools](#)
- Hillsboro School District website [Safe and Welcoming Schools](#)
- Reynolds School District ¿Sabes Que? Did You Know? Podcast [Episode 25 Latino Network Know Your Rights](#)
- 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.*