

B-Engrossed House Bill 2800

Ordered by the House June 21
Including House Amendments dated April 13 and June 21

Sponsored by Representatives CLEM, KOTEK; Representatives BARNHART, BOONE, DEMBROW, FREDERICK, GARRETT, HOLVEY, KOMP, MATTHEWS, READ, SCHAUFLEER, J SMITH, Senator EDWARDS (Pre-session filed.)

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.

Directs Department of Education to award grants to school districts for reimbursement of costs incurred in purchasing Oregon food products that meet certain criteria and for funding food-based, agriculture-based and garden-based educational activities.

[Allocates moneys from Administrative Services Economic Development Fund to State Department of Agriculture for purpose of awarding grants.]

Appropriates moneys from General Fund to Department of Education for purpose of awarding grants.

Declares emergency, effective July 1, 2011.

A BILL FOR AN ACT

1
2 Relating to Oregon Farm-to-School and School Garden Program; creating new provisions;
3 amending ORS 336.426; appropriating money; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 336.426 is amended to read:

6 336.426. (1) The Department of Education shall establish the Oregon Farm-to-School and School
7 Garden Program. Through the program, the department shall:

8 (a) Assist school districts that participate in the United States Department of Agriculture's
9 National School Lunch Program or School Breakfast Program in *[utilizing]* **using** Oregon food pro-
10 ducts and produce from school gardens;

11 (b) Promote *[food-]* **food-based, agriculture-based** and garden-based educational activities in
12 school districts *[that participate in the United States Department of Agriculture's National School*
13 *Lunch Program or School Breakfast Program]*;

14 (c) Provide information to school districts on how farm-to-school and school garden projects may
15 help implement wellness policies mandated by the United States Department of Agriculture;

16 (d) Assist school districts in incorporating farm-to-school and school garden projects into
17 wellness policies mandated by the United States Department of Agriculture;

18 (e) Work with the State Department of Agriculture to develop farm-to-school related programs;
19 and

20 (f) Perform other activities necessary to facilitate the success of the Oregon Farm-to-School and
21 School Garden Program.

22 (2) The State Board of Education may adopt any rules necessary for the administration of this
23 section.

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.

1 (3)(a) For the purpose of paying the costs of the Department of Education of administering the
2 Oregon Farm-to-School and School Garden Program, the department may accept contributions of
3 moneys and assistance from any source, public or private, and agree to conditions placed on the
4 moneys not inconsistent with the duties of the department under this section.

5 (b) Any moneys received by the department under this subsection shall be placed in the De-
6 partment of Education Account.

7 **SECTION 2. (1) A school district may apply to the Department of Education for a grant**
8 **to be used by the school district to:**

9 (a) **Reimburse the school district for costs incurred by the school district to purchase**
10 **Oregon food products described in subsection (3) of this section; and**

11 (b) **Fund food-based, agriculture-based and garden-based educational activities in school**
12 **districts.**

13 (2) **For a grant received under this section:**

14 (a) **87.5 percent of the moneys of the grant must be used for reimbursements as de-**
15 **scribed in subsection (1)(a) of this section; and**

16 (b) **12.5 percent of the moneys of the grant must be used for the educational activities**
17 **described in subsection (1)(b) of this section.**

18 (3)(a) **For the portion of a grant that is allocated for reimbursements, a school district**
19 **shall be reimbursed for the costs incurred by the school district to purchase Oregon food**
20 **products that were:**

21 (A) **Purchased on or after the date the school district received the moneys for the grant;**

22 (B) **Produced or processed in Oregon; and**

23 (C) **Used in meals that are part of the United States Department of Agriculture's Na-**
24 **tional School Lunch Program.**

25 (b) **For Oregon food products that satisfy the requirements of paragraph (a) of this sub-**
26 **section, reimbursements shall be in an amount that equals the lesser of:**

27 (A) **The amount paid per meal by the school district to purchase the Oregon food product;**
28 **or**

29 (B) **Fifteen cents for every school lunch.**

30 (c) **A school district that receives moneys for reimbursement as provided by paragraph**
31 **(b) of this subsection:**

32 (A) **Must use the moneys to purchase foods produced or processed in Oregon; and**

33 (B) **May not use the moneys to supplant purchases of food products with federal moneys,**
34 **but may use the moneys to pay for the difference in cost between food products that are of**
35 **higher quality and food products that are allowed to be purchased with federal moneys.**

36 (4) **For the portion of a grant that is allocated for educational activities, a school district**
37 **shall use the moneys for costs directly associated with the educational activities, including**
38 **staff time, travel costs and equipment purchased for the activities.**

39 (5) **The Department of Education shall consult with the State Department of Agriculture**
40 **to determine the recipients and amounts of grants awarded under this section. Preference**
41 **shall be given to school districts that:**

42 (a) **Propose farm-to-school projects or school garden projects that:**

43 (A) **Are well designed;**

44 (B) **Incorporate positive changes in food purchasing;**

45 (C) **Promote healthy food activities;**

- 1 **(D) Have clear educational objectives;**
 - 2 **(E) Involve parents or the community; and**
 - 3 **(F) Have high potential for job creation;**
 - 4 **(b) Represent a variety of sizes and geographic locations; and**
 - 5 **(c) Serve a high percentage of children who qualify for free or reduced price school meals**
6 **under the United States Department of Agriculture’s National School Lunch Program.**
 - 7 **(6) The Department of Education must award at least two grants per biennium under this**
8 **section.**
 - 9 **(7) The Department of Education shall consult with the State Department of Agriculture**
10 **to develop rules and standards related to the grants awarded under this section.**
 - 11 **(8) The Department of Education may expend for the administrative costs incurred under**
12 **this section no more than two percent of all moneys received by the department for the**
13 **grant program.**
 - 14 **SECTION 3.** **In addition to and not in lieu of any other appropriation, there is appropri-**
15 **ated to the Department of Education, for the biennium beginning July 1, 2011, out of the**
16 **General Fund, the amount of \$200,000 for the grant program described in section 2 of this**
17 **2011 Act.**
 - 18 **SECTION 4.** **This 2011 Act being necessary for the immediate preservation of the public**
19 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
20 **July 1, 2011.**
 - 21
-