

House Bill 2174

Sponsored by Representative BOONE (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 **as introduced**.

Changes name of Oregon Farm-to-School and School Garden Program to Oregon Food Products Program.

Allows grants awarded to program to be used for fisheries-based educational activities.

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

Declares emergency, effective July 1, 2013.

A BILL FOR AN ACT

1
2 Relating to food in schools; amending ORS 336.426 and 336.431; appropriating money; and declaring
3 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*] **Oregon Food Products 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 using Oregon food products and
10 produce from school gardens;

11 (b) Promote food-based, agriculture-based, [*and*] garden-based **and fisheries-based** educational
12 activities in school districts;

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

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

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

19 (f) **Work with the State Department of Fish and Wildlife to develop educational activities**
20 **related to fisheries; and**

21 [*(f)*] (g) Perform other activities necessary to facilitate the success of the [*Oregon Farm-to-School*
22 *and School Garden Program*] **Oregon Food Products Program**.

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

25 (3)(a) For the purpose of paying the costs of the Department of Education of administering the
26 [*Oregon Farm-to-School and School Garden Program*] **Oregon Food Products Program**, the de-
27 partment may accept contributions of moneys and assistance from any source, public or private, and
28 agree to conditions placed on the moneys not inconsistent with the duties of the department under
29 this 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 (b) Any moneys received by the department under this subsection shall be placed in the De-
2 partment of Education Account.

3 **SECTION 2.** ORS 336.431 is amended to read:

4 336.431. (1) A school district may apply to the Department of Education for a grant to be used
5 by the school district to:

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

8 (b) Fund food-based, agriculture-based, [and] garden-based **and fisheries-based** educational ac-
9 tivities in school districts.

10 (2) For a grant received under this section:

11 (a) 87.5 percent of the moneys of the grant must be used for reimbursements as described in
12 subsection (1)(a) of this section; and

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

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

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

18 (B) Produced or processed in Oregon; and

19 (C) Used in meals that are part of the United States Department of Agriculture's National
20 School Lunch Program.

21 (b) For Oregon food products that satisfy the requirements of paragraph (a) of this subsection,
22 reimbursements shall be in an amount that equals the lesser of:

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

24 (B) Fifteen cents for every school lunch.

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

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

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

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

34 (5) The Department of Education shall consult with the State Department of Agriculture **or the**
35 **State Department of Fish and Wildlife** to determine the recipients and amounts of grants awarded
36 under this section. Preference shall be given to school districts that:

37 (a) Propose farm-to-school projects, [or] school garden projects **or fisheries projects** that:

38 (A) Are well designed;

39 (B) Incorporate positive changes in food purchasing;

40 (C) Promote healthy food activities;

41 (D) Have clear educational objectives;

42 (E) Involve parents or the community; and

43 (F) Have high potential for job creation;

44 (b) Represent a variety of sizes and geographic locations; and

45 (c) Serve a high percentage of children who qualify for free or reduced price school meals under

1 the United States Department of Agriculture's National School Lunch Program.

2 (6) The Department of Education must award at least two grants per biennium under this sec-
3 tion.

4 (7) The Department of Education shall consult with the State Department of Agriculture **and**
5 **the State Department of Fish and Wildlife** to develop rules and standards related to the grants
6 awarded under this section.

7 (8) The Department of Education may expend for the administrative costs incurred under this
8 section no more than two percent of all moneys received by the department for the grant program.

9 **SECTION 3. In addition to and not in lieu of any other appropriation, there is appropri-**
10 **ated to the Department of Education, for the biennium beginning July 1, 2013, out of the**
11 **General Fund, the amount of \$250,000 for the grant program described in ORS 336.431.**

12 **SECTION 4. This 2013 Act being necessary for the immediate preservation of the public**
13 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
14 **on July 1, 2013.**