
MEMORANDUM

Legislative Fiscal Office
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To: *Education Subcommittee*

From: *Krista McDowell, Legislative Fiscal Office*
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Date: May 26, 2015

Subject: *HB 2846*
Work Session Recommendations

HB 2846 - A relates to instructional time. The bill permits up to fifteen minutes of instruction in the classroom, provided when students are consuming breakfast, to be considered instructional time.

The measure previously had a public hearing and work session in the House Committee on Education and was recommended as do pass with amendments and referred to Ways and Means by order of the Speaker.

The measure has a \$128,555 General Fund impact and a \$7,501,092 Non-limited Federal Funds impact in the 2015-17 biennium. Sufficient funding for these costs have already been included in the Child Nutrition Grant-In-Aid budget included in the Co-Chairs' budget framework. Therefore no additional General Fund appropriation is needed for this bill.

Measure

The measure, as amended, is recommended to be moved to the full Committee on Joint Ways and Means.

Motion: Move HB 2846 to the full committee with a “do pass” recommendation.

Assignment of Carriers

Full: _____

1st Chamber: _____

2nd Chamber: _____

FISCAL IMPACT OF PROPOSED LEGISLATION**Measure: HB 2846 - A**Seventy-Eighth Oregon Legislative Assembly – 2015 Regular Session
Legislative Fiscal Office***Only Impacts on Original or Engrossed
Versions are Considered Official***

Prepared by: Krista McDowell
Reviewed by: Doug Wilson
Date: 2/22/2015

Measure Description:

Provides that time spent by students consuming breakfast is considered instructional time in certain circumstances.

Government Unit(s) Affected:

Department of Education, School Districts

Local Government Mandate:

This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

Analysis:

The bill permits up to fifteen minutes of instruction in the classroom, provided when students are consuming breakfast, to be considered instructional time. Based on 2013-14 Oregon 'before the bell' vs. 'after the bell' school breakfast participation rates, a 40% increase in participating schools' breakfast programs is anticipated as a result of moving or extending breakfast services into traditional classroom instruction time. Under ORS 327.535, the Oregon Department of Education (ODE) is required to reimburse qualified school districts for each breakfast provided free of charge to a student who is eligible for a reduced price breakfast. Alternatively there are a larger number of school districts that qualify, under Federal Community Eligibility Provisions, for reimbursed of meals by the federal government.

Districts qualifying for the Federal Community Eligibility Provisions are reimbursed for breakfasts at a rate of \$1.57 per breakfast and these total additional breakfasts are estimated to cost \$7,501,092 NL/FF per biennium. The remaining school districts that are not reimbursed with Federal Funds are reimbursed by ODE at a rate of \$0.30 General Fund (GF) for each reduced price breakfast; these total additional breakfasts are estimated to cost \$128,555 GF per biennium.

ODE staff is anticipated to provide technical assistance to school districts regarding the new requirements of this bill which is a minimal and absorbable cost to the ODE budget. The agency estimates there is sufficient funding for 2015-17 in the Child Nutrition Grant-in-aid budget included in the Co-Chairs' budget framework for the General Fund cost of the program. Therefore no additional General Fund appropriation is needed for this bill.

Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session
STAFF MEASURE SUMMARY
House Committee On Education

MEASURE: HB 2846 A

Fiscal: Fiscal impact issued

Revenue: No Revenue Impact

Action Date: 02/13/15

Action: Do Pass As Amended, Be Printed Engrossed, And Bill Be Referred To Ways And Means.

Meeting Dates: 02/06, 02/13

House

Yeas: 9 - Barreto, Doherty, Frederick, Hack, Wilson, Piluso, Reardon, Sprenger, McLain

Prepared By: Richard Donovan, Committee Administrator

WHAT THE MEASURE DOES:

Provides that 15 minutes spent by students consuming breakfast is considered instructional time in certain circumstances. Declares emergency, effective July 1, 2015.

ISSUES DISCUSSED:

- Measure as representing a “Breakfast after the bell” program
- Ongoing current best practices involving students eating while doing work to start the school day
- Inability of some students to get to the school early to take advantage of nutrition programs
- Benefit of removing stigma associated with eating school food
- Potential cost, in number of days (7-10), that would have to be scheduled to make up for this time

EFFECT OF COMMITTEE AMENDMENT:

Changes “five minutes” to “15 minutes.”

BACKGROUND:

OAR 581-022-1620 mandates that schools offer a minimum number of hours of instruction time annually to students, based upon the grade level of the student: 405 hours for kindergarten; 810 hours for grades 1–3; 900 hours for grades 4–8; and, 990 hours for grades 9–12. ORS 327.535 controls school breakfast programs, including relevant integration with federal law.

House Bill 2846-A allows 15 minutes each morning while students consume breakfast to be counted as instructional time. Many other states—including but not limited to Colorado, Massachusetts, and Washington—have similar “breakfast after the bell” programs, either by law or rule.