

Enrolled House Bill 2846

Sponsored by Representative DOHERTY

CHAPTER

AN ACT

Relating to instructional time; creating new provisions; amending ORS 327.535; and declaring an emergency.

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

SECTION 1. ORS 327.535 is amended to read:

327.535. (1) A school district may make breakfast accessible at any school site and shall make breakfast accessible if required by this section. Time spent by students consuming breakfast is considered instructional time when students consume breakfast in the students' classroom and instruction is being provided while students are consuming breakfast. No more than 15 minutes may be considered instructional time when students are consuming breakfast.

[(1)] (2) Subject to subsections [(2) and] (3) **and** (4) of this section, a school district that provides lunch at any school site shall make breakfast accessible as part of a breakfast program if 25 percent or more of the students at the site are eligible for free or reduced price lunches under the United States Department of Agriculture's current Income Eligibility Guidelines or the school site qualifies for assistance under Chapter I of Title I of the federal Elementary and Secondary Education Act of 1965.

[(2)] (3) A school district that makes breakfast accessible as provided under subsection [(1)] (2) of this section may apply to the State Board of Education for a waiver for all or for particular grade levels if it is financially unable to implement a breakfast program. The state board may grant a waiver to the school district for a period not to exceed two years, after which the school district must reestablish its claim of financial hardship if the waiver is to be extended.

[(3)] (4) If the per meal federal reimbursement for the breakfast program falls below the 1991 reimbursement levels, a school district may elect to discontinue the program until federal funding is restored to those levels. No waiver is required for such election.

[(4)] (5) A school district that makes breakfast accessible at any school site shall make breakfast accessible at that school site at no charge to all students who are eligible for free or reduced price lunches under the United States Department of Agriculture's current Income Eligibility Guidelines. For each breakfast that a school district provides free of charge to a student who is eligible for a reduced price lunch, the Department of Education shall provide reimbursement to the school district for the actual amount that a student would have been required to pay for the reduced price breakfast.

SECTION 2. The amendments to ORS 327.535 by section 1 of this 2015 Act first apply to the 2015-2016 school year.

SECTION 3. This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect July 1, 2015.

Passed by House June 10, 2015

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate June 18, 2015

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Peter Courtney, President of Senate

Received by Governor:

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Approved:

.....M,....., 2015

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2015

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Jeanne P. Atkins, Secretary of State