

# House Bill 2846

Sponsored by Representative DOHERTY

## 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**.

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

Declares emergency, effective July 1, 2015.

## A BILL FOR AN ACT

1  
2 Relating to instructional time; creating new provisions; amending ORS 327.535; and declaring an  
3 emergency.

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

5 **SECTION 1.** ORS 327.535 is amended to read:

6 327.535. (1) **A school district may make breakfast accessible at any school site and shall**  
7 **make breakfast accessible if required by this section. Time spent by students consuming**  
8 **breakfast is considered instructional time when students consume breakfast in the students'**  
9 **classroom and instruction is being provided while students are consuming breakfast. No**  
10 **more than five minutes may be considered instructional time when students are consuming**  
11 **breakfast.**

12 [(1)] (2) Subject to subsections [(2) and] (3) **and (4)** of this section, a school district that provides  
13 lunch at any school site shall make breakfast accessible as part of a breakfast program if 25 percent  
14 or more of the students at the site are eligible for free or reduced price lunches under the United  
15 States Department of Agriculture's current Income Eligibility Guidelines or the school site qualifies  
16 for assistance under Chapter I of Title I of the federal Elementary and Secondary Education Act  
17 of 1965.

18 [(2)] (3) A school district that makes breakfast accessible as provided under subsection [(1)] (2)  
19 of this section may apply to the State Board of Education for a waiver for all or for particular grade  
20 levels if it is financially unable to implement a breakfast program. The state board may grant a  
21 waiver to the school district for a period not to exceed two years, after which the school district  
22 must reestablish its claim of financial hardship if the waiver is to be extended.

23 [(3)] (4) If the per meal federal reimbursement for the breakfast program falls below the 1991  
24 reimbursement levels, a school district may elect to discontinue the program until federal funding  
25 is restored to those levels. No waiver is required for such election.

26 [(4)] (5) A school district that makes breakfast accessible at any school site shall make breakfast  
27 accessible at that school site at no charge to all students who are eligible for free or reduced price  
28 lunches under the United States Department of Agriculture's current Income Eligibility Guidelines.  
29 For each breakfast that a school district provides free of charge to a student who is eligible for a  
30 reduced price lunch, the Department of Education shall provide reimbursement to the school district  
31 for the actual amount that a student would have been required to pay for the reduced price break-

**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 fast.

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

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

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