

House Bill 2761

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**.

Allows school district to seek reimbursement for amounts incurred from providing school meals as required by state law. Establishes School Meal Reimbursement Account for purpose of making reimbursements.

Declares emergency, effective July 1, 2019.

A BILL FOR AN ACT

1
2 Relating to reimbursements for school meals; creating new provisions; amending ORS 327.537; and
3 declaring an emergency.

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

5 **SECTION 1.** ORS 327.537 is amended to read:

6 327.537. (1) A school district that makes meals accessible to students at school sites under the
7 United States Department of Agriculture's National School Lunch Program or School Breakfast
8 Program:

9 (a) Must provide a United States Department of Agriculture reimbursable meal to a student who
10 requests the meal:

11 (A) Unless the student's parent or guardian has provided written permission to the school dis-
12 trict to withhold a meal from the student; and

13 (B) Regardless of whether the student has money to pay for the meal or owes money for meals;
14 and

15 (b) May not require that a student throw away a meal after the meal has been served because
16 of the student's inability to pay for the meal or because money is owed for meals.

17 (2) If a student owes money for five or more meals, a school district shall:

18 (a) Determine if the student has been identified as being categorically eligible for free school
19 meals and can be directly certified without application;

20 (b) If the student has not been identified as described in paragraph (a) of this subsection, make
21 at least two attempts to contact the student's parent or guardian to have the parent or guardian fill
22 out an application to determine if the student is eligible for free or reduced price lunches under the
23 United States Department of Agriculture's current Income Eligibility Guidelines; and

24 (c) If the student is not eligible or the parent or guardian does not fill out an application as
25 described in paragraph (b) of this subsection, make reasonable efforts to contact the parent or
26 guardian and to offer assistance filling out an application, if appropriate.

27 (3) A school district may not:

28 (a) Publicly identify or stigmatize a student who cannot pay for a meal or who owes money for
29 a meal by requiring that the student wear a wristband, hand stamp or other identifying marker or
30 by serving the student an alternative meal; or

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) Require a student who cannot pay for a meal or who owes money for a meal to do chores
2 or other work to pay for meals, unless all other students do similar chores or work regardless of
3 whether money is owed for meals.

4 (4)(a) A school district shall direct communications about amounts owed by a student for meals
5 to the student's parent or guardian and not to the student.

6 (b) Nothing in this subsection prohibits a school district from sending home a letter with a
7 student addressed to the parent or guardian of the student.

8 (5) A school district may not require a parent or guardian to pay fees or costs from collection
9 agencies hired to collect moneys owed for meals.

10 **(6) A school district may seek reimbursement from the School Meal Reimbursement Ac-**
11 **count established under section 3 of this 2019 Act for any amounts incurred by the school**
12 **district for providing meals as required by this section.**

13 **(7) Nothing in this section:**

14 **(a) Relieves a parent or guardian from the obligation of paying the legally accrued costs**
15 **for meals; and**

16 **(b) Allows a parent or guardian to indefinitely accrue costs for meals.**

17 **(8) The State Board of Education may adopt any rules necessary for the administration**
18 **of this section.**

19 **SECTION 2. The amendments to ORS 327.537 by section 1 of this 2019 Act apply to any**
20 **costs incurred by a school district for providing meals under ORS 327.537 on or after the**
21 **effective date of this 2019 Act.**

22 **SECTION 3. (1) The School Meal Reimbursement Account is established in the State**
23 **Treasury, separate and distinct from the General Fund.**

24 **(2) Moneys in the School Meal Reimbursement Account are continuously appropriated to**
25 **the Department of Education for the purpose of reimbursing school districts for costs in-**
26 **curring by providing meals as required under ORS 327.537.**

27 **(3) If insufficient funds are available to the department to make reimbursements as**
28 **provided by this section, the department may reallocate funds that are lawfully available for**
29 **reallocation, request additional appropriations or solicit and accept gifts, grants, donations**
30 **or other funds from public or private sources for the reimbursements.**

31 **SECTION 4. This 2019 Act being necessary for the immediate preservation of the public**
32 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**
33 **July 1, 2019.**

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