

# House Bill 2765

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**.

Requires school district that provides breakfast to make breakfast available after start of school day.

Declares emergency, effective July 1, 2019.

## A BILL FOR AN ACT

1  
2 Relating to school breakfasts; amending ORS 327.535; and declaring an emergency.

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

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

5 327.535. (1) A school district may make breakfast accessible at any school site and shall make  
6 breakfast accessible if required by this section. [*Time spent by students consuming breakfast is con-*  
7 *sidered instructional time when students consume breakfast in the students' classroom and instruction*  
8 *is being provided while students are consuming breakfast. No more than 15 minutes may be considered*  
9 *instructional time when students are consuming breakfast.*]

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

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

20 (4) If the per meal federal reimbursement for the breakfast program falls below the 1991 re-  
21 imbursement levels, a school district may elect to discontinue the program until federal funding is  
22 restored to those levels. No waiver is required for such election.

23 **(5)(a) A school district that makes breakfast accessible at any school site shall make**  
24 **breakfast accessible at that school site after the beginning of the school day.**

25 **(b) Time spent by students consuming breakfast is considered instructional time when**  
26 **students consume breakfast in the students' classroom and instruction is being provided**  
27 **while students are consuming breakfast. No more than 15 minutes may be considered in-**  
28 **structional time when students are consuming breakfast.**

29 [(5)] **(6)** A school district that makes breakfast accessible at any school site shall make breakfast  
30 accessible at that school site at no charge to all students who are eligible for free or reduced price  
31 lunches under the United States Department of Agriculture's current Income Eligibility Guidelines.

**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 For each breakfast that a school district provides free of charge to a student who is eligible for a  
2 reduced price lunch, the Department of Education shall provide reimbursement to the school district  
3 for the actual amount that a student would have been required to pay for the reduced price break-  
4 fast.

5 **SECTION 2. This 2019 Act being necessary for the immediate preservation of the public**  
6 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**  
7 **July 1, 2019.**

8

---