



SB 1520: Technical Fixes to Federal Programs
House Education Committee
February 17, 2020

Chair Doherty and members of the House Education Committee, thank you for allowing the Oregon Department of Education (ODE) to submit testimony in support of SB 1520. My name is Jessica Ventura, Government Relations Manager for ODE.

BACKGROUND

During the 2019 legislative session, HB 3427 passed and created the [Fund for Student Success](#). Once fully implemented, the act is expected to invest \$2 billion in Oregon's early learning and K-12 education each biennium. The funds will be distributed into three accounts: the Early Learning Account, the Student Investment Account, and the Statewide Education Initiatives Account.

The Statewide Education Initiative Account will get up to 30 percent of the money in the Student Success Fund. This will pay for the creation of new programs or expansion of existing programs at the Oregon Department of Education aimed at improving educational opportunities for Oregon students, especially historically underserved student groups. These programs are:

- [High School Success \(M98\)](#)
- Expansion of [Child Nutrition Programs](#)
- [Youth Reengagement Program](#)
- School Safety*
- [African American/Black Student Success](#) Statewide Plan
- [American Indian/Alaska Native Student Success Plan](#)¹
- Accountability and Transparency*
- Latinx Student Success Statewide Plan*
- Professional Learning for Educators*
- ESD support for school districts*
- Summer School for Title I schools*
- Early Indicator and Intervention Systems*
- High Cost Disability Fund
- District Support*

*indicates a new program to be created thanks to SSA

SB 1520

Senate Bill 1520 makes three technical changes to two federal programs in HB 3427 (2019):

- School Breakfast & Lunch Program (Section 26 (1) & Section 30(a))
- Summer School Programs for Title 1 Schools (Section 44)

The first recommended technical fix is to revise the definition of “eligible student” in Section 26 (1) of the School Breakfast & Lunch Program. ODE proposes to replace “student who is eligible for free or reduced price lunches based on USDA current income guidelines” with “student who is eligible under the national school lunch program or school breaks program to receive lunch or breakfast at no charge or reduced price.” As it currently reads, this definition leaves out students who are:

- a) Certified for meal benefits through methods other than income, e.g. Homeless, foster or migrant students, and
- b) Attending schools that use population eligibility to access the National School Lunch Program and School Breakfast Program, e.g. Community Eligibility Provision and Provision 2.

Within these two instances, individual students are not determined eligible for free and reduced price breakfast and lunches by income eligibility guidelines. For Community Eligibility Provision (CEP) and Provision 2, a formula is used to allocate meals into reimbursement categories. An estimated 539 schools who could be CEP-eligible in 2020-2021 school year (207,833) would not be required to implement Breakfast After the Bell under the current definition of “eligible students.”

The second recommended technical fix is to the School Breakfast & Lunch Program, section 30(a) that frames the Expanded Income Guideline Reimbursement program. During rulemaking, community partners and stakeholders asked ODE to propose replacing the current language: “The actual amount that a student would have been required to pay for the breakfast or lunch, taking into consideration if the student qualified for a free or reduced price lunch” with “The reimbursement rate established by the United States Department of Agriculture for reimbursable meals.” The current language is problematic as it will result in different rates of state reimbursement per meal because of different meal prices among grade levels—elementary, middle, and high—and between school districts. Technical stakeholders expressed concern about fairness because school districts could approve high paid meal prices in order to

receive more state reimbursement. In federal regulations the setting of meal prices is a local level decision, preventing a state-set price.

Lastly, HB 3427 (2019) established a new grant for Summer School Programs for Title 1 Schools (Section 44). Currently, the grant program is not set to start till July 1, 2020. This creates barriers for school districts who begin summer school programs as early as May. The proposed change is to move the effective date to May 15, 2020 in order for ODE to provide grants to school districts, particularly rural school districts, that start their summer learning programs earlier in the year.

FISCAL

Minimal fiscal impact as ODE has current staff working on rulemaking and implementing School Breakfast & Lunch Program (Section 26 (1) & Section 30(a)) and Summer School Programs for Title 1 Schools (Section 44).

Respectfully,

Jessica Ventura