

Senate Bill 1520

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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**.

Expands definition of term "eligible student." Modifies school reimbursement rates for purposes of schools that provide free or reduced price meals under National School Lunch Program or School Breakfast Program.

Makes state funding available at earlier date for summer programs at certain schools considered to be high poverty under Title I of federal Elementary and Secondary Education Act of 1965.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to programs that distribute state moneys to public schools receiving federal moneys;
3 amending ORS 327.535 and 327.545 and section 44, chapter 122, Oregon Laws 2019; and declaring
4 an emergency.

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

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

7 327.535. (1) As used in this section, "eligible student" means a student who is eligible for free
8 or reduced price [*lunches*] **meals** under the United States Department of Agriculture's [*current In-*
9 *come Eligibility Guidelines*] **National School Lunch Program or School Breakfast Program.**

10 (2) A school district may make breakfast accessible at any school site and shall make breakfast
11 accessible if required by this section.

12 (3) Subject to subsections (4) and (5) of this section, a school district that provides lunch at any
13 school site shall make breakfast accessible as part of a breakfast program if 25 percent or more of
14 the students at the school site are eligible students or the school site qualifies for assistance under
15 Chapter I of Title I of the federal Elementary and Secondary Education Act of 1965.

16 (4) A school district that makes breakfast accessible as provided under subsection (3) of this
17 section may apply to the Department of Education for a waiver for all or for particular grade levels
18 if the school district is financially unable to implement a breakfast program. The department may
19 grant a waiver to the school district for a period not to exceed two years, after which the school
20 district must reestablish its claim of financial hardship if the waiver is to be extended.

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

24 (6) A school district that makes breakfast accessible at any school site shall make breakfast
25 accessible at that school site at no charge to all eligible students. For each breakfast that a school
26 district provides free of charge to a student who is eligible for a reduced price lunch, the department
27 shall provide reimbursement to the school district for the actual amount that a student would have
28 been required to pay for the reduced price breakfast.

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 (7)(a) Except as provided by subsection (8) of this section, a school district that makes breakfast
 2 accessible at a school site may choose to make breakfast accessible at that school site after the
 3 beginning of the school day.

4 (b) Time spent by students consuming breakfast is considered instructional time when students
 5 consume breakfast in the students' classroom and instruction is being provided while students are
 6 consuming breakfast. No more than 15 minutes may be considered instructional time when students
 7 are consuming breakfast.

8 (8)(a) If 70 percent or more of the students at a school site are eligible students, the school
 9 district must make breakfast accessible at that school site after the beginning of the school day.

10 (b) A school district that is required to make breakfast accessible as prescribed by paragraph
 11 (a) of this subsection must ensure that breakfast is:

12 (A) Accessible to all students after the beginning of the school day, regardless of grade or ar-
 13 rival time; and

14 (B) Provided free of charge to all students, regardless of whether a student is an eligible student.

15 (c) The department shall provide technical assistance to school districts to meet the require-
 16 ments of this subsection. Technical assistance may include the development of breakfast delivery
 17 models.

18 (d) Notwithstanding paragraph (a) of this subsection, if a school district can demonstrate that
 19 70 percent or more of the eligible students at a school site regularly receive breakfast at the school
 20 site without the school district complying with paragraph (a) of this subsection, the school district
 21 is not required to comply with paragraph (a) of this subsection.

22 (9) The State Board of Education may adopt any rules necessary for the implementation of this
 23 section.

24 **SECTION 2.** ORS 327.545 is amended to read:

25 327.545. (1) For school districts with schools that provide United States Department of Agricul-
 26 ture reimbursable meals to students as described in subsections (2) and (3) of this section, the De-
 27 partment of Education shall reimburse the school districts for costs incurred by the school districts
 28 in providing the meals. The amounts of the reimbursements may not exceed the amounts prescribed
 29 by subsections (2) and (3) of this section.

30 (2) For schools that offer reimbursable breakfast and lunch free of charge to all students of the
 31 school based on the school's or school district's categorical eligibility to provide reimbursable
 32 breakfast and lunch free of charge without consideration of individual eligibility for free or reduced
 33 price meals, the amount of reimbursements provided under this section may not exceed the differ-
 34 ence between:

35 (a) The reimbursement rate established by the United States Department of Agriculture for
 36 reimbursable meals; and

37 (b) Any amounts otherwise reimbursed or paid by state, federal or other sources.

38 (3) For schools that are not eligible to offer reimbursable breakfast and lunch free of charge as
 39 described in subsection (2) of this section but that provide reimbursable breakfast or lunch free of
 40 charge to students from households with incomes that do not exceed 300 percent of the federal
 41 poverty guidelines, the amount of reimbursements provided under this section may not exceed the
 42 difference between:

43 *[(a) The actual amount that a student would have been required to pay for the breakfast or lunch,*
 44 *taking into consideration if the student qualified for a free or reduced price lunch; and]*

45 **(a) The reimbursement rate established by the United States Department of Agriculture**

1 **for reimbursable meals; and**

2 (b) Any amounts otherwise reimbursed or paid by state, federal or other sources.

3 (4) The State Board of Education may adopt any rules necessary for making reimbursements
4 under this section.

5 **SECTION 3.** Section 44, chapter 122, Oregon Laws 2019, is amended to read:

6 **Sec. 44.** Notwithstanding [*section 43 of this 2019 Act*] **ORS 327.341**, the Department of Education
7 may not award any grants as provided under [*section 43 of this 2019 Act*] **ORS 327.341** prior to [*July*
8 *1,*] **May 15, 2020.**

9 **SECTION 4. This 2020 Act being necessary for the immediate preservation of the public**
10 **peace, health and safety, an emergency is declared to exist, and this 2020 Act takes effect**
11 **on its passage.**

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