

HOUSE AMENDMENTS TO HOUSE BILL 3435

By COMMITTEE ON EDUCATION

March 20

1 On page 2 of the printed bill, delete lines 10 through 45.

2 On page 3, delete lines 1 through 10 and insert:

3 “**SECTION 1.** ORS 327.531 is amended to read:

4 “327.531. (1)(a) A school or school district that meets the eligibility requirements of the special
5 provisions of the United States Department of Agriculture’s National School Lunch Program or
6 School Breakfast Program may **apply to the Department of Education** to offer reimbursable
7 breakfasts, lunches or both at no charge and without consideration of individual eligibility [*by ap-
8 plying to the Department of Education*].

9 “(b) If the school or school district is approved under paragraph (a) of this subsection, the school
10 or school district must offer breakfasts, lunches or both to all students of the school or school dis-
11 trict at no charge to the student.

12 “(c) For each breakfast or lunch that a school or school district provides at no charge as de-
13 scribed in this subsection, the Department of Education shall provide reimbursement pursuant to
14 ORS 327.545 (2).

15 “(2)(a) If a school or school district does not offer reimbursable breakfasts or lunches as de-
16 scribed in subsection (1) of this section, the school district:

17 “**(A) May require that each school of the school district:**

18 “**(i) Offers lunch at no charge to students.**

19 “**(ii) Offers breakfast at no charge to students.**

20 “**(B) If the school district does not elect to provide breakfast and lunch as described in**
21 **subparagraph (A) of this paragraph,** must ensure that each school of the school district:

22 “[*(A)*] **(i)** Offers lunch at no charge to students from households with incomes that do not exceed
23 300 percent of the federal poverty guidelines.

24 “[*(B)*] **(ii)** Offers breakfast at no charge to students from households with incomes that do not
25 exceed 300 percent of the federal poverty guidelines[, *if breakfast must be offered pursuant to ORS*
26 *327.535*].

27 “(b) For each breakfast or lunch that a school or school district provides at no charge as de-
28 scribed in this subsection, the Department of Education shall provide reimbursement pursuant to
29 ORS 327.545 (3).

30 “(3) Notwithstanding subsections (1) and (2) of this section, a school or school district is not
31 required to provide breakfast or lunch at no charge to students if:

32 “**(a)** The Department of Education has insufficient funds to provide reimbursement pursuant to
33 ORS 327.545 (2) or (3). The State Board of Education shall adopt rules that describe:

34 “[*(a)*] **(A)** The method for determining when the department has insufficient funds;

35 “[*(b)*] **(B)** The content and timing of the notice to be provided to school districts when the de-

1 partment determines that the department has insufficient funds; and

2 “[c] (C) The procedures the school or school district must follow upon receiving notice of in-
3 sufficient funds.

4 “(b) **The Department of Education determines, based on criteria established by the State**
5 **Board of Education by rule, that providing breakfast or lunch at no charge to students would**
6 **create a financial hardship for the school or school district due to changes in federal law**
7 **related to eligibility requirements for providing reimbursable breakfast and lunch at no**
8 **charge to all students without consideration of individual eligibility for free or reduced price**
9 **meals.**

10 “(c) **The school site operates on a schedule that does not include a traditional service**
11 **time for breakfast or lunch, as determined by the Department of Education based on criteria**
12 **established by the State Board of Education by rule.**

13 “(4) **To the greatest extent practicable, the Department of Education shall apply for**
14 **statewide participation in federal programs and projects that expand the availability of free**
15 **or reduced price meals for the students of this state.”.**

16 Delete lines 33 through 45.

17 On page 4, delete lines 1 through 30 and insert:

18 “**SECTION 3.** ORS 327.531, as amended by section 1 of this 2025 Act, is amended to read:

19 “327.531. (1)(a) A school or school district that meets the eligibility requirements of the special
20 provisions of the United States Department of Agriculture’s National School Lunch Program or
21 School Breakfast Program [*may*] **must** apply to the Department of Education to offer reimbursable
22 breakfasts, lunches or both at no charge and without consideration of individual eligibility.

23 “(b) If the school or school district is approved under paragraph (a) of this subsection, the school
24 or school district must offer breakfasts, lunches or both to all students of the school or school dis-
25 trict at no charge to the student.

26 “(c) For each breakfast or lunch that a school or school district provides at no charge as de-
27 scribed in this subsection, the Department of Education shall provide reimbursement pursuant to
28 ORS 327.545 (2).

29 “(2)(a) If a school or school district does not offer reimbursable breakfasts or lunches as de-
30 scribed in subsection (1) of this section, the school district[:]

31 “[*(A) May*] **must** require that each school of the school district:

32 “[*(i)*] **(A)** Offers lunch at no charge to students.

33 “[*(ii)*] **(B)** Offers breakfast at no charge to students.

34 “[*(B) If the school district does not elect to provide breakfast and lunch as described in subpara-*
35 *graph (A) of this paragraph, must ensure that each school of the school district:]*

36 “[*(i) Offers lunch at no charge to students from households with incomes that do not exceed 300*
37 *percent of the federal poverty guidelines.]*

38 “[*(ii) Offers breakfast at no charge to students from households with incomes that do not exceed*
39 *300 percent of the federal poverty guidelines, if breakfast must be offered pursuant to ORS 327.535.]*

40 “(b) For each breakfast or lunch that a school or school district provides at no charge as de-
41 scribed in this subsection, the Department of Education shall provide reimbursement pursuant to
42 ORS 327.545 (3).

43 “(3) Notwithstanding subsections (1) and (2) of this section, a school or school district is not
44 required to provide breakfast or lunch at no charge to students if:

45 “(a) The Department of Education has insufficient funds to provide reimbursement pursuant to

1 ORS 327.545 (2) or (3). The State Board of Education shall adopt rules that describe:
2 “(A) The method for determining when the department has insufficient funds;
3 “(B) The content and timing of the notice to be provided to school districts when the department
4 determines that the department has insufficient funds; and
5 “(C) The procedures the school or school district must follow upon receiving notice of insuffi-
6 cient funds.
7 “(b) The Department of Education determines, based on criteria established by the State Board
8 of Education by rule, that providing breakfast or lunch at no charge to students would create a fi-
9 nancial hardship for the school or school district due to changes in federal law related to eligibility
10 requirements for providing reimbursable breakfast and lunch at no charge to all students without
11 consideration of individual eligibility for free or reduced price meals. **If the department makes a**
12 **determination under this paragraph, a school district must ensure that each school of the**
13 **school district:**
14 “(A) **Offers lunch at no charge to students from households with incomes that do not**
15 **exceed 300 percent of the federal poverty guidelines.**
16 “(B) **Offers breakfast at no charge to students from households with incomes that do not**
17 **exceed 300 percent of the federal poverty guidelines.**
18 “(c) The school site operates on a schedule that does not include a traditional service time for
19 breakfast or lunch, as determined by the Department of Education based on criteria established by
20 the State Board of Education by rule.
21 “(4) To the greatest extent practicable, the Department of Education shall apply for statewide
22 participation in federal programs and projects that expand the availability of free or reduced price
23 meals for the students of this state.”.

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