

# Senate Bill 1581

Sponsored by Senator NERON MISSLIN, Representative BOWMAN, Senators CAMPOS, FREDERICK, Representatives DOBSON, JAVADI, LEVY E, PHAM H, WISE; Senators JAMA, MEEK, PHAM K, WEBER, Representatives ANDERSEN, CHAICHI, CHOTZEN, EVANS, GAMBA, GOMBERG, MCDONALD, MUNOZ, NELSON, NGUYEN D, NOSSE, OWENS, WALTERS (Presession filed.)

## 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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Makes school meals available at no cost. (Flesch Readability Score: 78.8).

Requires school districts to offer lunch and breakfast to students at no charge, regardless of income. Provides exceptions.

Requires school districts that make breakfast accessible at a school site to make breakfast accessible at the school site after the beginning of the day.

Prescribes nutrition standards for reimbursable meals that are paid for by state sources.

Takes effect on July 1, 2026.

## A BILL FOR AN ACT

Relating to school meals; creating new provisions; amending ORS 327.531, 327.535, 327.537 and 327.545; and prescribing an effective date.

Whereas access to nutritious meals is essential for the health, well-being and academic success of all students; and

Whereas hunger and food insecurity negatively impact students' ability to concentrate, learn and thrive in school environments; and

Whereas one in six children in Oregon lives in a household that struggles with food insecurity, and many more face intermittent hunger throughout the school year; and

Whereas the stigma associated with free or reduced price lunch programs can discourage eligible students from participating in the programs and can contribute to social isolation; and

Whereas offering meals at no cost to all students eliminates administrative burdens related to meal applications, income verification and unpaid meal debt collection; and

Whereas offering free meals to all students promotes equity, dignity and inclusivity in Oregon's public education system; and

Whereas research shows that schools that offer free meals to all students demonstrate increased participation rates, improved student nutrition, better health outcomes and reduced disciplinary incidents and absenteeism; and

Whereas Oregon has demonstrated leadership in child welfare and education policy and has the opportunity to become a national model for universal school meal access; and

Whereas investing in universal school meals supports local agriculture, food service workers and Oregon's broader food economy; and

Whereas the COVID-19 pandemic highlighted the critical role schools play in feeding children and underscored the need for permanent, equitable solutions; now, therefore,

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

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

**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.

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

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

(c) For each breakfast or lunch that a school or school district provides at no charge as described in this subsection, the Department of Education shall provide reimbursement pursuant to ORS 327.545 [(2)] **(3)**.

(2)(a) If a school or school district does not offer reimbursable breakfasts or lunches as described in subsection (1) of this section, the school district must *[ensure]* **require** that each school of the school district:

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

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

(b) For each breakfast or lunch that a school or school district provides at no charge as described in this subsection, the Department of Education shall provide reimbursement pursuant to ORS 327.545 [(3)] **(4)**.

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

**(a)** The Department of Education has insufficient funds to provide reimbursement pursuant to ORS 327.545 [(2) or] (3) **or (4)**. The State Board of Education shall adopt rules that describe:

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

*[(b)]* **(B)** The content and timing of the notice to be provided to school districts when the department determines that the department has insufficient funds; and

*[(c)]* **(C)** The procedures the school or school district must follow upon receiving notice of insufficient funds.

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

**(4) If the Department of Education makes a determination under subsection (3)(a) of this section, a school district must ensure that each school of the school district, at a minimum:**

**(a) Offers lunch at no charge to students from households with incomes that do not exceed 300 percent of the federal poverty guidelines.**

**(b) Offers breakfast at no charge to students from households with incomes that do not exceed 300 percent of federal poverty guidelines.**

**SECTION 2.** ORS 327.535 is amended to read:

327.535. (1) As used in this section, "eligible student" means a student who is eligible for free or reduced price meals under the United States Department of Agriculture's National School Lunch Program or School Breakfast Program.

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

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

5       [(4) *A school district that makes breakfast accessible as provided under subsection (3) of this sec-*  
 6 *tion may apply to the Department of Education for a waiver for all or for particular grade levels if the*  
 7 *school district is financially unable to implement a breakfast program. The department may grant a*  
 8 *waiver to the school district for a period not to exceed two years, after which the school district must*  
 9 *reestablish its claim of financial hardship if the waiver is to be extended.*]

10       [(5) *If the per meal federal reimbursement for the breakfast program falls below the 1991 re-*  
 11 *imbursement levels, a school district may elect to discontinue the program until federal funding is re-*  
 12 *stored to those levels. No waiver is required for such election.*]

13       **(2) Except as provided by subsection (3) of this section, a school district must make**  
 14 **breakfast accessible at every school site.**

15       **(3) A school district is not required to make breakfast accessible at every school site if**  
 16 **the school district qualifies for a waiver from the Department of Education under this sub-**  
 17 **section. A school district may qualify for a waiver as follows:**

18       **(a) The school district may apply for a waiver for all or for particular grade levels if the**  
 19 **school district is financially unable to implement a breakfast program. A school district may**  
 20 **qualify for a waiver under this paragraph only if 25 percent or more of the students at the**  
 21 **school site are eligible students or the school site qualifies for assistance under Chapter I**  
 22 **of Title I of the federal Elementary and Secondary Education Act of 1965. The department**  
 23 **may grant a waiver to the school district for a period not to exceed two years, after which**  
 24 **the waiver may be extended only if the school district reestablishes a claim of financial**  
 25 **hardship.**

26       **(b) The school district may apply for a waiver for all or for particular grade levels if the**  
 27 **school district is unable to implement a breakfast program due to reasons identified by the**  
 28 **State Board of Education by rule, including operating on a schedule that does not include a**  
 29 **traditional service time for breakfast. The waiver shall be for a period identified by the de-**  
 30 **partment based on criteria established by the state board, and may be extended as provided**  
 31 **by the criteria.**

32       [(6)] **(4) A school district that makes breakfast accessible at any school site shall make breakfast**  
 33 **accessible at that school site at no charge as provided by ORS 327.531 (1) or (2). The department**  
 34 **shall provide reimbursement to the school district for each breakfast provided at no charge as pro-**  
 35 **vided by ORS 327.545.**

36       [(7)(a)] **(5)(a) Except as provided by [subsection (8) of this section] paragraph (e) of this sub-**  
 37 **section, a school district that makes breakfast accessible at a school site [may choose to] must**  
 38 **make breakfast accessible at that school site [after the beginning of the school day] as provided by**  
 39 **this subsection.**

40       **(b) Time spent by students consuming breakfast is considered instructional time when students**  
 41 **consume breakfast in the students' classroom and instruction is being provided while students are**  
 42 **consuming breakfast. No more than 15 minutes may be considered instructional time when students**  
 43 **are consuming breakfast.**

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

1        [(b)] (c) A school district that *[is required to make breakfast accessible as prescribed by para-*  
 2 *graph (a) of this subsection]* **makes breakfast accessible** must ensure that breakfast is:

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

5        (B) Provided at no charge to all students~~*[, regardless of whether a student is an eligible*~~  
 6 ~~*student]*~~.

7        [(c)] (d) The department shall provide technical assistance to school districts to meet the re-  
 8 quirements of this subsection. Technical assistance may include the development of breakfast de-  
 9 livery models.

10       [(d)] (e) *[Notwithstanding paragraph (a) of this subsection,]* If a school district can demonstrate  
 11 that 70 percent or more of the *[eligible]* students at a school site **who regularly receive lunch at**  
 12 **the school site also** regularly receive breakfast at the school site without the school district com-  
 13 plying with paragraph [(a)] (c)(A) of this subsection, the school district is not required to comply  
 14 with paragraph [(a)] (c)(A) of this subsection.

15       [(9)(a)] (6)(a) The department may award grants or enter into contracts to enable school dis-  
 16 tricts to make breakfast accessible as required under subsection [(8)] (5) of this section. Each grant  
 17 or contract may not exceed \$5,000 per school site and must be used to purchase or upgrade neces-  
 18 sary equipment required to provide breakfast after the beginning of the school day.

19       (b) The department may enter into a contract with a public or private entity for the purposes  
 20 of the entity providing:

21        (A) Technical assistance to applicants for and recipients of grants; and

22        (B) Administration of the grant program.

23       **(7) The department shall provide technical assistance to school districts to maximize to**  
 24 **the greatest extent practicable the amounts received for reimbursement under federal law.**

25       [(10)] (8) The State Board of Education may adopt any rules necessary for the implementation  
 26 of this section.

27       **SECTION 3.** ORS 327.545 is amended to read:

28       327.545. (1) For school districts with schools that provide *[United States Department of Agricul-*  
 29 *ture reimbursable]* meals to students as described in ORS 327.531 and 327.535, the Department of  
 30 Education shall reimburse the school districts for costs incurred by the school districts *[in providing*  
 31 *the meals. The amounts of the reimbursements may not exceed the amounts prescribed by subsections*  
 32 *(2) and (3) of this section.]* **as provided by this section.**

33        **(2) Reimbursement shall be provided by state sources to school districts:**

34        **(a) For meals that meet the stricter of the following nutrition standards:**

35        **(A) The nutrition standards prescribed by federal law for reimbursable meals; or**

36        **(B) The nutrition standards prescribed by 7 C.F.R. 210.10 and 220.8, as required to be**  
 37 **implemented by July 1, 2027, as in effect on July 1, 2024.**

38        **(b) In amounts that do not exceed the amounts prescribed by subsections (3) and (4) of**  
 39 **this section.**

40       [(2)] (3) For schools that offer reimbursable breakfast and lunch at no charge to all students of  
 41 the school without consideration of individual eligibility for free or reduced price meals as described  
 42 in ORS 327.531 (1), the amount of reimbursements provided under this section may not exceed the  
 43 difference between:

44        (a) The free reimbursement rate established by the United States Department of Agriculture for  
 45 reimbursable meals; and

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

[(3)] (4) For schools that offer *[reimbursable]* breakfast and lunch at no charge to students *[from households with incomes that do not exceed 300 percent of the federal poverty guidelines]* as described in ORS 327.531 (2), the amount of reimbursements provided under this section *[may not exceed]* **shall equal** the difference between:

(a) **Any amounts available as** the free reimbursement rate established by the United States Department of Agriculture for reimbursable meals; and

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

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

**SECTION 4. The amendments to ORS 327.531, 327.535 and 327.545 by sections 1 to 3 of this 2026 Act first apply to the 2026-2027 school year.**

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

327.537. (1) A school district that makes meals accessible to students at school sites **under ORS 327.531 or 327.535 or** under the United States Department of Agriculture's National School Lunch Program or School Breakfast Program:

(a) Must provide a *[United States Department of Agriculture reimbursable]* meal to a student who requests the meal:

(A) Unless the student's parent or guardian has provided written permission to the school district to withhold a meal from the student; and

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

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

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

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

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

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

(3) A school district may not:

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

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

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

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

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

3           **SECTION 6. This 2026 Act takes effect on July 1, 2026.**

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