

SB 1581-1
(LC 113)
2/26 (HRS/ps)

Requested by Senator NERON MISSLIN

**PROPOSED AMENDMENTS TO
SENATE BILL 1581**

1 On page 2 of the printed bill, line 11, restore the bracketed material and
2 delete the boldfaced material.

3 In line 21, restore the bracketed material and delete the boldfaced mate-
4 rial.

5 In line 25, restore the bracketed material and delete the boldfaced mate-
6 rial.

7 After line 39, insert:

8 “(5) The Department of Education shall provide technical assistance to
9 schools and school districts to meet the requirements of this section.”.

10 Delete lines 40 through 45 and delete pages 3 and 4.

11 On page 5, delete lines 1 through 10 and insert:

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

13 “327.535. (1) As used in this section, ‘eligible student’ means a student
14 who is eligible for free or reduced price meals under the United States De-
15 partment of Agriculture’s National School Lunch Program or School Break-
16 fast Program.

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

19 “[(3) *Subject to subsections (4) and (5) of this section, a school district that
20 provides lunch at any school site shall make breakfast accessible as part of a
21 breakfast program if 25 percent or more of the students at the school site are*”

1 *eligible students or the school site qualifies for assistance under Chapter I of
2 Title I of the federal Elementary and Secondary Education Act of 1965.]*

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

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

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

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

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

30 **“(b) The school district may apply for a waiver for all or for par-**

1 **ticular grade levels if the school district is unable to implement a
2 breakfast program due to reasons identified by the State Board of
3 Education by rule, including operating on a schedule that does not
4 include a traditional service time for breakfast. The waiver shall be
5 for a period identified by the department based on criteria established
6 by the state board, and may be extended as provided by the criteria.**

7 “[**(6)**] **(4)** A school district that makes breakfast accessible at any school
8 site shall make breakfast accessible at that school site at no charge as pro-
9 vided by ORS 327.531 (1) or (2). The department shall provide reimbursement
10 to the school district for each breakfast provided at no charge as provided
11 by ORS 327.545.

12 “[**(7)(a)**] **(5)(a)** Except as provided by [*subsection (8) of this section*] **para-**
13 **graph (b) of this subsection**, a school district that makes breakfast acces-
14 sible at a school site [*may choose to make breakfast accessible at that school*
15 *site after the beginning of the school day.*] **must ensure that breakfast is**
16 **accessible to all students after the beginning of the school day, re-**
17 **gardless of grade or arrival time.**

18 “[**(b)**] **(6)** If a school district can demonstrate that 70 percent or more
19 of the students at a school site who regularly receive lunch at the
20 school site also regularly receive breakfast at the school site without
21 the school district complying with paragraph (a) of this subsection, the
22 school district is not required to comply with paragraph (a) of this
23 subsection.

24 “[**(b)**] **(6)** Time spent by students consuming breakfast is considered in-
25 structional time when students consume breakfast in the students' classroom
26 and instruction is being provided while students are consuming breakfast.
27 No more than 15 minutes may be considered instructional time when stu-
28 dents are consuming breakfast.

29 “[**(8)(a)**] *If 70 percent or more of the students at a school site are eligible*
30 *students, the school district must make breakfast accessible at that school site*

1 *after the beginning of the school day.]*

2 “[*(b) A school district that is required to make breakfast accessible as pre-*

3 *scribed by paragraph (a) of this subsection must ensure that breakfast is:]*

4 “[*(A) Accessible to all students after the beginning of the school day, re-*

5 *gardless of grade or arrival time; and]*

6 “[*(B) Provided at no charge to all students, regardless of whether a student*

7 *is an eligible student.]*

8 “[*(c)] (7) The department shall provide technical assistance to school*

9 *districts to meet the requirements of this [subsection] section. Technical as-*

10 *sistance:*

11 **“(a) Must include assisting school districts in maximizing to the**

12 **greatest extent practicable the amounts received for reimbursement**

13 **under federal law.**

14 **“(b) May include the development of breakfast delivery models.**

15 “[*(d) Notwithstanding paragraph (a) of this subsection, If a school district*

16 *can demonstrate that 70 percent or more of the eligible students at a school site*

17 *regularly receive breakfast at the school site without the school district com-*

18 *plying with paragraph (a) of this subsection, the school district is not required*

19 *to comply with paragraph (a) of this subsection.]*

20 “[*(9)(a)] (8)(a) The department may award grants or enter into contracts*

21 *to enable school districts to make breakfast accessible as required under*

22 *[subsection (8) of] this section. Each grant or contract may not exceed \$5,000*

23 *per school site and must be used to purchase or upgrade necessary equipment*

24 *required to provide breakfast after the beginning of the school day.*

25 **“(b) The department may enter into a contract with a public or private**

26 **entity for the purposes of the entity providing:**

27 **“(A) Technical assistance to applicants for and recipients of grants; and**

28 **“(B) Administration of the grant program.**

29 “[*(10)] (9) The State Board of Education may adopt any rules necessary*

30 *for the implementation of this section.*

1 **“SECTION 3.** ORS 327.545 is amended to read:

2 “327.545. (1) For school districts with schools that provide [*United States*
3 *Department of Agriculture reimbursable*] meals to students as described in
4 ORS 327.531 and 327.535, the Department of Education shall reimburse the
5 school districts for costs incurred by the school districts [*in providing the*
6 *meals. The amounts of the reimbursements may not exceed the amounts pre-*
7 *scribed by subsections (2) and (3) of this section*] **as provided by this**
8 **section.**

9 “(2) For schools that offer reimbursable breakfast and lunch at no charge
10 to all students of the school without consideration of individual eligibility
11 for free or reduced price meals as described in ORS 327.531 (1), the amount
12 of reimbursements provided under this section may not exceed the difference
13 between:

14 “(a) The free reimbursement rate established by the United States De-
15 partment of Agriculture for reimbursable meals; and

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

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

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

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

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

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