

A-Engrossed House Bill 3151

Ordered by the House April 20
Including House Amendments dated April 20

Sponsored by Representative FARR; Representatives ANDERSON, BERGER, BRUUN, DALLUM, FLORES, HUNT, JENSON, LIM, MARCH, NELSON, ROBLAN, SHIELDS, SUMNER

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.

Requires school districts with certain number of students, and specified percentage of students who qualified for federal school lunch program during prior school year, to provide lunches to eligible students. **Establishes conditions under which district may apply for and be granted waiver of requirement.**

[Declares emergency, effective July 1, 2005.]

Takes effect on July 1, 2007.

A BILL FOR AN ACT

1
2 Relating to providing food to students; creating new provisions; amending ORS 327.535; and pre-
3 scribing an effective date.

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

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

6 327.535. (1) **If a school district has 125 or more students in the district and 20 percent or**
7 **more of the district's students were eligible for free or reduced price lunches under the**
8 **United States Department of Agriculture's current Income Eligibility Guidelines, as identi-**
9 **fied by rule of the State Board of Education, during the prior school year, the district shall**
10 **provide lunches to students who are eligible under the guidelines.**

11 (2) **A school district may apply to the state board for a waiver from the requirements**
12 **of subsection (1) of this section if the students of a school district who are eligible under the**
13 **guidelines described in subsection (1) of this section are receiving lunches through an alter-**
14 **native program that meets the nutritional guidelines of the United States Department of**
15 **Agriculture, as identified by rule of the state board. The state board may grant the waiver**
16 **for a period to be determined by the state board.**

17 (3) Subject to subsections [(2) and (3)] (4) and (5) of this section, any school district that pro-
18 vides lunch at any school site shall make breakfasts accessible if 25 percent or more of the students
19 at the site are eligible for free or reduced price lunches under the United States Department of
20 Agriculture's current Income Eligibility Guidelines, **as identified by rule of the state board**, or
21 the school site qualifies for assistance under Chapter I of Title I of the federal Elementary and
22 Secondary Education Act of 1965.

23 [(2)] (4) [The] **A school district may apply to the state board [of Education] for a waiver from**
24 **the requirements of subsection (3) of this section** for all or for particular grade levels if it is
25 financially unable to implement a breakfast program. The state board may grant a waiver to the

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 school district for a period not to exceed two years, after which the school district must reestablish
2 its claim of financial hardship if the waiver is to be extended.

3 [(3)] (5) If the per meal federal reimbursement for the free and reduced price breakfast program
4 falls below the 1991 reimbursement levels, a school district may elect to discontinue the **breakfast**
5 program **required by subsection (3) of this section** until federal funding is restored to those levels.
6 No waiver is required for [*such*] **the** election.

7 **SECTION 2. ORS 327.535 (1), as amended by section 1 of this 2005 Act, first applies to the**
8 **2007-2008 school year.**

9 **SECTION 3. This 2005 Act takes effect on July 1, 2007.**

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