

Requested by Representative NERON

**PROPOSED AMENDMENTS TO
HOUSE BILL 3435**

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 re-
5 quirements of the special provisions of the United States Department of
6 Agriculture’s National School Lunch Program or School Breakfast Program
7 may **apply to the Department of Education to** offer reimbursable break-
8 fasts, lunches or both at no charge and without consideration of individual
9 eligibility [*by applying to the Department of Education*].

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

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

17 “(2)(a) If a school or school district does not offer reimbursable breakfasts
18 or lunches as described in subsection (1) of this section, the school district:

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

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

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

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

4 “[(A)] (i) Offers lunch at no charge to students from households with in-
5 comes that do not exceed 300 percent of the federal poverty guidelines.

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

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

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

15 “(a) The Department of Education has insufficient funds to provide re-
16 imbursement pursuant to ORS 327.545 (2) or (3). The State Board of Educa-
17 tion shall adopt rules that describe:

18 “[(a)] (A) The method for determining when the department has insuffi-
19 cient funds;

20 “[(b)] (B) The content and timing of the notice to be provided to school
21 districts when the department determines that the department has insuffi-
22 cient funds; and

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

25 **“(b) The Department of Education determines, based on criteria**
26 **established by the State Board of Education by rule, that providing**
27 **breakfast or lunch at no charge to students would create a financial**
28 **hardship for the school or school district due to changes in federal law**
29 **related to eligibility requirements for providing reimbursable breakfast**
30 **and lunch at no charge to all students without consideration of indi-**

1 **vidual eligibility for free or reduced price meals.**

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

6 **“(4) To the greatest extent practicable, the Department of Educa-**
7 **tion shall apply for statewide participation in federal programs and**
8 **projects that expand the availability of free or reduced price meals for**
9 **the students of this state.”.**

10 On page 3, delete lines 33 through 45.

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

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

14 **“327.531. (1)(a) A school or school district that meets the eligibility re-**
15 **quirements of the special provisions of the United States Department of**
16 **Agriculture’s National School Lunch Program or School Breakfast Program**
17 **[may] **must** apply to the Department of Education to offer reimbursable**
18 **breakfasts, lunches or both at no charge and without consideration of indi-**
19 **vidual eligibility.**

20 **“(b) If the school or school district is approved under paragraph (a) of this**
21 **subsection, the school or school district must offer breakfasts, lunches or**
22 **both to all students of the school or school district at no charge to the stu-**
23 **dent.**

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

27 **“(2)(a) If a school or school district does not offer reimbursable breakfasts**
28 **or lunches as described in subsection (1) of this section, the school**
29 **district[:]**

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

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

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

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

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

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

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

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

17 “(a) The Department of Education has insufficient funds to provide re-
18 imbursement pursuant to ORS 327.545 (2) or (3). The State Board of Educa-
19 tion shall adopt rules that describe:

20 “(A) The method for determining when the department has insufficient
21 funds;

22 “(B) The content and timing of the notice to be provided to school dis-
23 tricts when the department determines that the department has insufficient
24 funds; and

25 “(C) The procedures the school or school district must follow upon re-
26 ceiving notice of insufficient funds.

27 “(b) The Department of Education determines, based on criteria estab-
28 lished by the State Board of Education by rule, that providing breakfast or
29 lunch at no charge to students would create a financial hardship for the
30 school or school district due to changes in federal law related to eligibility

1 requirements for providing reimbursable breakfast and lunch at no charge
2 to all students without consideration of individual eligibility for free or re-
3 duced price meals. **If the department makes a determination under this**
4 **paragraph, a school district must ensure that each school of the school**
5 **district:**

6 “(A) Offers lunch at no charge to students from households with
7 incomes that do not exceed 300 percent of the federal poverty guide-
8 lines.

9 “(B) Offers breakfast at no charge to students from households with
10 incomes that do not exceed 300 percent of the federal poverty guide-
11 lines.

12 “(c) The school site operates on a schedule that does not include a tra-
13 ditional service time for breakfast or lunch, as determined by the Department
14 of Education based on criteria established by the State Board of Education
15 by rule.

16 “(4) To the greatest extent practicable, the Department of Education shall
17 apply for statewide participation in federal programs and projects that ex-
18 pand the availability of free or reduced price meals for the students of this
19 state.”.

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