

## A-Engrossed

# Senate Bill 1581

Ordered by the Senate February 11  
Including Senate Amendments dated February 11

Sponsored by Senator NERON MISSLIN, Representative BOWMAN, Senators CAMPOS, FREDERICK, MANNING JR, PATTERSON, Representatives DOBSON, JAVADI, LEVY E, PHAM H, WISE; Senators JAMA, MEEK, PHAM K, WEBER, Representatives ANDERSEN, CHAICHI, CHOTZEN, EVANS, GAMBA, GOMBERG, MCDONALD, MUÑOZ, 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. 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

1 Relating to school meals; creating new provisions; amending ORS 327.531, 327.535, 327.537 and  
2 327.545; and prescribing an effective date.

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

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

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

10 Whereas the stigma associated with free or reduced price lunch programs can discourage eligi-  
11 ble students from participating in the programs and can contribute to social isolation; and

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

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

16 Whereas research shows that schools that offer free meals to all students demonstrate increased  
17 participation rates, improved student nutrition, better health outcomes and reduced disciplinary in-  
18 cidents and absenteeism; and

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

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

23 Whereas the COVID-19 pandemic highlighted the critical role schools play in feeding children

**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 and underscored the need for permanent, equitable solutions; now, therefore,

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

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]* **must apply to the Department of Education to** offer  
7 reimbursable breakfasts, lunches or both at no charge and without consideration of individual el-  
8 igibility *[by applying 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 must *[ensure]* **require** that each school  
17 of the school district:

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

20 (B) Offers breakfast at no charge to students *[from households with incomes that do not exceed*  
21 *300 percent of the federal poverty guidelines]*, if breakfast must be offered pursuant to ORS 327.535.

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

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

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

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

30 (B) **The criteria for determining when a breakfast or lunch must still be provided at no**  
31 **charge to students based on the funds that are available to provide reimbursement. When**  
32 **possible, the criteria must prioritize the offering of breakfast or lunch at no charge to stu-**  
33 **dents from households with incomes that do not exceed 300 percent of the federal poverty**  
34 **guidelines.**

35 [(b)] (C) The content and timing of the notice to be provided to school districts when the de-  
36 partment determines that the department has insufficient funds[; and].

37 [(c)] (D) The procedures the school or school district must follow upon receiving notice of in-  
38 sufficient funds.

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

42 (4) **The Department of Education shall provide technical assistance to schools and school**  
43 **districts to meet the requirements of this section.**

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

45 327.535. (1) As used in this section, "eligible student" means a student who is eligible for free

1 or reduced price meals under the United States Department of Agriculture's National School Lunch  
2 Program or School Breakfast Program.

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

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

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

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

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

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

22 **(a) The school district may apply for a waiver for all or for particular grade levels if the  
23 school district is financially unable to implement a breakfast program. The department may  
24 grant a waiver to the school district for a period not to exceed two years, after which the  
25 waiver may be extended only if the school district reestablishes a claim of financial 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 (b) of this sub-  
37 section**, a school district that makes breakfast accessible at a school site *[may choose to make  
38 breakfast accessible at that school site after the beginning of the school day.] must ensure that  
39 breakfast is accessible to all students after the beginning of the school day, regardless of  
40 grade or arrival time.***

41 **(b) If a school district can demonstrate that 70 percent or more of the students at a  
42 school site who regularly receive lunch at the school site also regularly receive breakfast at  
43 the school site without the school district complying with paragraph (a) of this subsection,  
44 the school district is not required to comply with paragraph (a) of this subsection.**

45 *[(b)] (6) Time spent by students consuming breakfast is considered instructional time when stu-*

1       dents consume breakfast in the students' classroom and instruction is being provided while students  
 2       are consuming breakfast. No more than 15 minutes may be considered instructional time when stu-  
 3       dents are consuming breakfast.

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

6       [(b) *A school district that is required to make breakfast accessible as prescribed by paragraph (a)*  
 7       *of this subsection must ensure that breakfast is:]*

8       [(A) *Accessible to all students after the beginning of the school day, regardless of grade or arrival*  
 9       *time; and]*

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

11       [(c)] (7) The department shall provide technical assistance to school districts to meet the re-  
 12       quirements of this [subsection] **section**. Technical assistance:

13       (a) **Must include assisting school districts in maximizing to the greatest extent practi-  
 14       cable the amounts received for reimbursement under federal law.**

15       (b) May include the development of breakfast delivery models.

16       [(d) *Notwithstanding paragraph (a) of this subsection, If a school district can demonstrate that 70*  
 17       *percent or more of the eligible students at a school site regularly receive breakfast at the school site*  
 18       *without the school district complying with paragraph (a) of this subsection, the school district is not*  
 19       *required to comply with paragraph (a) of this subsection.]*

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

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

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

27       (B) Administration of the grant program.

28       [(10)] (9) The State Board of Education may adopt any rules necessary for the implementation  
 29       of this section.

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

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

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

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

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

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

1    **equal** the difference between:

2        (a) **Any amounts available as** the free reimbursement rate established by the United States  
3    Department of Agriculture for reimbursable meals; and  
4        (b) Any amounts otherwise reimbursed or paid by state, federal or other sources.  
5        (4) The State Board of Education may adopt any rules necessary for making reimbursements  
6    under this section.

7    **SECTION 4. The amendments to ORS 327.531, 327.535 and 327.545 by sections 1 to 3 of this**  
8    **2026 Act first apply to the 2026-2027 school year.**

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

10    327.537. (1) A school district that makes meals accessible to students at school sites **under ORS**  
11    **327.531 or 327.535 or** under the United States Department of Agriculture's National School Lunch  
12    Program or School Breakfast Program:

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

15        (A) Unless the student's parent or guardian has provided written permission to the school dis-  
16    trict to withhold a meal from the student; and

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

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

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

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

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

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

31        (3) A school district may not:

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

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

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

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

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

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

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