

SB 1581-2  
(LC 113)  
2/6/26 (HRS/ps)

Requested by Senator NERON MISSLIN

**PROPOSED AMENDMENTS TO  
SENATE BILL 1581**

1       On page 1 of the printed bill, delete line 26 and delete pages 2 through  
2       4.

3       On page 5, delete lines 1 through 10 and insert:  
4       **“SECTION 1.** ORS 327.531 is amended to read:

5       “327.531. (1)(a) A school or school district that meets the eligibility re-  
6       quirements of the special provisions of the United States Department of  
7       Agriculture’s National School Lunch Program or School Breakfast Program  
8       [*may*] **must apply to the Department of Education to** offer reimbursable  
9       breakfasts, lunches or both at no charge and without consideration of indi-  
10       vidual eligibility [*by applying to the Department of Education*].

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

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

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

21       “(A) Offers lunch at no charge to students [*from households with incomes*

1    *that do not exceed 300 percent of the federal poverty guidelines].*

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

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

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

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

14    “[*(a)*] (A) The method for determining when the department has insuffi-  
15 cient funds[;].

16    **“(B) The criteria for determining when a breakfast or lunch must**  
17 **still be provided at no charge to students based on the funds that are**  
18 **available to provide reimbursement. When possible, the criteria must**  
19 **prioritize the offering of breakfast or lunch at no charge to students**  
20 **from households with incomes that do not exceed 300 percent of the**  
21 **federal poverty guidelines.**

22    “[*(b)*] (C) The content and timing of the notice to be provided to school  
23 districts when the department determines that the department has insuffi-  
24 cient funds[; and].

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

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

1       **“(4) The Department of Education shall provide technical assistance**  
2   **to schools and school districts to meet the requirements of this sec-**  
3   **tion.**

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

5       “327.535. (1) As used in this section, ‘eligible student’ means a student  
6    who is eligible for free or reduced price meals under the United States De-  
7    partment of Agriculture’s National School Lunch Program or School Break-  
8    fast Program.

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

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

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

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

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

29       **“(3) A school district is not required to make breakfast accessible**  
30   **at every school site if the school district qualifies for a waiver from**

1 the Department of Education under this subsection. A school district  
2 may qualify for a waiver as follows:

3 “(a) The school district may apply for a waiver for all or for par-  
4 ticular grade levels if the school district is financially unable to im-  
5 plement a breakfast program. The department may grant a waiver to  
6 the school district for a period not to exceed two years, after which  
7 the waiver may be extended only if the school district reestablishes a  
8 claim of financial hardship.

9 “(b) The school district may apply for a waiver for all or for par-  
10 ticular grade levels if the school district is unable to implement a  
11 breakfast program due to reasons identified by the State Board of  
12 Education by rule, including operating on a schedule that does not  
13 include a traditional service time for breakfast. The waiver shall be  
14 for a period identified by the department based on criteria established  
15 by the state board, and may be extended as provided by the criteria.

16 “[6] (4) A school district that makes breakfast accessible at any school  
17 site shall make breakfast accessible at that school site at no charge as pro-  
18 vided by ORS 327.531 (1) or (2). The department shall provide reimbursement  
19 to the school district for each breakfast provided at no charge as provided  
20 by ORS 327.545.

21 “[7(a)] (5)(a) Except as provided by [subsection (8) of this section] para-  
22 graph (b) of this subsection, a school district that makes breakfast acces-  
23 sible at a school site [*may choose to make breakfast accessible at that school*  
24 *site after the beginning of the school day.*] **must ensure that breakfast is**  
25 **accessible to all students after the beginning of the school day, re-**  
26 **gardless of grade or arrival time.**

27 “(b) If a school district can demonstrate that 70 percent or more  
28 of the students at a school site who regularly receive lunch at the  
29 school site also regularly receive breakfast at the school site without  
30 the school district complying with paragraph (a) of this subsection, the

1   **school district is not required to comply with paragraph (a) of this**  
2   **subsection.**

3    “(b) (6) Time spent by students consuming breakfast is considered in-  
4    structional time when students consume breakfast in the students’ classroom  
5    and instruction is being provided while students are consuming breakfast.  
6    No more than 15 minutes may be considered instructional time when stu-  
7    dents are consuming breakfast.

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

11    “(b) *A school district that is required to make breakfast accessible as pre-*  
12    *scribed by paragraph (a) of this subsection must ensure that breakfast is:]*

13    “(A) *Accessible to all students after the beginning of the school day, re-*  
14    *gardless of grade or arrival time; and]*

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

17    “(c) (7) The department shall provide technical assistance to school  
18    districts to meet the requirements of this [subsection] **section**. Technical as-  
19    sistance:

20    “(a) **Must include assisting school districts in maximizing to the**  
21    **greatest extent practicable the amounts received for reimbursement**  
22    **under federal law.**

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

24    “(d) *Notwithstanding paragraph (a) of this subsection, If a school district*  
25    *can demonstrate that 70 percent or more of the eligible students at a school site*  
26    *regularly receive breakfast at the school site without the school district com-*  
27    *plying with paragraph (a) of this subsection, the school district is not required*  
28    *to comply with paragraph (a) of this subsection.]*

29    “(9)(a) (8)(a) The department may award grants or enter into contracts  
30    to enable school districts to make breakfast accessible as required under

1 [subsection (8) of] this section. Each grant or contract may not exceed \$5,000  
2 per school site and must be used to purchase or upgrade necessary equipment  
3 required to provide breakfast after the beginning of the school day.

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

6           “(A) Technical assistance to applicants for and recipients of grants; and  
7           “(B) Administration of the grant program.

8       “[(10)] (9) The State Board of Education may adopt any rules necessary  
9 for the implementation of this section.

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

11      “327.545. (1) For school districts with schools that provide [*United States*  
12 *Department of Agriculture reimbursable*] meals to students as described in  
13 ORS 327.531 and 327.535, the Department of Education shall reimburse the  
14 school districts for costs incurred by the school districts [*in providing the*  
15 *meals. The amounts of the reimbursements may not exceed the amounts pre-*  
16 *scribed by subsections (2) and (3) of this section*] **as provided by this**  
17 **section.**

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

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

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

27      “(3) For schools that offer [*reimbursable*] breakfast and lunch at no  
28 charge to students [*from households with incomes that do not exceed 300 per-*  
29 *cent of the federal poverty guidelines*] as described in ORS 327.531 (2), the  
30 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  
3 by the United States Department of Agriculture for reimbursable meals; and  
4       “(b) Any amounts otherwise reimbursed or paid by state, federal or other  
5 sources.

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

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