

Enrolled House Bill 2800

Sponsored by Representatives CLEM, KOTEK; Representatives BARNHART, BOONE, DEMBROW, FREDERICK, GARRETT, HOLVEY, KOMP, MATTHEWS, READ, SCHAUFLE, J SMITH, Senators BONAMICI, DEVLIN, DINGFELDER, EDWARDS, JOHNSON, PROZANSKI, ROSENBAUM, SHIELDS (Presession filed.)

CHAPTER

AN ACT

Relating to Oregon Farm-to-School and School Garden Program; creating new provisions; amending ORS 336.426; appropriating money; and declaring an emergency.

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

SECTION 1. ORS 336.426 is amended to read:

336.426. (1) The Department of Education shall establish the Oregon Farm-to-School and School Garden Program. Through the program, the department shall:

(a) Assist school districts that participate in the United States Department of Agriculture's National School Lunch Program or School Breakfast Program in *[utilizing]* **using** Oregon food products and produce from school gardens;

(b) Promote *[food-]* **food-based, agriculture-based** and garden-based educational activities in school districts *[that participate in the United States Department of Agriculture's National School Lunch Program or School Breakfast Program];*

(c) Provide information to school districts on how farm-to-school and school garden projects may help implement wellness policies mandated by the United States Department of Agriculture;

(d) Assist school districts in incorporating farm-to-school and school garden projects into wellness policies mandated by the United States Department of Agriculture;

(e) Work with the State Department of Agriculture to develop farm-to-school related programs; and

(f) Perform other activities necessary to facilitate the success of the Oregon Farm-to-School and School Garden Program.

(2) The State Board of Education may adopt any rules necessary for the administration of this section.

(3)(a) For the purpose of paying the costs of the Department of Education of administering the Oregon Farm-to-School and School Garden Program, the department may accept contributions of moneys and assistance from any source, public or private, and agree to conditions placed on the moneys not inconsistent with the duties of the department under this section.

(b) Any moneys received by the department under this subsection shall be placed in the Department of Education Account.

SECTION 2. (1) A school district may apply to the Department of Education for a grant to be used by the school district to:

(a) Reimburse the school district for costs incurred by the school district to purchase Oregon food products described in subsection (3) of this section; and

(b) Fund food-based, agriculture-based and garden-based educational activities in school districts.

(2) For a grant received under this section:

(a) 87.5 percent of the moneys of the grant must be used for reimbursements as described in subsection (1)(a) of this section; and

(b) 12.5 percent of the moneys of the grant must be used for the educational activities described in subsection (1)(b) of this section.

(3)(a) For the portion of a grant that is allocated for reimbursements, a school district shall be reimbursed for the costs incurred by the school district to purchase Oregon food products that were:

(A) Purchased on or after the date the school district received the moneys for the grant;

(B) Produced or processed in Oregon; and

(C) Used in meals that are part of the United States Department of Agriculture's National School Lunch Program.

(b) For Oregon food products that satisfy the requirements of paragraph (a) of this subsection, reimbursements shall be in an amount that equals the lesser of:

(A) The amount paid per meal by the school district to purchase the Oregon food product; or

(B) Fifteen cents for every school lunch.

(c) A school district that receives moneys for reimbursement as provided by paragraph (b) of this subsection:

(A) Must use the moneys to purchase foods produced or processed in Oregon; and

(B) May not use the moneys to supplant purchases of food products with federal moneys, but may use the moneys to pay for the difference in cost between food products that are of higher quality and food products that are allowed to be purchased with federal moneys.

(4) For the portion of a grant that is allocated for educational activities, a school district shall use the moneys for costs directly associated with the educational activities, including staff time, travel costs and equipment purchased for the activities.

(5) The Department of Education shall consult with the State Department of Agriculture to determine the recipients and amounts of grants awarded under this section. Preference shall be given to school districts that:

(a) Propose farm-to-school projects or school garden projects that:

(A) Are well designed;

(B) Incorporate positive changes in food purchasing;

(C) Promote healthy food activities;

(D) Have clear educational objectives;

(E) Involve parents or the community; and

(F) Have high potential for job creation;

(b) Represent a variety of sizes and geographic locations; and

(c) Serve a high percentage of children who qualify for free or reduced price school meals under the United States Department of Agriculture's National School Lunch Program.

(6) The Department of Education must award at least two grants per biennium under this section.

(7) The Department of Education shall consult with the State Department of Agriculture to develop rules and standards related to the grants awarded under this section.

(8) The Department of Education may expend for the administrative costs incurred under this section no more than two percent of all moneys received by the department for the grant program.

SECTION 3. In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Education, for the biennium beginning July 1, 2011, out of the

General Fund, the amount of \$200,000 for the grant program described in section 2 of this 2011 Act.

SECTION 4. This 2011 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect July 1, 2011.

Passed by House June 22, 2011

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Ramona Kenady Line, Chief Clerk of House

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

Passed by Senate June 24, 2011

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2011

Approved:

.....M,....., 2011

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2011

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Kate Brown, Secretary of State