

STATE BOARD OF EDUCATION – ADMINISTRATIVE RULE SUMMARY

Title/OAR #: Competitive Oregon Farm to School Program Grant / OAR 581-017-0432 to 581-017-0447

Date: December 10, 2015

Staff/Office: Rick Sherman, Matthew Barber, and Heidi Dupuis, ODE

New Rule **Amend Existing Rule** **Repeal Rule**

Hearing Date: November 23, 2015 **Hearings Officer Report Attached**

Prompted by: **State law changes** **Federal law changes** **Other**

Action Requested:

First Reading/Second Reading Agenda **Adoption** **Adoption/Consent**

PROPOSED RULE SUMMARY: Implements provisions of Enrolled SB 501 (chp. 840, Oregon Laws 2015), which established a competitive farm-to-school grant and directed ODE to establish a process for awarding grants. Creates eligibility standards and application criteria for competitive grant applicants. Sets allowable uses for grant funds.

BACKGROUND: The legislature modified the Oregon Farm to School Grant Program in 2015, creating a noncompetitive grant available to all school districts and a competitive grant. These proposed rules will govern the competitive grant. School districts, nonprofit organizations, and commodity commissions or councils organized under ORS 576.051 to 576.455 or ORS chapter 577 or 578, may apply for a competitive grant to assist in paying costs of providing food-based, agriculture-based, or garden-based educational activities in a school district.

ISSUES/CONCERNS THAT SURFACED DURING RULE WORK:

- The department received several comments regarding the proposed rules.
- Commenters questioned whether OAR 581-017-0444(5) was consistent with legislative intent.
- Many of the comments received proposed changes that the rulemaking committee members had either considered and rejected, or not been able to reach agreement or consensus regarding the proposal. Those changes were not included in the rules presented to the State Board of Education in October, or the revised version presented today.
- Other comments proposed changes to improve the rules' clarity and readability. Staff made a handful of changes to address those comments, such as breaking the long sentence in subsection 7 of proposed OAR 581-017-0441 into two sub-paragraphs, and clarifying grant recipients can only charge administrative costs directly related to grant activities to their grant award.

CHANGED SINCE LAST BOARD MEETING? (so members can focus on what's different)

- N/A; first read—hasn't been before board
- No; same as last month
- Yes – As follows:

3.d

- The following changes were made in response to comments received on the proposed rules:
 - OAR 581-017-0444(5) was revised to mirror the language in SB 501. The prior version of the rule stated that all proposals must meet the criteria set out in subsection (5). The proposed rule now states that the department shall give preference to proposals that meet the criteria.
 - To improve clarity and readability, subsection 7 of proposed OAR 581-017-0441 was broken out into two sub-paragraphs, and “administrative costs” was replaced by “direct administrative costs” in subsection 6(a) of proposed OAR 581-017-0444.
 - To improve clarity, “developing and implementing” costs was replaced by “planning and developing” costs in subsection 6(a) of proposed OAR 581-017-0444.
 - To address comments regarding and proposing additional in-depth detail about the number of distributions for each grant, the amount of funds available in each distribution, and the allowable uses for funds in each distribution, subsection 8 of proposed OAR 581-017-0444 was deleted because these sorts of details are better addressed in the department’s request for applications.
- Three drafting errors were also corrected:
 - The definition of “including” in subsection 2 of proposed OAR 581-017-0432 was revised to read as “means including but **not** limited to.”
 - “The” was added before “school district” in paragraph (a) of proposed OAR 581-017-0441(4), which now reads as “The name of **the** school district in which the educational activities will be offered.”
 - “The” was added before “person” in paragraph (b) proposed OAR 581-017-0441(4), which now reads as “The name of **the** person who will serve as the grant applicant’s primary contact regarding the grant proposal and that person’s contact information, including the primary contact’s email address and telephone number.”

FISCAL IMPACT: There is no fiscal impact as a result of these rules. The legislature has already appropriated funds for the competitive Oregon Farm to School Program grants.

EFFECT OF YES VOTE: The proposed rules will establish the framework for administering the new competitive Oregon Farm to School Program grants and the general criteria by which grant applications and funded programs will be assessed. The proposed rules also give the department flexibility to establish more detailed criteria in request for proposal solicitations.

EFFECT OF NO VOTE: The department cannot award any competitive Oregon Farm to School Program grants until it first adopts administrative rules establishing the procedures and general criteria for administering and awarding those grants.

STAFF RECOMMENDATION:

Adopt administrative rule as prepared this month

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- Adopt administrative rule next month
- No recommendation at this time (rarely used)

Comments: N/A