

OAR 581-017-0430: Noncompetitive Oregon Farm-to-School Grant

(1) As used in this section:

(a) "Education service district" has the meaning given that term in ORS 334.003.

(b) "Eligible entity" means a school district, a provider of center-based programs for children, or a service institution.

(ac) "Food processed in the State of Oregon" includes but is not limited to foods that were baked, frozen, ground, canned, or milled in the State of Oregon.

(bd) "Food produced in the State of Oregon" includes but is not limited to foods that were grown, caught, harvested, or raised in the State of Oregon.

(ee) "Minimally processed" means that the food product was processed in a manner that does not fundamentally alter the product and the product retains its inherent character. The term includes, but is not limited to, butchering livestock and poultry, cleaning fish, dicing meats, slicing produce, forming ground food products into patties, ~~freezing~~, grinding meats, drying or dehydrating food products, ~~shucking~~, and washing produce.

(f) "Provider of center-based programs for children" means a child care center certified by the Office of Child Care, a Head Start center, an Oregon prekindergarten program, a school district, or an education service district that both provides non-residential child care services to enrolled children and participates in the federal Child and Adult Care Food Program.

(g) "Service institution" means a public or private nonprofit school, a public or private nonprofit residential summer camp, or other program sponsor that participates in the federal Summer Food Service Program.

(dg)(A) "School district" means an Oregon common school district, joint school district, union high school district, or public charter school. ~~has the meaning given that term in OAR 581-017-0432.~~

(B) "School district" does not include an education service district.

(2) The purpose of the noncompetitive Oregon ~~Farm-Farm-to-to~~-School Program grant is to assist ~~school districts~~ ineligible entities with paying the costs they incur purchasing foods that were:

(a) Produced in the State of Oregon;

(b) More than minimally processed in the State of Oregon; or

(c) Both produced and processed in the State of Oregon.

(3) An eligible entity ~~school district~~ which receives a noncompetitive Oregon Farm to School Program grant may:

(a) Use the grant to supplant purchases of food produced or processed in the State of Oregon that the ~~school district~~eligible entity had regularly purchased prior to the date ~~the school district~~it first received a noncompetitive Oregon Farm to School program grant if either the food produced or processed, or the food components of that food, were:

(A) Produced in the State of Oregon;

(B) More than minimally processed in the State of Oregon; or

(C) Both produced and processed in the State of Oregon.

(b) Reserve up to twenty percent of the total amount awarded for all reasonable costs incurred:

~~(A) Growing, harvesting, processing, packaging, sourcing, or transporting food produced or processed in the State of Oregon, including but not limited to purchasing supplies, labor costs, and mileage;~~

(B) Providing education to children about foods produced or processed in the State of Oregon; and

(C) Promoting the use of foods produced or processed in the State of Oregon to children.

~~(c) The purchase of certain foods produced or processed in the State of Oregon may not be supplanted with grant funds. The department will develop and publish a list of those foods. Recipients of a noncompetitive Oregon Farm-to-School Program grant may not use their grants to supplant purchases of foods produced or processed in the State of Oregon that are included on the current list of ineligible foods published by the department.~~

~~Notwithstanding paragraph (b) of this subsection, a school district which receives a noncompetitive Oregon Farm to School Program grant may not use more than ten percent of its total award for any costs incurred sourcing foods produced or processed in the State of Oregon.~~

~~(4) Notwithstanding subsection (3) of this section, a school district which receives a noncompetitive Oregon Farm to School Program grant may not use the grant to supplant purchases of fluid milk sold or served in cartons or other containers 8 ounces in size or smaller, breads, buns, rolls, pan sprays, margarine, and mayonnaise.~~

(5) Recipients of a noncompetitive Oregon Farm-to-School Program grant must deposit the grant funds they receive in an account that is separate from their nonprofit food service account, or assign those funds a separate account or index number.

(6)(a) For purposes of this subsection, "reimbursable meal" means a reimbursable breakfast, lunch, snack, or supper that is provided by an eligible entity through the federal National School Lunch or Summer Food Service Programs.

(b) The amount of a noncompetitive Oregon Farm-to-School Program grant recipient's award will be based on the number of reimbursable meals served by the recipient through the federal National School Lunch and Summer Food Service Programs during the previous school year and summer.

(c) The department may develop or adopt a formula or method for converting different types of reimbursable meals and snacks to the equivalent of a reimbursable lunch. The department will publish the formula or method chosen on its website.

Statutory/Other Authority: ORS 326.051 & 336.431

Statutes/Other Implemented: ORS 336.431 & OL 2019, ch. 590, sec. 1

History: ODE 12-2019, adopt filed 04/22/2019, effective 04/22/2019

OAR 581-017-0432: Definitions

As used in OAR 581-017-0432 to 581-017-0447:

(1) "Commodity commission or council" means a commodity commission or council organized under ORS 576.051 to 576.455, the Oregon Beef Council, ~~and~~or the Oregon Wheat Commission.

(2) "Education service district" has the meaning given that term in ORS 334.003.

(3) "Eligible entity" means:

(a) A commodity commission or council;

(b) An education service district;

(c) A federally recognized Indian tribe;

(d) A nonprofit organization;

(e) A producer of food produced or processed in the State of Oregon;

(f) A provider of center-based programs for children;

~~(eg)~~ A school district;

~~(fh)~~ A school overseen by the Bureau of Indian Education; and

~~(gi)~~ A soil and water conservation district organized under ORS 568.210 to 568.808 and 568.900 to 568.933.

(4) "Food processed in the State of Oregon" includes foods that were baked, frozen, ground, canned, or milled in the State of Oregon.

(5) "Food produced in the State of Oregon" includes foods that were grown, caught, harvested, or raised in the State of Oregon.

(46) “Including” means “including but not limited to.”

(7) “Producer of food produced or processed in the State of Oregon” includes a farmer, rancher, or seafood harvester who grows, raises, catches, or harvests food.

(8) “Provider of center-based programs for children” means a child care center certified by the Office of Child Care, a Head Start center, an Oregon prekindergarten program, a school district, or an education service district that provides non-residential child care services to enrolled children and participates in the federal Child and Adult Care Food Program.

(59) “Nonprofit organization” means:

- (a) A nonprofit business corporation incorporated under ORS Chapter 65;
- (b) A foreign nonprofit business corporation authorized to transact business in the state of Oregon; or
- (c) An organization that is recognized as tax exempt under section 501(c)(3) of the Internal Revenue Code of 1986.

(610) (a) “School district” means an Oregon common school district, joint school district, union high school district, or public charter school.

(b) “School district” does not include an education service district.

Statutory/Other Authority: ~~OL 2015, ch. 840, sec.13 & ORS 336.431~~ORS 326.051 & 336.431

Statutes/Other Implemented: ~~OL 2015, ch. 840, sec.13 & ORS 336.431~~ & OL 2019, ch. 590, sec. 1

History: ODE 25-2018, amend filed 08/17/2018, effective 08/20/2018; ODE 47-2016, f. & cert. ef. 11-1-16; ODE 11-2016, f. & cert. ef. 2-5-16

OAR 581-017-0435: Purpose

(1) The purpose of the competitive Oregon ~~Farm-Farm-to-to~~-School Program education grant is to assist entities in paying the costs they incur providing food-based, agriculture-based, or garden-based educational activities in a school district.

(2) An eligible entity that receives a competitive Oregon ~~Farm-Farm-to-to~~-School Program education grant may use the grant for costs directly associated with the educational activities offered to children enrolled in either a public school or public charter school within a school district, including staff time, supplies, equipment, and travel.

Statutory/Other Authority: ~~OL 2015, ch. 840, sec.13 & ORS~~ORS 326.051 & 336.431

Statutes/Other Implemented: ~~OL 2015, ch. 840, sec.13 & ORS 336.431~~

History: ODE 25-2018, amend filed 08/17/2018, effective 08/20/2018; ODE 47-2016, f. & cert. ef. 11-1-16; ODE 11-2016, f. & cert. ef. 2-5-16

OAR 581-017-0438: Eligibility

(1) An eligible entity may apply for a competitive Oregon ~~Farm-Farm-to-to~~-School Program education grant.

(2)(a) An eligible entity that applies for a competitive Oregon ~~Farm-Farm-to-to~~-School Program education grant may partner with one or more organizations to provide food-based, agriculture-based, or garden-based educational activities in a school district. Grant applicants that partner with other organizations to provide educational activities must serve as the fiscal agent for the partnered organizations.

(b) Fiscal agents are responsible for:

(A) Ensuring that their partner organizations comply with the terms and conditions of the competitive Oregon ~~Farm-Farm-to-to~~-School Program education grant;

(B) Overseeing the delivery of food-based, agriculture-based, or garden-based educational activities to children enrolled in either a public school or public charter school within a school district;

(C) Ensuring that the educational activities offered satisfy the criteria identified in OAR 581-017-0441, the request for proposals, and any related guidance documents produced by the Oregon Department of Education;

(D) Incorporating the principles of the Oregon Equity Lens, OAR 581-017-0010, into the development and delivery of educational activities funded with competitive Oregon Farm-to-School education grant dollars;

~~(DE)~~ Maintaining all records regarding the educational activities offered using, and costs paid for with, grant funds; and

~~(EF)~~ Delivering those records and any completion reports regarding the educational activities funded with, and the expenditure of, grant funds to the Oregon Department of Education.

(3) An eligible entity may lose its eligibility to apply for a competitive Oregon ~~Farm-Farm-to-to~~-School Program education grant during the succeeding biennium, or continue receiving a previously awarded grant, if the eligible entity does not:

(a) Comply with the applicable provisions of ORS 338.431

(b) Comply with the provisions of OAR 581-017-0432 to 581-017-0447;

(c) Comply with the grant criteria printed in the competitive Oregon Farm to School Program education grant request for proposals and any related guidance documents produced by the Oregon Department of Education;

(d) If awarded a competitive Oregon Farm to School Program grant, spend the entire amount of the grant award during the biennium for which the grant was awarded; or

(e) If awarded a competitive Oregon Farm to School Program grant, spend the majority of the grant award on food-based, agriculture-based, or garden-based educational activities for the benefit of children enrolled in either a public school or public charter school within a school district.

Statutory/Other Authority: ~~OL 2015, ch. 840, sec. 13 &~~ ORS 326.051 & 336.431

Statutes/Other Implemented: ~~OL 2015, ch. 840, sec. 13 &~~ ORS 336.431

History: ODE 25-2018, amend filed 08/17/2018, effective 08/20/2018; ODE 47-2016, f. & cert. ef. 11-1-16; ODE 11-2016, f. & cert. ef. 2-5-16

OAR 581-017-0441: Application Process and Criteria

(1) The Oregon Department of Education shall establish a request for proposal solicitation and approval process to be conducted each biennium for which competitive Oregon Farm to School Program education grant funds are available.

(2) The department shall notify eligible entities of the proposal process and the dates when proposals are due, and make available necessary guidelines and application forms.

(3)(a) Eligible entities must submit their grant proposals on the most current form prescribed by the department. The department shall publish the current request for proposals solicitation forms on the department's website.

(b) If an eligible entity that has applied for a competitive Oregon Farm to School Program grant is unable to provide the information required in the request for proposals, then the grant applicant must provide an explanation why the information cannot be provided. Grant applicants may submit additional information that will aid the department in evaluating their grant proposals.

(4) To be considered by the department, the grant proposals submitted by eligible entities must include the following information:

(a) The name of the school district in which the educational activities will be offered;

(b) 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;

(c) The name of the organizations which the grant applicant either has partnered, or is intending to partner, with for the purpose of providing food-based, agriculture-based, or garden-based educational activities for the benefit of children enrolled in either a public school or public charter school within a school district;

(d) The name and contact information of the persons who will serve as the partner organizations' primary contacts regarding the grant proposal and the educational activities the grant applicant and its partner organizations intend to provide;

(e) A description of the educational activities the grant applicant proposes to offer;

(f) An explanation of how the educational activities the grant applicant proposes to offer with grant funds will address the grant criteria and benefit children enrolled in either a public school or public charter school within a school district;

(g) An estimate of the costs associated with providing the proposed educational activities; and

(h) An analysis of the proposed educational activities and the proposed means of delivering those programs using the Equity Lens adopted under OAR 581-017-0010.

(5) Grant applicants' proposals will be reviewed for completeness and how well they address the evaluation criteria adopted by the department. The Oregon Department of Education shall give preference to eligible entities that propose educational activities that:

(a) Are well designed;

(b) Promote healthy food activities;

(c) Have clear educational objectives;

(d) Involve parents or the community;

(e) Are connected to a school district's farm-to-school procurement activities; and

(f) Are culturally relevant to the students being served by the grant moneys.

(6) Additional information may be required and additional criteria may be identified in the applicable request for proposal and guidelines published by the department.

(7) Recipients of a competitive Oregon Farm to School Program education grant will:

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

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

Statutory/Other Authority: ~~OL 2015, ch. 840, sec. 13 &~~ ORS 326.051 & 336.431

Statutes/Other Implemented: ~~OL 2015, ch. 840, sec. 13 &~~ ORS 336.431

History: ODE 25-2018, amend filed 08/17/2018, effective 08/20/2018; ODE 47-2016, f. & cert. ef. 11-1-16; ODE 11-2016, f. & cert. ef. 2-5-16

OAR 581-017-0444: Awarding and Using Competitive Oregon Farm to School Program Education Grants

(1) The Oregon Department of Education shall allocate funds for competitive Oregon Farm to School Program education grants.

(2) Competitive Oregon Farm to School Program education grants will be awarded to those eligible entities whose grant proposals are judged by the department as best addressing the applicable evaluation criteria.

(3) The department will notify the eligible entities selected for a proposed competitive education grant award by either mail or email. Within two weeks of receiving notice, the entity must notify the department whether it accepts the award.

(4) The department will award ~~the first~~ competitive Oregon Farm to School Program education grants for the biennium beginning on July 1, 2017-2019 and ending on June 30, 2019-2021. If funding is available, additional competitive grants will be awarded in subsequent biennia.

(5) The amount of each competitive Oregon Farm to School Program education grants awarded by the department in any biennia will be at least \$2,000.00 and no more than \$100,000.00.

(6)(a) The recipient of a competitive Oregon Farm to School ~~program~~Program education grant may reserve up to twenty percent of the total amount awarded for all costs incurred:

(i) Planning and developing the food-based, agriculture-based, or garden-based educational activities a grant recipient proposes to offer for the benefit of children enrolled in either a public school or public charter school within a school district; and

(ii) Through direct administration of the food-based, agriculture-based, or garden-based educational activities offered by the grant recipient, including administrative labor and supplies

(b) Notwithstanding paragraph (a) of this subsection, grant recipients may not use more than ten percent of their total award for any direct administrative costs, including administrative labor and supplies.

(7) Grant funds awarded for use in one biennium may not be carried over to the following biennium, and will revert to the department at the end of the biennium, unless otherwise determined by the department.

(8) Grant recipients must deposit the grant funds they receive in a separate account, or assign them a separate account or index number. Grant funds may only be used for the purpose of providing the food-based, agriculture-based, or garden-based educational activities it proposed to offer for the benefit of children enrolled in either a public school or public charter school within a school district.

(9) Grant recipients may not charge indirect costs to their grant award.

Statutory/Other Authority: ~~OL 2015, ch. 840, sec.13 &~~ ORS 326.051 & 336.431

Statutes/Other Implemented: ~~OL 2015, ch. 840, sec.13 &~~ ORS 336.431 & OL 2019, ch. 590, sec. 1

History: ODE 25-2018, amend filed 08/17/2018, effective 08/20/2018; ODE 47-2016, f. & cert. ef. 11-1-16; ODE 11-2016, f. & cert. ef. 2-5-16

OAR 581-017-0447: Performance Measures and Reporting

(1) The Oregon Department of Education shall publish performance measures for recipients of a competitive Oregon Farm to School Program [education](#) grant in the request for proposals solicitation forms and any related guidance documents produced by the department.

(2) The department shall provide grant recipients with a template for an interim and final grant report. To receive the final disbursement of grant funds, grant recipients must submit both a completed interim and final grant report to the department.

Statutory/Other Authority: ~~OL 2015, ch. 840, sec. 13 &~~ ORS [326.051](#) & 336.431

Statutes/Other Implemented: ~~OL 2015, ch. 840, sec. 13 &~~ ORS 336.431

History: [ODE 25-2018, amend filed 08/17/2018, effective 08/20/2018](#); ODE 47-2016, f. & cert. ef. 11-1-16; ODE 11-2016, f. & cert. ef. 2-5-16