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Harvard Law School Health Law and Policy Clinic

Harvard Law School Mississippi Delta Project

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Health Law and Policy Clinic of  
Harvard Law School



# Legislative Recommendations for A Statewide Farm-to-School Bill in Mississippi

Harvard Law School Health Law and Policy Clinic  
and the  
Harvard Law School Mississippi Delta Project

November 2011

## INTRODUCTION

As states and school districts around the country consider strategies to address childhood obesity, programs that connect schools with local farmers selling fresh fruits and vegetables have emerged as effective means of improving fruit and vegetable consumption.<sup>1</sup> Equally important, these programs spur economic development by creating a market for the sale of produce grown by local farmers, in which individual and governmental “food dollars” can be increasingly spent within the state. In 2010, over 2000 farm-to-school programs were in operation and 25 states had state-level farm-to-school policies.<sup>2</sup>

Mississippi has the highest rate of childhood obesity in the country with 40% of Mississippi’s children either overweight or obese.<sup>3</sup> In addition, while Mississippi receives over \$200 million from the federal government for public school lunch programs, almost none of that funding is spent on food grown within the state.<sup>4</sup> Farm-to-school policies and programs could both increase the presence of fruit and vegetables in public school lunches and keep more of this federal funding within Mississippi, yet none of these policies or programs currently exists in the state.<sup>5</sup>

A farm-to-school program would also be instrumental in increasing access to fresh fruits and vegetables for communities that lack options for buying affordable, healthy foods. As of September 2011, 59 counties in Mississippi contained one or more communities considered “food deserts,” defined as a low-income census tract where a substantial number of residents have low access to a supermarket or large grocery store.<sup>6</sup> In Mississippi, where many of these food deserts are in rural areas surrounded by farmland, farm-to-school initiatives are a natural way to get more fresh food into schools while supporting the local economy. Farm-to-school initiatives are also an excellent way to encourage local production, as they create a reliable

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<sup>1</sup> This report was prepared by Ona Balkus, student in the Harvard Law School Health Law and Policy Clinic and member of the Harvard Law School Mississippi Delta Project under the supervision of Emily Broad Leib, Senior Clinical Fellow in the Harvard Law School Health Law and Policy Clinic. The following students from the Harvard Mississippi Delta Project were involved in research and drafting of this report: Brendan Gants, Annie Kim, Amanda Korber, Breanne Long, Eliza Presson, Crystal Redd, and Margaret Wilson. Special thanks to Robert Greenwald, Director of the Harvard Law School Health Law and Policy Clinic and Nathan Rosenberg, Harvard Law School.

<sup>2</sup> National Farm to School Network, *About Us*, <http://www.farmtoschool.org/aboutus.php> (last visited Nov. 20, 2011).

<sup>3</sup> Mississippi Department of Education’s Office of Healthy Schools, *Obesity in Mississippi*,

<http://www.healthyschoolsms.org/documents/MSDEObesityBookweb.pdf> (last visited Nov. 21, 2011).

<sup>4</sup> New America Foundation. *Federal Education Budget Project: Mississippi*, <http://febp.newamerica.net/k12/MS> (last visited Nov. 20, 2011).

<sup>5</sup> Currently, the Mississippi Department of Agriculture sources a small amount of Mississippi-grown produce for distribution to public schools through the Department of Defense (DoD) Fresh Fruit and Vegetable Program; however, the program operates at the statewide level and places major restrictions on growing practices, as well as requires that farmers deliver their product to Jackson in large quantities. Therefore only a handful of farms, all relatively large in scale, are able to participate in the program. Telephone interview with Andy Prosser, Director of Marketing and Public Relations, Mississippi Department of Agriculture and Commerce (Feb. 10, 2011).

<sup>6</sup> United States Department of Agriculture Economic Research Service, *Food Desert Locator Documentation, Food Desert Locator Data*, <http://www.ers.usda.gov/Data/FoodDesert/documentation.html> (last visited Nov. 20, 2011).

market for farmers, which encourages them to grow more. The more fruits and vegetables that are grown in Mississippi, the more these foods will be available through retail outlets and farmers markets throughout the state.

“Farm-to-school” refers to any program that connects K-12 schools with local farmers and thus can be effectuated using a wide array of policy options. Farm-to-school initiatives are key to the success of Mississippi’s efforts to improve public health and local economies because they are proven to:

1. Strengthen local economies by improving the livelihood of local farmers, resulting in additional spending on other local products and services;
2. Increase fruit and vegetable consumption by students in the cafeteria, classroom, and even outside of the school setting; and
3. Effectively enhance nutrition education and health literacy.<sup>7</sup>

States around the country are investing in and implementing farm-to-school initiatives as a promising strategy to improve child nutrition and bolster local economies. Farm-to-school initiatives can include a broad array of programs, from farm-to-school weeks, where schools are encouraged to incorporate local produce into school lunches for one week, to comprehensive programs, where schools connect with farms to both purchase their produce throughout the school year and teach children about farming, the environment, and public health.

As described above, farm-to-school initiatives can improve health, educational, and economic outcomes in Mississippi. ***The Mississippi Legislature can and should act now to help facilitate the growth of farm-to-school initiatives in the state so that Mississippi can experience these great benefits.***

This report aims to inform and encourage the Mississippi legislature in its development of farm-to-school legislation by describing how states around the country have used state-level legislation and policies to promote farm-to-school initiatives. This report also considers the unique characteristics of Mississippi’s food system, including the school food procurement process, the existing local purchasing incentive MAKE MINE MISSISSIPPI, and the state’s current capacity to enact this type of state program. Taking into account both lessons learned from other states and current conditions in Mississippi, this report provides recommendations for how the Mississippi Legislature can advance a successful and sustainable farm-to-school program in the state.

The policy recommendations are organized as follows:

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<sup>7</sup> Nate Rosenberg and Emily Broad Leib, *Expanding Farm to School in Mississippi: Analysis and Recommendations*, HARVARD LAW SCHOOL HEALTH LAW AND POLICY CLINIC AND THE HARVARD LAW SCHOOL MISSISSIPPI DELTA PROJECT 1 (May 2011), <http://blogs.law.harvard.edu/foodpolicyinitiative/files/2011/09/Expanding-Farm-to-School-in-Mississippi.pdf>.

1. **Establishment of a state farm-to-school coordinator position:** We prioritize this recommendation not only because of its potential to bring increased farm-to-school funding into the state, but also because a coordinator would be instrumental in implementing the types of farm-to-school policies recommended throughout this report.
2. **Potential immediate, low-cost initiatives:** Given the current fiscal climate, we have laid out some options that could be implemented with little resources or changes to current systems. While their long-term effects might be limited, these initiatives would raise awareness about farm-to-school in the state and help schools and farmers start developing relationships that could lead to more comprehensive initiatives in the future. These potential immediate steps include:
  - a. Mississippi Farm-to-School Week
  - b. Farm-to-School Resolution or Memorial Statement
  - c. 10% Campaign for Schools and Local Businesses
  - d. Inter-Agency Farm-to-School Task Force
3. **Incentivizing a Sustainable Farm-to-School Program:** Investing resources in local farm-to-school initiatives and giving schools incentives to purchase food from local growers are crucial steps in motivating communities to change existing systems in order to pilot and expand farm-to-school initiatives that will be sustainable in the long term. These recommendations include:
  - a. Mini Grants to Successful or Promising Farm-to-School Initiatives
  - b. Changing School Procurement Policy to Allow for a Geographic Preference

## **ESTABLISHING A MISSISSIPPI FARM-TO-SCHOOL COORDINATOR POSITION**

Hiring a statewide farm-to-school coordinator would be a cost-effective and efficient way to develop, implement, and expand Mississippi's farm-to-school program. Having a central point person working full-time to develop the farm-to-school program, facilitate relationships between farms and schools, and bring additional funds into the state will make it easier for farms and schools to learn about and get involved in farm-to-school. Additionally, each recommendation in this report would be more feasible with a statewide coordinator overseeing and facilitating the creation of farm-to-school initiatives in Mississippi.

### ➤ **Substantive Impact: What Can a Coordinator Do?**

A farm-to-school coordinator would serve as the statewide point person for the implementation of local farm-to-school initiatives. The coordinator would first meet with stakeholders to determine how to best catalyze the growth of farm-to-school initiatives in

Mississippi. For example, in Maine a farm-to-school coordinator currently serving several counties has facilitated in-person meetings with school principals, superintendents, food service directors, and teachers to encourage schools to begin the farm-to-school process.<sup>8</sup> The coordinator should also facilitate the implementation of farm-to-school initiatives by increasing communication and information sharing between farmers and schools. In Washington, for example, the state farm-to-school coordinator and staff developed “Farm to Cafeteria Connections,” a report detailing the process of establishing farm-to-school initiatives in Washington and providing examples of successful local initiatives.<sup>9</sup> Collecting and disseminating this type of information can make it easier for schools and farms to connect and establish an ongoing commercial relationship.

#### **What makes a good farm-to-school coordinator?**

*Below are some skills and qualifications other states have sought in selecting their coordinators:*

- Food industry experience in purchasing or distribution
- Research analysis and reporting skills
- Ability to organize and conduct meetings and workshops
- Degree in a field related to agriculture or public health
- Background in diet or nutrition

Once initiatives get off the ground, a coordinator can then provide support, outreach, and technical assistance. A coordinator should work to identify community and non-profit organizations that could be partners and sources of funding for smaller projects, such as school gardens. For farmers, the coordinator can help to clarify school food safety requirements and to prepare for audits. For school staff, the coordinator can conduct workshops and training sessions to teach food service directors and cafeteria staff how to purchase local foods using their school food budgets, ways to prepare the new foods they will be receiving, and ideas for working with teachers to incorporate farm-to-school elements into the curriculum.<sup>10</sup>

In addition to these functions, the coordinator can maintain a state website and bring in sources of funding to the state, both of which are detailed below.

#### **➤ Acquiring Additional Funding**

Though there is a cost involved in supporting a statewide farm-to-school coordinator, this cost can be offset by the money that he or she would likely be able to bring into the state through

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<sup>8</sup> Healthy Acadia, *Down East Farm to School*, <http://www.healthyacadia.org/farmentoschool.html> (last visited Nov. 20, 2011).

<sup>9</sup> Kelli Sanger and Leslie Zenz, *Farm to Cafeteria Connections*, WASHINGTON STATE DEPARTMENT OF AGRICULTURE SMALL FARM AND DIRECT MARKETING PROGRAM (Jan. 2004), <http://agr.wa.gov/marketing/farmentoschool/docs/102-FarmToCafeteriaConnections-Web.pdf>.

<sup>10</sup> National Farm-to-School Network, *Oklahoma Profile*, <http://www.farmentoschool.org/state-home.php?id=10> (last visited Nov. 20, 2011); Oklahoma Farm-to-School website, *Food Service and School Events*, [http://www.okfarmtoschool.com/events/foodservice\\_schools.htm](http://www.okfarmtoschool.com/events/foodservice_schools.htm) (last visited Nov. 20, 2011).

grants and other funding. The federal government currently provides a number of grants for farm-to-school programs, including Community Food Projects Competitive Grants of up to \$125,000 for enhancing food security through support of local food production,<sup>11</sup> U.S. Department of Agriculture Farm to School Grants of up to \$100,000,<sup>12</sup> and Specialty Crop Block Grants administered by the relevant state agency in each state.<sup>13</sup> A statewide coordinator is in an ideal position to work with schools, farmers, and non-profit organizations in order to create partnerships and obtain grant money that can help grow a successful farm-to-school program.

Coordinators in other states have successfully secured grants, both for the statewide program and localized efforts, to assist with the planning and implementation of farm-to-school programs. For example, Tricia Kovacs, Washington's coordinator, secured nearly 300% more in grant money than she earned in 2009. While she earned about \$65,000,<sup>14</sup> Kovacs obtained roughly \$260,000 in funding from the United States Department of Agriculture.<sup>15</sup> Using this money, she was able to hire other individuals to work with her to promote farm-to-school initiatives around the state. Similarly, under Colleen Matts, the Michigan farm-to-school coordinator, the W. K. Kellogg Foundation has pledged to donate up to \$30,000 each year in mini \$2,000 grants as part of a project entitled "Michigan Farm to School: Scaling Up and Branching Out."<sup>16</sup> Thus, Matts, who is salaried at \$49,440, will recuperate approximately 60% of her salary each year through grants alone.<sup>17</sup> As coordinators in other states have demonstrated, in addition to developing, implementing and facilitating the Mississippi farm-to-school program, a statewide coordinator would be well worth the cost in a strictly economic sense.

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<sup>11</sup> USDA National Institute of Food and Agriculture, *Community Food Project Grants*, <http://www.csrees.usda.gov/fo/communityfoodprojects.cfm> (last visited Nov. 20, 2011).

<sup>12</sup> USDA Food and Nutrition Service, *Farm to School*, <http://www.fns.usda.gov/cnd/f2s/f2s-grants.htm> (last visited Nov. 20, 2011).

<sup>13</sup> USDA Agricultural Marketing Service, *Specialty Crop Block Grants*, <http://www.ams.usda.gov/AMSV1.0/ams.fetchTemplateData.do?template=TemplateN&navID=SpecialtyCropBlockGrant0Program&rightNav1=SpecialtyCropBlockGrant0Program&topNav=&leftNav=CommodityAreas&page=SCBGP&resultType> (last visited Nov. 21, 2011).

<sup>14</sup> State of Washington Department of Agriculture, *List of Employees, Job Title and Salary 2009*, <http://lbloom.net/da09.html> (last visited Nov. 20, 2011).

<sup>15</sup> This grant money included a \$250,000 USDA Specialty Crop Block Grant to be distributed over three years and a \$10,000 USDA Risk Management Agency grant. Washington State Office of the Superintendent of Public Instruction, *Farm-to-School Program 2008-2009 Report to the Legislature*, 11 (Jan. 2010), <http://agr.wa.gov/marketing/farmtoschool/docs/285-FarmToSchoolLegislativeReport2008-09.pdf>; note that as of July 1, 2011, the Washington Farm to School program has been eliminated due to budgetary restrictions. Washington State Farm to School website, <http://agr.wa.gov/Marketing/Farmtoschool> (last visited Nov. 20, 2011).

<sup>16</sup> In the 2011-2012 school year, eight Farm-to-School grants were awarded. Michigan Farm-to-School website, *Grantees 2011/2012*, <http://www.mifarmtoschool.msu.edu/index.php?q=grantees> (last visited Nov. 20, 2011).

<sup>17</sup> Collegiate Times, *Public University Salaries*, <http://www.collegiatetimes.com/databases/salaries/michigan-state-university?name=Matts> (last visited Nov. 20, 2011).

## ➤ Developing and Maintaining an Online Information Database

Maintaining a central database of information on farm-to-school initiatives in the state is an easy and effective way to engage and inform both farms and schools. A statewide coordinator is the ideal individual to oversee such a database because he or she will act as a central contact for farms and schools, and therefore will know what information is helpful for schools trying to implement a farm-to-school program and for farmers trying to get involved. Over ten states with farm-to-school programs have developed websites that contain information about how schools and farmers can get involved, develop successful programs, and incorporate farm-to-school activities into the academic curriculum.<sup>18</sup> Michigan,<sup>19</sup> Minnesota,<sup>20</sup> and Massachusetts<sup>21</sup> are all examples of states with effective websites that provide the following information:

- Resources for farmers, including information on schools that are currently involved in buying locally, schools that want to get involved but are having trouble locating a willing farmer, and the required safety certification for participating farmers
- Resources for schools that include a list of participating farmers, including what foods they grow, a calendar of the growing seasons, ideas for how to prepare and serve fresh and whole foods, and lessons and classroom activities that complement the farm-to-school program
- A list of available grants, for both farms and schools, to develop and implement farm-to-school initiatives
- Customer evaluation forms for use by farmers to better assess the needs of their client schools<sup>22</sup>

### **From Minnesota Coordinator, Stephanie Heim:**

#### **What's a common misconception about Farm to School?**

"It's that some schools can't do it. Really, it doesn't matter whether the school is big or small, or in farm country or surrounded by concrete. Farm-to-school comes in all shapes and sizes. Some schools feature one local food each month, while others grow a school garden or do even more. Most farm-to-school initiatives start small."

*Source:* University of Minnesota Extension, Q & A: *Stephanie Heim*, <http://blog.lib.umn.edu/umnnext/news/2011/09/q-a-stephanie-heim-extension-farm-to-school-coordinator.php> (last visited Dec. 3, 2011).

<sup>18</sup> National Farm-to-School Network, *State Farm to School Legislation* (Nov. 2, 2010), [http://www.farmtoschool.org/files/publications\\_177.pdf](http://www.farmtoschool.org/files/publications_177.pdf).

<sup>19</sup> C.S. Mott Group for Sustainable Food Systems, Michigan State University, *Farm-to-School*, <http://www.mifarmtoschool.msu.edu/> (last visited Nov. 21, 2011).

<sup>20</sup> University of Minnesota Extension, *Farm to School*, <http://www.extension.umn.edu/farm-to-school/toolkit/> (last visited Nov. 21, 2011).

<sup>21</sup> Massachusetts Department of Agricultural Resources, *Massachusetts Farm to School Project*, [http://www.mass.gov/agr/markets/Farm\\_to\\_school/index.htm](http://www.mass.gov/agr/markets/Farm_to_school/index.htm) (last visited Nov. 21, 2011).



- Announcements about upcoming farm-to-school activities organized by the coordinator, such as the state Farm-to-School Week

### ➤ Where to House a Farm-to-School Coordinator

Most commonly, statewide coordinators are housed in state Departments of Agriculture. In Oklahoma,<sup>23</sup> Oregon,<sup>24</sup> Virginia,<sup>25</sup> Kentucky,<sup>26</sup> and Washington,<sup>27</sup> the farm-to-school coordinator position is placed in the state Department of Agriculture. Although there are obvious technical advantages to this placement, there are other options available. The Department of Education or Department of Health would be other state agencies that could house the coordinator. One final option is exemplified by states such as Minnesota and Michigan, whose coordinators work through the state university extension service.<sup>28</sup>

## IMMEDIATE, LOW-COST INITIATIVES

Mississippi legislators should consider enacting several low-cost, high-publicity initiatives to increase farmers', schools', and communities' awareness of options to incorporate local, healthy foods into school meals. In the sub-sections below, we describe four low-cost initiatives other states have implemented that Mississippi should adopt to encourage the development of farm-to-school initiatives in the state.

- A statewide **Farm-to School Week** can serve as a key starting point for new farm-to-school initiatives, as it encourages schools to bring in farm-fresh foods at least during that week, while building relationships between schools and farmers that can lead to more long-term partnerships.

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<sup>22</sup> Massachusetts Department of Agricultural Resources, *Evaluating a Potential Institutional Customer assessment form*, [http://www.mass.gov/agr/markets/Farm\\_to\\_school/docs/Evaluating%20a%20School%20Food%20Service%20Customer.pdf](http://www.mass.gov/agr/markets/Farm_to_school/docs/Evaluating%20a%20School%20Food%20Service%20Customer.pdf) (last visited Nov. 20, 2011).

<sup>23</sup> OKLA. STAT. ANN. tit. 2, § 5-60.3 (2011).

<sup>24</sup> Stacey Williams and Michelle Ratcliffe, *A Working History of Farm to School Legislation in Oregon*, ECOTRUST FARM TO SCHOOL PROGRAM (2010), [http://www.ecotrust.org/farmtoschool/Working-History-Farm-to-School-Legislation-Oregon\\_08-24-10.pdf](http://www.ecotrust.org/farmtoschool/Working-History-Farm-to-School-Legislation-Oregon_08-24-10.pdf).

<sup>25</sup> Virginia Department of Agriculture and Consumer Services, *Virginia Farm-to-School Program*, <http://www.vdacs.virginia.gov/marketing/farm.shtml> (last visited Nov. 20, 2011).

<sup>26</sup> Kentucky Department of Agriculture, *Farm to School*, <http://www.kyagr.com/consumer/food/FarmtoSchool.htm> (last visited Nov. 20, 2011).

<sup>27</sup> Washington State Department of Agriculture, *Farm-to-School Program*, <http://agr.wa.gov/Marketing/Farmtoschool/> (last visited Nov. 20, 2011).

<sup>28</sup> University of Minnesota Extension, *Farm to School website*, <http://www.extension.umn.edu/farm-to-school/toolkit/> (last visited Nov. 21, 2011); C.S. Mott Group for Sustainable Food Systems, Michigan State University, *Farm-to-School*, <http://www.mifarmtoschool.msu.edu/> (last visited Nov. 21, 2011).

- Passing a **Farm-to-School Resolution or Memorial Statement** would demonstrate that the Mississippi Legislature values incorporating local farm produce into schools, and would encourage schools to look into forming relationships with local farmers.
- A **10% Campaign for Schools and Local Businesses**, in which government agencies, public and private institutions, and retail establishments are encouraged to buy 10% of their food from local sources, could build upon the existing MAKE MINE MISSISSIPPI program by adding a quantifiable benchmark for all businesses participating in the program. While this goes beyond schools, the measure would help increase investment in local farms, which in turn will help farmers to increase their production so that they are able to sell to schools. It also raises awareness in the community about the benefits of local foods and farming.
- An **Inter-Agency Farm-to-School Task Force**, comprised of representatives from the relevant agencies, including the Departments of Agriculture and Education, as well as school staff, farmers, and other stakeholders, could be established and meet on a regular basis to strategize about how to expand and coordinate farm-to-school initiatives around the state.

### ***Farm-to-School Week***

Mississippi should capitalize on the momentum from recent federal legislation establishing a national Farm-to-School Month by passing legislation to establish a statewide week in which schools are encouraged to serve food from local farms and educate students about nutrition, the importance of eating healthy, fresh foods, and the different varieties of food grown in Mississippi. Many states that have created farm-to-school weeks have either established partnerships between the state Departments of Education and Agriculture or enlisted state universities or non-profit organizations to lead activities during these Farm-to-School Weeks.

Schools and agencies can make a farm-to-school week more successful and spread the word to community members through various marketing strategies. In Maryland, for example, the Department of Agriculture sponsors a large kick-off celebration for the Farm-to-School Week at a local school each year, in which state and local officials eat a healthy meal prepared with local foods in the school cafeteria.<sup>29</sup> School lunch menus for the week should include appetizing descriptions of the local food being served. Schools and agencies around the country have successfully advertised their state campaigns by posting information on their school websites, including links to local farms, farmers markets, and healthy recipes.<sup>30</sup>

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<sup>29</sup> Maryland Department of Agriculture, *News Release: Officials Kick-off Maryland Homegrown School Lunch Week* (Sept. 9, 2011), <http://www.mda.state.md.us/article.php?i=35385>.

<sup>30</sup> In Maine, the State Department of Education posted school lunch menus from its Maine Lunch Harvest Week, which included descriptions like “THURSDAY-Today we have Chili and Cheese made with different dry beans from Exeter, Maine along with garlic scapes, zucchini, tomatoes and peppers from local farms to reduce the sodium. Corn on the cob was shucked as class projects at Longfellow and East End schools earlier this week. It was grown at Belanger’s Farm in Lewiston Maine. The tossed salad has local greens from Snell Family Farm in York County and Jordan Family farm in Cape Elizabeth. The strawberries were harvested in July from Fair Winds Farm in Bowdoin,

Mississippi schools can start small, though. In North Dakota, one school served a single local item—corn on the cob—to celebrate the state’s inaugural Farm-to-School Week.<sup>31</sup> The table below displays the times of year and details of Farm-to-School Weeks in various states:

STATE	FARM-TO-SCHOOL WEEK DATE	PROGRAM DETAILS OF INTEREST
<i>Maine</i>	Late September	Maine’s Department of Education website features schools’ lunch menus during the Farm-to-School week, with appetizing descriptions of all the local foods. <sup>32</sup>
<i>Maryland</i>	Mid September	The Maryland Homegrown School Lunch Week is a component of a comprehensive farm-to-school law. Each year, the week kicks off with a large celebration at a local school, with state officials in attendance. <sup>33</sup>
<i>Minnesota</i>	September	In 2011, the Governor of Minnesota signed a proclamation declaring September as Farm-to-School <i>Month</i> in the state. <sup>34</sup>
<i>New Jersey</i>	Late September	In 2011, the Jersey Fresh Farm to School Week included an apple-tasting contest and a cooking contest featuring sweet potato salad, pasta pesto and blueberry crumble. <sup>35</sup>
<i>South Carolina</i>	Mid September	South Carolina has launched a pilot Farm-to-School Week, in which 26,382 pounds of local produce were purchased and served in 70 schools. <sup>36</sup>
<i>Virginia</i>	Early November	During the Virginia Farm-to-School Week, students take tours of local farms and schools give away Virginia Grown coloring books and extend invitations to local school board members to come for lunch one day that week. <sup>37</sup>

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Maine. We washed and froze them for today’s lunch and smoothies in October.” State of Maine Department of Education, *Local Foods to Local Farms*, available at: <http://www.maine.gov/education/sfs/farm.html> (last visited Nov. 20, 2011).

<sup>31</sup> Rob Martin, *Farm to School Program Serves Up Corn on Cob at St. Anne School*, KFVR-TV (Feb. 23, 2011), [http://www.kfyrtv.com/News\\_Stories.asp?news=46874](http://www.kfyrtv.com/News_Stories.asp?news=46874).

<sup>32</sup> State of Maine Department of Education, *Maine Lunch Harvest Week* (Sept. 2011), <http://www.maine.gov/education/sfs/farm.html>.

<sup>33</sup> Maryland Department of Agriculture, *Officials Kick-off Maryland Homegrown School Lunch Week News Release* (Sept. 9, 2011), <http://www.mda.state.md.us/article.php?i=35385>.

<sup>34</sup> Andrew Ranallo and JoAnne Berkenkamp, *Governor Dayton proclaims September Farm to School Month in Minnesota*, INST. FOR AGRIC. AND TRADE POLICY (Aug. 29, 2011), <http://www.iatp.org/documents/governor-dayton-proclaims-september-farm-to-school-month-in-minnesota>.

<sup>35</sup> New Jersey Farm to School Network, *Jersey Fresh Farm to School Week Highlights*, <http://www.njfarmtoschool.org/calendar-of-events/jersey-fresh-farm-to-school-week-highlights/> (last visited Nov. 21, 2011).

<sup>36</sup> Southern Farm Network, *Farm to School Week in Lexington County*, SFNTODAY.COM (May, 18, 2010, 6:00 AM), <http://www.sfntoday.com/audio/default.aspx?programID=7&audioID=1006>.

<sup>37</sup> Virginia Department of Agriculture and Consumer Services, *Virginia Farm to School Week ~ Nov. 7-11, 2011*, <http://www.vdacs.virginia.gov/marketing/farm.shtml> (last visited Nov. 21, 2011).

Washington, D.C.	Early October	Washington, D.C. has two weeks that feature local produce—in the fall, they have a Farm-to-School Week, and in the spring, a Strawberries and Salad Greens Event, where fresh berries and greens are served in schools throughout the District. <sup>38</sup>
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### ***Farm-to-School Resolution or Memorial Statement***

This simple, no-cost step would increase awareness about the importance of a farm-to-school program in the state. By passing a resolution or memorial statement that encourages schools and farms to establish local farm-to-school initiatives, the Mississippi Legislature would be taking an important first step in showing its support and making sure Mississippi schools know that it is not only *legal* to bring local produce into schools, it is also actively *encouraged* by the state government.

This sample memorial statement would show that the Mississippi Legislature recognizes the importance of increasing farm-to-school initiatives in the state:

***Mississippi Farm-to-School Memorial Statement:***

*Mississippi is dedicated to ensuring that its public schools serve locally-grown, fresh, healthy foods to Mississippi students. Local farm-to-school programs help to promote healthy eating by Mississippi students and families, raise awareness of the important role agriculture plays in Mississippi, provide new markets and economic development for Mississippi farmers, and preserve our environment.*

*The Mississippi Departments of Education and Agriculture should evaluate, in collaboration, opportunities for public schools to serve state agricultural products, facilitate relationships between local farmers and schools, and promote healthy eating habits.*

### ***Inter-Agency Farm-to-School Task Force***

An important step in promoting farm-to-school in Mississippi could come from the creation of an inter-agency farm-to-school task force that brings together agency officials, farmers, and school employees. The task force would work to identify and break down barriers to creating a

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<sup>38</sup> D.C. Farm to School Network, *District of Columbia Farm-to-School Week*, <http://www.dcfarmtoschoolweek.blogspot.com/> (last visited Nov. 20, 2011); The D.C. Farm-to-School Network also commissioned an promotional impressive slide show documenting their Farm-to-School week that could be used as a model for publicizing new farm-to-school efforts. Christiana Aretta, *50 Voices, a Storiography Project*, D.C. FARM TO SCHOOL NETWORK, <http://storiography.com/50voices/> (last visited Dec. 2, 2011).

farm-to-school program in the state and plan out a long-term strategy for promoting farm-to-school.

At least seven states have established, or are currently developing, farm-to-school task forces.<sup>39</sup> In most cases these have been established by legislative acts directing the state Departments of Education, Health, and Agriculture to develop and coordinate the task force.<sup>40</sup> These task forces typically include a range of stakeholders such as farmers, school food service representatives, advocacy organizations, state and local food policy councils, and state and federal government agencies. Task forces should involve as many stakeholders as possible so as to gain a comprehensive understanding of farm-to-school issues in the state. To that end, Maine's Farm to School Work Group includes approximately twenty-four different groups.<sup>41</sup> A task force in Mississippi should include the Mississippi State Department of Agriculture and Commerce, Department of Education, and Department of Health, as well as school food service directors, farmers, and non-profit organizations involved in or interested in promoting farm-to-school efforts, such as those that teach nutrition education in schools and build school gardens.

The task force's mandate should include developing an action plan with specific strategies for addressing key farm-to-school issues identified by stakeholders. By creating and implementing an action plan, the Mississippi Task Force would address challenges to starting new farm-to-school initiatives and prioritize those efforts that best expand and maximize the efficacy of existing efforts. For example, Arkansas' task force works to overcome barriers to farm-to-school like the lack of a centralized "processing facility" that could aggregate produce from small farmers.<sup>42</sup> Many task forces also assist parties in applying for federal grants and funding, similar to the work of a farm-to-school coordinator as described above. Finally, a task force can assist in gathering statewide data about farm-to-school initiatives for evaluation purposes, thus helping farm-to-school administrators to use evidence-based methods and spend financial resources efficiently. For example, Alaska plans to gather data on local initiatives and combine it with national survey metrics to measure and evaluate farm-to-school programs operating throughout the state.<sup>43</sup>

To kick off its work, the task force should hold a conference for all interested stakeholders to identify priorities and provide a forum for educating stakeholders, facilitating communication, and building and strengthening relationships between producers and buyers. By hearing from

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<sup>39</sup> States identified include Arkansas, California, Colorado, Maine, Texas, Virginia, and West Virginia.

<sup>40</sup> One exception is California, where a more informal collaboration has developed that includes representatives from state and local agencies. Robert Gottlieb and Ann M. Evans, *Viewpoints: School food programs can transform how kids eat*, SACRAMENTO BEE (Jan. 30, 2011, 12:15 AM), <http://www.sacbee.com/2011/01/30/v-wireless/3360949/school-food-programs-can-transform.html>.

<sup>41</sup> National Farm to School Network, *Maine Farm to School Workgroup*, <http://www.farmentoschool.org/state-programs.php?action=detail&id=25&pid=344> (last visited Nov. 20, 2011).

<sup>42</sup> Laurie Whalen, *Concept Ties Local Produce, Schools*, ARKANSAS DEMOCRAT GAZETTE (Nov. 12, 2009, 5:31 AM), <http://www.nwaonline.com/news/2009/nov/12/concept-ties-local-produce-schools-20091112/>.

<sup>43</sup> Alaska Department of Natural Resources, *Alaska Farm to School Strategic Plan*, <http://dnr.alaska.gov/ag/FarmToSchool/FTSSStrategicPlan.pdf> (last visited Nov. 20, 2011).

people in local communities, the task force can move forward to address concerns and barriers that keep Mississippians from initiating and maintaining farm-to-school initiatives.

At least thirteen states have held statewide farm-to-school conferences in recent years or are in the planning processes for holding such statewide conferences.<sup>44</sup> These events typically involve a broader constituency than would participate in the ongoing work of the task force and are thus a good first step in garnering a range of perspectives on how to best encourage farm-to-school. To offset the cost of these large conferences and keep them affordable for participants, state agencies have partnered with non-profit organizations and asked for assistance from state university extension programs to host the events. For example, the Arkansas Farm-to-School Conference was held at the headquarters of Heifer International,<sup>45</sup> and the University of Missouri Extension program hosted the state's Farm-to-School Conference.<sup>46</sup> In Kansas, the State Department of Agriculture hosts ongoing conferences through partnerships with non-profit organizations and universities.<sup>47</sup>

If possible, conferences should offer free or discounted registration, especially for producers, as was done in West Virginia.<sup>48</sup> Otherwise, registration fees may cut into small farmers' bottom lines, providing a significant disincentive to participation. Finally, the state may supplement formal conferences with other opportunities for stakeholders to communicate and receive training and technical assistance. For example, Alaska's Farm-to-School Action Plan includes encouraging school groups to visit local farms and farmers to tour school facilities.<sup>49</sup>

### ***10 Percent Campaign for Schools and Local Businesses***

Mississippi should enact a campaign that encourages retail businesses, government agencies, and public and private schools to source a certain percentage of their food from local sources. This campaign could build on the current MAKE MINE MISSISSIPPI program, which identifies manufacturers and producers whose product is at least 51% manufactured, processed, and/or grown in Mississippi.<sup>50</sup> Other states have identified 10% of purchases as a reachable goal for retail establishments and governmental institutions to meet, and this percentage could be

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<sup>44</sup> States identified include Arkansas, Alaska, Delaware, Georgia, Kansas, Kentucky, Maine, Missouri, New Hampshire, New Jersey, Ohio, Virginia, and West Virginia.

<sup>45</sup> Ray White, *Heifer Hosts First Statewide Farm to School Conference*, HEIFER INTERNATIONAL (2009), <http://sphere.heifer.org/site/apps/nlnet/content2.aspx?c=edJRKQNiFiG&b=5774597&ct=8398353>.

<sup>46</sup> Bill McKelvey, *Workshops aim to bring local foods to local schools*, UNIVERSITY OF MISSOURI EXTENSION (Feb. 11, 2011), <http://extension.missouri.edu/news/DisplayStory.aspx?N=1037>.

<sup>47</sup> Kansas Rural Center, *Post-Harvest Handling, Food Safety, and GAPs: Making it Work on a Real Farm*, SPROUTING HEALTHY KIDS (March 15, 2011, 8:02 AM), <http://kansasfarm2school.blogspot.com/>.

<sup>48</sup> West Virginia Department of Education, *Statewide Farm to School Conference to be Held in Morgantown* (Sept. 22, 2011), <http://wvde.state.wv.us/news/2404/>.

<sup>49</sup> Alaska Department of Natural Resources, *Alaska Farm to School Strategic Plan*, <http://dnr.alaska.gov/ag/FarmToSchool/FTSSstrategicPlan.pdf> (last visited Nov. 20, 2011).

<sup>50</sup> Mississippi Department of Agriculture and Commerce, *Make Mine Mississippi Guidelines & Registration*, <http://www.mdac.state.ms.us/departments/marketing/make-mine-ms-guidelines-registration.htm> (last visited Nov. 21, 2011).

reasonably applied to other establishments' food procurement as well.<sup>51</sup> The 10% campaign would encourage local entities to purchase more products from the MAKE MINI MISSISSIPPI participants and other small, local growers. While this program would bring local produce to a larger population than public school students, it would also incentivize local farmers to increase production of fruit and vegetables which in turn would facilitate farm-to-school relationships because more farmers would be equipped to produce enough food for serving an entire student body.

Mississippi's 10% campaign can be modeled on North Carolina's current campaign. North Carolina launched their 10% campaign in July, 2010. Since then, 4,426 individuals, 422 businesses (including 33 Piggly Wiggly grocery stores and five Whole Foods Markets), and 67 restaurants have participated in the program, reporting \$10 million in local foods expenditures.<sup>52</sup> Their campaign operates through a central website that allows companies to register for the program and report their local food purchases. The website can then track the progress of the campaign, provide directories of local farmers and food suppliers to help businesses find sources of local food in their area, provide a forum for participating businesses, and advertise related events.<sup>53</sup> Similarly, the Illinois legislature supported 20% of food purchased for state agencies and 10% of food purchased with state funds to be local farm produce through the passage of their Local Food, Farms, and Jobs Act in August, 2009 (see Appendix 1).<sup>54</sup>

## **INCENTIVIZING A SUSTAINABLE LONG-TERM FARM-TO-SCHOOL PROGRAM**

To create a sustainable and robust farm-to-school system in Mississippi, the state must invest resources in encouraging local communities to pilot creative initiatives and change their current food purchasing systems. We encourage Mississippi to implement both mini grants and a geographic preference statement to encourage the growth of farm-to-school initiatives in the state. Mini grants can be used for a range of purposes including planning, implementation, purchasing, reimbursement and education, while a geographic preference statement will help work around the current bidding process in Mississippi to allow for greater consideration of a desire to purchase state-grown products. Together, these two approaches would provide incentives and encouragement to local communities to modify current systems in order to facilitate long-term relationships between farmers and school districts.

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<sup>51</sup> See, e.g., Center for Environmental Farming Systems, *North Carolina 10% Campaign*, <http://www.ncsu.edu/project/nc10percent/> (last visited Nov. 21, 2011).

<sup>52</sup> Meg Ryan O'Donnell, *Just One Year in CEFS Campaign Tracks \$5.7 Million in Local Food Purchases*, CENTER FOR ENVIRONMENTAL FARMING SYSTEMS (July 20, 2011), [http://www.ncsu.edu/project/nc10percent/img/10\\_percent\\_year1.pdf](http://www.ncsu.edu/project/nc10percent/img/10_percent_year1.pdf); Center for Environmental Farming Systems, *North Carolina 10% Campaign*, <http://www.ncsu.edu/project/nc10percent/> (last visited Nov. 21, 2011).

<sup>53</sup> *Id.*

<sup>54</sup> 30 ILL. COMP. STAT. ANN. 595/10 (West 2011).

## **Mini Grants**

In many cases, schools face increased costs when considering purchasing locally grown foods, especially at the outset of a new farm-to-school program. Locally grown foods might cost more, since small farmers cannot offset costs with economies of scale. Additionally, the school might face increased transaction costs when purchasing from multiple agents, rather than one large food distribution agency. Finally, the school might need to spend more time processing the food to get it ready to serve to students, which will increase labor and equipment costs. Thus, setting up a mini grant program is a powerful tool because it can help to offset these increased costs and thus encourage local communities to develop farm-to-school initiatives. As Mississippi considers how to structure a mini grant program, the state should draw on the experiences of other states that have developed successful mini grant programs. These recommendations lay out key aspects to consider in structuring a mini grant program, including the purpose of the program, eligibility requirements, the monetary amount of the grants, and the evaluation process.

### ➤ **Grant Purpose & Funded Items**

In legislation creating a mini grant program, the Mississippi Legislature should include a purpose statement that lays out what types of initiatives the grants will fund and how the grants should be used in local communities. Examples of key purposes that could be included in legislation include: planning, implementation, purchasing, reimbursement, and educational activities.

- **Planning grants** assist schools in developing plans to integrate local foods into their school menus and in creating the framework to sustain their farm-to-schools initiatives. Planning grants cover the costs of holding meetings to bring together different key stakeholders, training school food service staff and farm-to-school program administrators, and supporting the attendance of key personnel at farm-to-schools conferences. Additionally, planning grants can be designated for the purchase of cafeteria equipment to help to prepare and store local food products.
- **Implementation grants** allow schools and communities to put their farm-to-school plans into action. Similar to planning grants, implementation grants can be used to purchase equipment and train school staff. Additionally, implementation grants can be used to encourage consumption of the new fresh, local produce through marketing materials, student engagement activities like “taste tests” of local produce, field trips to local farms, and community celebrations. The use of implementation grants to incorporate educational activities into farm-to-school initiatives provides significant opportunities to expand students’ knowledge of agricultural literacy, teach children about the farm and school connections, and encourage nutritious and healthy eating habits and lifestyles.
- **Purchasing and reimbursement grants** are instrumental in helping schools purchase local produce, since produce from local farms can be more expensive than processed or mass-distributed food, as discussed above. While purchasing grants would give schools



the ability to purchase local food on the front end, another method that states have used is reimbursement grants, which reimburse schools after they purchase food from local farms. An example of a purchasing grant is Vermont's Roza McLaughlin Farm-to-School Grant Program, which in 2007 granted \$125,000 to schools for farm-to-school initiatives, \$25,000 of which went directly to farms through food purchases and stipends that paid for classroom participation and farm visits.<sup>55</sup> Other states, such as Oregon and Washington, have created reimbursement grants to reimburse school purchases of local fruits and vegetables (see Appendix 3 for Oregon legislation, see Appendix 4 for Washington language).<sup>56</sup>

### ➤ Grant Amounts

State legislation varies in the amount of funding provided for each mini grant. In 2006-2007, the first year of Vermont's farm-to-school grant program, the state awarded a total of \$125,000 to eighteen schools, with grants ranging from \$5,050 to \$14,444.<sup>57</sup> In Georgia, the State Department of Agriculture and Department of Education have teamed up to provide grants for pilot Farm-to-School Weeks at three schools.<sup>58</sup> Since this is the first year, they have not yet put a dollar amount on the grants but are going to wait to see how much it will cost to feed these three schools with 75-100% locally sourced produce for one week.<sup>59</sup> In Ohio, the State Departments of Agriculture and Education awarded five schools with \$2,000 grants as part of the Ohio Farm-to-School Initiative.<sup>60</sup>

Another source of mini grant funding comes from local private foundations that offer mini grants for farm-to-school initiatives. As discussed above, a state farm-to-school coordinator could work with private organizations to attain this type of funding and collaborate on incentivizing innovative and evidence-based initiatives. In Massachusetts, the Massachusetts Agriculture in the Classroom program awards grants of up to \$1,500 to local farm-to-school initiatives.<sup>61</sup> In Michigan, Michigan State University has a grant from the W. K. Kellogg

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<sup>55</sup> Vermont Agency of Agriculture, *Farm to School Grant Program*, <http://www.vermontagriculture.com/education/farmtoschool/index.html> (last visited Nov. 20, 2011).

<sup>56</sup> WA. REV. CODE ANN. §28A.235.170 (West 2011); OR. REV. STAT. ANN. §63.2 (WEST 2011).

<sup>57</sup> Vermont Agency of Agriculture, Food and Markets, *Farm-to-School Grants Summary of Activities* (2008), <http://www.vermontagriculture.com/education/documents/2006-2007F2SFinalReport.pdf>.

<sup>58</sup> Dallas Duncan, *Grant brings Georgia produce to school lunch trays*, GAINESVILLE TIMES (Nov. 1, 2011, 11:30 PM), <http://www.gainesvilletimes.com/archives/58558/>; Environmental Education in Georgia, *Georgia "Feed My School for a Week" Pilot Program Launched*, <http://eeingeorgia.org/core/item/page.aspx?s=99305.0.0.4863> (last visited Nov. 20, 2011).

<sup>59</sup> *Id.*

<sup>60</sup> Chris Kick, *Schools and their Farm to School projects*, FARM AND DAIRY (Oct. 19, 2010), <http://www.farmanddairy.com/news/schools-and-their-farm-to-school-projects/16494.html>.

<sup>61</sup> Massachusetts Agriculture in the Classroom, *Annual Report 2010*, [http://www.aginclassroom.org/html/Support\\_Us/Annual\\_Report/annual\\_report\\_2010.html](http://www.aginclassroom.org/html/Support_Us/Annual_Report/annual_report_2010.html) (last visited Nov. 20, 2011).

Foundation to fund the Michigan Farm-to-School Grant Program, which awards 15 schools grants of up to \$2,000 annually to implement farm-to-school initiatives.<sup>62</sup>

### ➤ Eligibility & Grant Selection Criteria

In some states, all schools are eligible to receive awards from the mini grant program. Other states limit eligibility based on a target school type or grade level. For example, Pennsylvania focuses its resources on the development of farm-to-school programs for kindergarten students.<sup>63</sup> Washington seeks to support a mix of urban and rural school districts, and bases eligibility on whether or not the school receives funds under the federal USDA Fresh Fruit and Vegetable Program.<sup>64</sup> Lastly, the Oregon program strives to offer grants to school districts that represent a variety of sizes and geographic locations and serve a high percentage of children who qualify for free and reduced-price school lunches.<sup>65</sup>

Mississippi has several options when deciding how to evaluate and select applications. Much like planning and reimbursement grants, states can choose whether to award grants to districts that have not yet started the planning and implementation of a farm-to-school initiative or to existing initiatives that have already shown promise in order to help them maintain or expand their efforts, or to some mix of the two. While funding new initiatives incentivizes innovation, funding existing initiatives ensures that money will be spent effectively on initiatives that are already working and just need additional funds to continue operating or to expand. However, it is important to note that there are no real operational farm-to-school initiatives in Mississippi, so the state should certainly begin by funding and encouraging pilot initiatives.

In the Michigan Farm-to-School Grant Program, planning grants are available for schools to develop plans for integrating local foods into school meals, with the understanding that the program will be implemented after the grant year.<sup>66</sup> As a next step, the implementation grants available are for schools with action plans that are now ready to implement initiatives. This grant money can go towards purchasing equipment, costs associated with co-learning opportunities and student engagement, marketing materials for fresh local foods, or training opportunities for school service staff.<sup>67</sup>

In Pennsylvania, applicants for mini grants are evaluated based on such criteria as the ability of the applicant to sustain the program, the potential size and scope of the program, and the

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<sup>62</sup> Michigan Farm to School, *MI Farm to School Grant Program Overview*, <http://www.mifarmtoschool.msu.edu/index.php?q=grant> (last visited Nov. 20, 2011).

<sup>63</sup> Pennsylvania Department of Agriculture, *Health Farms and Healthy Schools Grant Program*, [http://www.agriculture.state.pa.us/portal/server.pt/gateway/PTARGS\\_0\\_2\\_24476\\_10297\\_0\\_43/agwebsite/ProgramDetail.aspx?name=Healthy-Farms-and-Healthy-Schools-Grant-Program-&navid=12&parentnavid=0&palid=79&](http://www.agriculture.state.pa.us/portal/server.pt/gateway/PTARGS_0_2_24476_10297_0_43/agwebsite/ProgramDetail.aspx?name=Healthy-Farms-and-Healthy-Schools-Grant-Program-&navid=12&parentnavid=0&palid=79&) (last visited Nov. 20, 2011).

<sup>64</sup> WA. REV. CODE ANN. §28A.235.170 (West 2011).

<sup>65</sup> OR. REV. STAT. ANN. §63.2 (WEST 2011).

<sup>66</sup> *Id.*

<sup>67</sup> *Id.*

proven ability of the program to engage with local farms (see Appendix 2).<sup>68</sup> This type of selection process gives an advantage to existing initiatives that can prove efficacy and have quantifiable initial results on which to base their applications.

## ***Geographic Preference***

Traditionally, school food procurement has been based solely on finding the lowest cost for the food needed to feed students. Yet increasingly, schools across the country are amending their food procurement forms to facilitate the ordering of local foods. As discussed above, local food from small farmers is often more expensive than processed or mass-distributed food from outside of the state because local farmers lack the economies of scale and mass distribution centers that make the other food low cost. However, ordering more local foods not only benefits children's health and the local economy as discussed above, but it may also lead to a decrease in the cost of local foods in the long-term, as participating farms can scale up their output, become more efficient distributors, and thus eventually decrease their prices. Mississippi should help school districts amend their procurement process so that schools are able to choose the foods they order based not solely on price, but also taking into consideration the geographic origin of the foods.

The Food, Conservation and Energy Act of 2008, the current iteration of the federal farm bill, mandates that USDA promote the purchase of local agricultural products through regulations.<sup>69</sup> Pursuant to this legislation, in April 2011 the USDA released a rule allowing for the use of geographic preference in obtaining unprocessed locally grown agricultural products, thus making it easier for schools and institutions to purchase from local producers.<sup>70</sup>

In Mississippi, the majority of public schools purchase produce and other food products through a statewide purchasing cooperative, which issues an invitation for a bid (IFB) from suppliers.<sup>71</sup> In contrast with a request for a proposal (RFP), which many other states use and which can more easily be amended to take into account the geographical origin of a product, the Mississippi IFB system only allows school districts to consider price when selecting the winning bid.<sup>72</sup> Yet Mississippi can still change the IFB process in order to preference local foods during the procurement process. This can be done by applying a percent price preference, raising the small purchase threshold, or encouraging geographic preferencing for similarly priced goods.

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<sup>68</sup> 3 PENN. CONS. STAT. ANN. § 2506 (WEST 2011).

<sup>69</sup> Food, Conservation and Energy Act of 2008, Pub. L. 110-234, § 11002, 122 Stat. 923, 1125-1126 (2008).

<sup>70</sup> Geographic Preference Option for the Procurement of Unprocessed Agricultural Products in Child Nutrition Programs, 76 Fed. Reg. 22,603 (Apr. 22, 2011).

<sup>71</sup> Nate Rosenberg and Emily Broad Leib, *Expanding Farm to School in Mississippi: Analysis and Recommendations*, HARVARD LAW SCHOOL HEALTH LAW AND POLICY CLINIC AND THE HARVARD LAW SCHOOL MISSISSIPPI DELTA 13 (May 2011), <http://blogs.law.harvard.edu/foodpolicyinitiative/files/2011/09/Expanding-Farm-to-School-in-Mississippi.pdf>.

<sup>72</sup> *Id.*

### ➤ **Institute a Percent Price Preference**

Since the IFB system is based purely on price comparisons between different bidders, the school purchasing authority can preference geographic proximity by equating it to a decrease in price. Thus, while food from local farms can often start out being more expensive, decreasing the cost relative to non-local foods by counting geographic proximity as a decrease in the bid total would result in more local producers ending up with the lowest bid and being chosen to provide produce to schools.<sup>73</sup> *Creating a percent price preference would be the most meaningful and effective way to preference local foods in Mississippi because it would create a clear, numerical advantage for local foods.* For example, Alaska grants a 7% price preference for state-grown agricultural products.<sup>74</sup> Similarly, Wyoming grants a 5% preference for foods or other goods produced within the state, provided they are of equal or superior quality to out-of-state goods.<sup>75</sup>

### ➤ **Raise the Small Purchase Threshold**

If a school conducts a commercial transaction that is small enough to be considered a “small purchase,” the school does not have to go through a formal procurement process, though the school must still conduct the transaction as to allow for competition. Currently, the federal threshold for “small purchase” is \$100,000.<sup>76</sup> In Mississippi, the current small purchase threshold is only \$25,000, so the state could raise this threshold significantly before reaching the federal standard.<sup>77</sup> This would enable small farms to sell produce without going through the formal bidding process and would thus lower administrative costs. As an example, Michigan does not require formal competitive bids for food purchases unless a single purchase exceeds \$100,000.<sup>78</sup>

### ➤ **Push for a Greater Emphasis on Geographic Preference Generally**

For many local products that are similarly priced to out-of-state products, Mississippi’s announcement of a broad geographic preference statement would encourage both school food purchasers and other companies ordering food from distributors to consider preferencing the local producers. If schools and other institutions were encouraged to choose in-state products through this geographic preference, this could increase the economic viability of local farms, encouraging them to increase production and likely helping to lower their costs as their market share increases. In Kentucky, public postsecondary institutions are encouraged to purchase

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<sup>73</sup> Cynthia Long, *Procurement Geographic Preference Q&As*, USDA FOOD AND NUTRITION SERVICE (Feb. 1, 2011), [http://www.fns.usda.gov/cnd/Governance/Policy-Memos/2011/SP18-2011\\_os.pdf](http://www.fns.usda.gov/cnd/Governance/Policy-Memos/2011/SP18-2011_os.pdf).

<sup>74</sup> ALASKA STAT. ANN. § 36.15.050 (2011).

<sup>75</sup> New Rules Project, *Local Purchasing Preferences*, <http://www.newrules.org/retail/rules/local-purchasing-preferences> (last visited Nov. 20, 2011).

<sup>76</sup> 41 U.S.C.A. §403(11) (West 2011).

<sup>77</sup> Mississippi Department of Education, *ARRA Stimulus Funding FAQs*, <http://www.mde.k12.ms.us/stimulus/faq.html> (last visited Nov. 20, 2011).

<sup>78</sup> MICH. COMP. LAWS ANN. § 380.1274 (West 2011).

their agricultural products from in-state producers as long as the producer can meet quality and pricing requirements.<sup>79</sup>

## CONCLUSION

As seen in this report, farm-to-school programs are not “one size fits all.” The Mississippi Legislature can and should act now to help facilitate the growth of a Mississippi farm-to-school program in order to improve the health, education, economic development, and environmental impacts in the state. Mississippi should consider all of the various options to encourage and coordinate the growth of farm-to-school initiatives, both during the 2012 legislative session and in the coming months and years. While provisions such as a full-time farm-to-school coordinator, a well-funded mini grant program, or instituting a percent price preference will be necessary if the state wants to create a successful and sustainable farm-to-school program, smaller immediate steps can also be taken to raise awareness and encourage community engagement. Establishing a Farm-to-School Week, enacting a farm-to-school resolution or memorial statement, promoting a 10% campaign, or creating an inter-agency farm-to-school task force are first steps that can be instrumental in creating an environment in Mississippi that fosters collaboration between farms, schools, non-profits, and government agencies involved in building a statewide farm-to-school program.

What is truly essential is that Mississippi act now. Whether the Legislature decides to start with small steps or big changes, farm-to-school is an excellent way for the Legislature to increase fresh, healthy fruits and vegetables available to students in public schools as well as the promotion of economic development in rural communities throughout the state. Further, a farm-to-school program creates an outlet for the sale of produce from Mississippi farms, encouraging the development and expansion of food farming and production in the state and ultimately improving food access for all Mississippians. With 40% of Mississippi’s children overweight or obese, and in a fiscal climate where many Mississippians have lost their jobs or are in danger of becoming unemployed, Mississippi cannot wait for positive change. We hope that the Mississippi Legislature will take these recommendations into account and introduce farm-to-school legislation in 2012 that has the potential to improve public health and local economies throughout the state.

*For more information about farm-to-school initiatives and how they would benefit the state of Mississippi, visit our previous report, “Expanding Farm to School in Mississippi: Analysis and Recommendations,” May 2011, at*

**<http://blogs.law.harvard.edu/foodpolicyinitiative/files/2011/09/Expanding-Farm-to-School-in-Mississippi.pdf>**

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<sup>79</sup> KY. REV. STAT. ANN. § 164A.575 (West 2011); KY. REV. STAT. ANN. § 45A.645 (West 2011).

## APPENDIX 1

In August 2009, the Illinois legislature passed the Local Food, Farms, and Jobs Act, which included a statewide campaign to encourage 20% of food purchased for state agencies and state-owned facilities, and 10% of food ordered with State dollars, to be local food or farm products.

**Local Food, Farms, and Jobs Act  
Illinois Public Act 096-0579  
96th General Assembly (August 18, 2009)**

**(Codified at 30 Ill. Comp. Stat. Ann. 595/10 (2011))**

### Section 10. Procurement goals for local farm or food products

(a) In order to create, strengthen, and expand local farm and food economies throughout Illinois, it shall be the goal of this State that 20% of all food and food products purchased by State agencies and State-owned facilities, including, without limitation, facilities for persons with mental health and developmental disabilities, correctional facilities, and public universities, shall, by 2020, be local farm or food products.

(b) The Local Food, Farms, and Jobs Council established under this Act shall support and encourage that 10% of food and food products purchased by entities funded in part or in whole by State dollars, which spend more than \$25,000 per year on food or food products for its students, residents, or clients, including, without limitation, public schools, child care facilities, after-school programs, and hospitals, shall, by 2020, be local farm or food products.

(c) To meet the goals set forth in this Section, when a State contract for purchase of food or food products is to be awarded to the lowest responsible bidder, an otherwise qualified bidder who will fulfill the contract through the use of local farm or food products may be given preference over other bidders, provided that the cost included in the bid of local farm or food products is not more than 10% greater than the cost included in a bid that is not for local farm or food products.

(d) All State agencies and State-owned facilities that purchase food and food products shall, with the assistance of the Local Food, Farms, and Jobs Council, develop a system for (i) identifying the percentage of local farm or food products purchased for fiscal year 2011 as the baseline; and (ii) tracking and reporting local farm or food products purchases on an annual basis.

## APPENDIX 2

In Pennsylvania, applicants for mini grants are evaluated based on such criteria as the ability of the applicant to sustain the program, the potential size and scope of the program, and the proven ability of the program to engage with local farms.

**Pa. Legis. Serv. Act 2006-184  
Healthy Farms and Healthy Schools Program**

**(Codified at 3 Penn. Cons. Stat. Ann. § 2506 (West 2011))**

(b) Evaluation. When reviewing applications, the secretary shall evaluate applications annually on the basis of all of the following:

- (1) The ability of the applicant to complete the program.
- (2) The ability of the applicant to incorporate all of the program requirements.
- (3) The location of the school in an area where a high percentage of the children receive free or reduced-price school meals.
- (4) The potential of the program to increase knowledge about nutrition and healthy eating habits for the children, their caregivers and the community.
- (5) The potential of the program to increase knowledge about Pennsylvania agriculture for the children, their caregivers and the community.
- (6) The ability of the applicant to procure locally grown foods for their program.
- (7) The potential of the program to increase markets for local agricultural producers.
- (8) The number of people who will be served by the program.
- (9) The ability of the applicant to sustain the program.
- (10) The overall performance of the applicant if a grant was received in a previous year.

### APPENDIX 3

In 2011, Oregon created a grant program under which schools could be reimbursed for food products that were produced in Oregon and served during the school lunch program in addition to funding educational activities related to food-based agriculture and gardening.

**76th OREGON LEGISLATIVE ASSEMBLY--2011 Regular Session  
House Bill 2800**

**(Codified at Or. Rev. Stat. Ann. §63.2 (West 2011))**

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

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(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

Enrolled House Bill 2800 (HB 2800-B) Page 2 General Fund, the amount of \$200,000 for the grant program described in section 2 of this 2011 Act.

## APPENDIX 4

In 2008, Washington enacted the following bill to reimburse schools for purchases of Washington grown products.

**SECOND SUBSTITUTE SENATE BILL 6483 AS AMENDED BY THE HOUSE  
State of Washington 60th Legislature 2008 Regular Session**

**(Codified at Wa. Rev. Code Ann. § 28A.235.170 (West 2011))**

Sec. 3. A new section is added to chapter 28A.235 RCW to read as follows:

WASHINGTON GROWN FRESH FRUIT AND VEGETABLE GRANTS.

(1) The Washington grown fresh fruit and vegetable grant program is created in the office of the superintendent of public instruction. The purpose of the program is to facilitate consumption of Washington grown nutritious snacks in order to improve student health and expand the market for locally grown fresh produce.

(2) For purposes of this section, "fresh fruit and vegetables" includes perishable produce that is unprocessed, minimally processed, frozen, dried, or otherwise prepared, stored, and handled to maintain its fresh nature while providing convenience to the user. Producing minimally processed food involves cleaning, washing, cutting, or portioning.

(3) The program shall increase the number of school children with access to Washington grown fresh fruits and vegetables and shall be modeled after the United States department of agriculture fresh fruit and vegetable program, as described in 42 U.S.C. Sec. 1769(g). Schools receiving funds under the federal program are not eligible for grants under the Washington grown fresh fruit and vegetable grant program.

(4)(a) To the extent that state funds are appropriated specifically for this purpose, the office of the superintendent of public instruction shall solicit applications, conduct a competitive process, and make one or two-year grants to a mix of urban and rural schools to enable eligible schools to provide free Washington grown fresh fruits and vegetables throughout the school day.

(b) When evaluating applications and selecting grantees, the superintendent of public instruction shall consider and prioritize the following factors:

(i) The applicant's plan for ensuring the use of Washington grown fruits and vegetables within the program;

(ii) The applicant's plan for incorporating nutrition, agricultural stewardship education, and environmental education into the snack program;

(iii) The applicant's plan for establishing partnerships with state, local, and private entities to further the program's objectives, such as helping the school acquire, handle, store, and distribute Washington grown fresh fruits and vegetables.

(5)(a) The office of the superintendent of public instruction shall give funding priority to applicant schools with any of grades kindergarten through eight that: Participate in the national school lunch program and have fifty percent or more of their students eligible for free or reduced price meals under the federal national school lunch act, 42 U.S.C. Sec. 1751 et seq.

(b) If any funds remain after all eligible priority applicant schools have been awarded grants, the office of the superintendent of public instruction may award grants to applicant schools having less than fifty percent of the students eligible for free or reduced price meals.

(6) The office of the superintendent of public instruction may adopt rules to carry out the grant program.

(7) With assistance from the Washington department of agriculture, the office of the superintendent of public instruction shall develop and track specific, quantifiable outcome measures of the grant program such as the number of students served by the program, the dollar value of purchases of Washington grown fruits and vegetables resulting from the program, and development of state, local, and private partnerships that extend beyond the cafeteria.

(8) As used in this section, "Washington grown" has the definition in section 2 of this act.