

FROM FARM TO SCHOOL THROUGH THE STATEHOUSE: THE IMPORTANCE OF STATE LEGISLATION FOR IOWA’S FARM TO SCHOOL PROGRAM

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I. FARM TO SCHOOL PROGRAMS IN THE UNITED STATES

“In schools [across the United States], physical education programs have been cut, while the presence of high caloric junk foods has increased.”¹ Children are experiencing what has been called an epidemic of obesity.² In the last ten years alone, obesity rates among children have doubled while obesity rates among adolescents have tripled.³ “For the first time in 200 years, today’s children are likely to have a shorter life expectancy than their parents.”⁴

At the same time that obesity has reached epidemic proportions, family farming is facing its own crisis. It is facing the greatest decline of all occupations in the U.S. Less than 2% of the U.S. population is involved in farming, and the federal Census Bureau has declared the number of farms “statistically insignificant.” [Additionally,

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1. *National Farm to School Program*, COMMUNITY FOOD SECURITY COAL., http://www.foodsecurity.org/farm_to_school.html (last visited May 16, 2011).

2. *Id.*

3. *Id.*

4. *Id.*

the farmer share of the food dollar has declined from 41 cents in 1950 to 20 cents in 1999.⁵

In an effort to quell these problems, during the last decade, Congress and state legislatures around the nation began passing legislation to encourage school administrators and local farmers to work together to implement farm to school programs. Through such programs, “schools buy and feature locally produced, farm fresh foods such as fruits and vegetables, eggs, honey, meat, and beans on their menus.”⁶ While farm to school programs were certainly not the novelty of legislators, having largely been the concept of concerned citizens,⁷ legislative efforts have advanced farm to school programs and supported their continued growth. As such, farm to school programs have emerged as having the ability to “not only positively affect children’s dietary habits and improve the quality of school meals, but also support local agriculture.”⁸

This Note will further explore farm to school programs, particularly in Iowa, by considering the legislative history behind such programs, their use and effectiveness, and their future. It will begin with a discussion of federal and state legislative efforts generally supporting farm to school programs. It will then analyze legislative efforts supporting farm to school programs in Iowa and discuss Iowa’s Farm to School Chapter Initiative as well as the Malcolm Price Laboratory School Chapter Initiative in Cedar Falls, Iowa. This Note will conclude by discussing the problems with Iowa’s farm to school program and suggest ways in which the Iowa Legislature might improve the success and continued growth of the program. While “[f]arm-to-school encompasses many types of programs and school experiences such as planting and tending school gardens, educating children about nutrition,”⁹ and more, this Note will focus most notably on the purchasing component of such programs.

A. Federal Legislation Supporting Farm to School Programs

The Federal Government’s legislative involvement with farm to school programs began in 2002 when Congress passed the Farm Security and Rural In-

5. *Id.*

6. *E.g.*, ANUPAMA JOSHI & MOIRA BEERY, URBAN & ENVTL. POL’Y INST., A GROWING MOVEMENT: A DECADE OF FARM TO SCHOOL IN CALIFORNIA 1 (2007), available at http://departments.oxy.edu/uepi/publications/a_growing_movement.pdf.

7. *See, e.g., id.* at 2-3.

8. *Id.* at 3.

9. FOOD AND NUTRITION SERV., USDA, EAT SMART—FARM FRESH! A GUIDE TO BUYING AND SERVING LOCALLY-GROWN PRODUCE IN SCHOOL MEALS 4 (2005), available at http://www.fns.usda.gov/end/Guidance/Farm-to-School-Guidance_12-19-2005.pdf.

vestment Act of 2002,¹⁰ which is commonly referred to as the 2002 Farm Bill. Section 4303 of the Act amended section 9 of the Richard B. Russell National School Lunch Act by adding a provision expressly requiring the Secretary to “encourage institutions participating in the [national] school lunch program under this Act and the school breakfast programs . . . to purchase . . . locally produced foods . . . to the maximum extent practicable.”¹¹ The Act additionally required the Secretary of Agriculture to advise participating institutions of the locally produced food policy and authorized the Secretary to provide startup grants to institutions, in order to defray the initial costs of equipment, materials, and storage facilities, for purchasing locally produced food.¹² To fund such grants, Congress authorized \$400,000 each fiscal year for 2003-2007.¹³ Continued funding for the startup grants was later authorized through fiscal year 2009 by the 2004 Child Nutrition and Women Infants and Children Reauthorization Act.¹⁴

In 2008, Congress reiterated its commitment to farm to school programs by passing the Food, Conservation, and Energy Act of 2008,¹⁵ which is commonly referred to as the 2008 Farm Bill. In large, the Food, Conservation, and Energy Act of 2008 “provide[d] for the continuation of agricultural and other programs of the Department of Agriculture” set forth in the Farm Security and Rural Investment Act of 2002,¹⁶ including the locally produced food policy.¹⁷ Accordingly, section 4302 of the 2008 Act further amended section 9 of the Richard B. Russell National School Lunch Act by expressly requiring the Secretary of Agriculture to “encourage institutions receiving funds [for Child Nutrition Programs] . . . to purchase unprocessed agricultural products, both locally grown and locally raised,” to the maximum extent possible.¹⁸ The Act similarly requires that the

10. See Farm Security and Rural Investment Act of 2002, Pub. L. No. 107-171, 116 Stat. 134.

11. *Id.* § 4303 (codified as amended at 42 U.S.C. § 1758(j)(1)(A) (2006 & Supp. II 2008)).

12. *Id.* (codified as amended at § 1758(j)(1)(B)-(C)).

13. *Id.* (codified as amended at § 1758(j)(2)(A)).

14. Child Nutrition and WIC Reauthorization Act of 2004, Pub. L. No. 108-265, § 122, 118 Stat. 729, 759 (codified as amended at 42 U.S.C. § 1769(i)(2) (2006)).

15. See Food, Conservation, and Energy Act of 2008, Pub. L. No. 110-246, 122 Stat. 1651.

16. *Id.* at 1651.

17. See Farm Security and Rural Investment Act of 2002 § 4303 (codified as amended at § 1758(j)).

18. Food, Conservation, and Energy Act of 2008 § 4302 (to be codified at § 1758(j)(1)); see also *Benefits of Farm-to-School Projects: Healthy Eating and Physical Activity for School Children: Field Hearing Before the S. Comm. on Agric., Nutrition, and Forestry*, 111th Cong. 59 (2009) (statement of Cindy Long, Director, Child Nutrition Div., USDA) [hereinafter *Benefits*] (testifying to the benefits of and assistance provided to schools using geographic preference in procuring local food for their child nutrition programs).

Secretary of Agriculture advise institutions of the locally produced food policy, now through a website to be maintained by the Secretary.¹⁹ Additionally, the Act “allows institutions receiving funds through the Child Nutrition Programs to apply a geographic preference when procuring unprocessed locally grown or locally raised agricultural products.”²⁰

In striking contrast to the Farm Security and Rural Investment Act of 2002, the Food, Conservation, and Energy Act of 2008 contained no Congressional authorization of funding for startup grants for schools purchasing unprocessed locally grown or locally raised agricultural products.²¹ The authorization for such funding was instead provided for in the Healthy, Hunger-Free Kids Act of 2010,²² which requires the Secretary of the Treasury, beginning on October 1, 2012, and continuing each October 1st thereafter, to transfer \$5,000,000 to the Secretary of Agriculture “out of any funds in the Treasury not otherwise appropriated.”²³ Additionally, it authorized the appropriation of “such sums as are necessary” for startup grants for fiscal years 2011 through 2015.²⁴ Accordingly, through the Healthy, Hunger-Free Kids Act of 2010, Congress has provided financial support for farm to school programs through at least 2015.²⁵

Further, in an effort to “make the meals provided through the National School Lunch Program and the School Breakfast Program more consistent with the current understandings about the diet and health of the children of the United States,”²⁶ the USDA “requested that the Institute of Medicine . . . of the National Academies review and recommend revisions to the Nutrition Standards and the Meal Requirements that are currently used to plan . . . school meals.”²⁷ In accordance with the USDA’s request, the Institute released two reports for consid-

19. Food, Conservation, and Energy Act of 2008 § 4302 (to be codified at § 1758(j)(2)).

20. *Benefits*, *supra* note 18; *see* Food, Conservation, and Energy Act of 2008 § 4302 (to be codified at § 1758(j)(3)).

21. *Compare* Farm Security and Rural Investment Act of 2002 § 4303 (codified as amended at § 1758(j)(2)(A)) (authorizing \$400,000 per fiscal year to be awarded for school startup grants to purchase locally produced foods), *with* Food, Conservation, and Energy Act of 2008 § 4302 (providing for no startup grants).

22. *See* Healthy, Hunger-Free Kids Act of 2010, Pub. L. No. 111-296, § 243, 124 Stat. 3183, 3238 (to be codified at 42 U.S.C. § 1769(g)(8)-(9)).

23. *Id.* (to be codified at § 1769(g)(8)(A)).

24. *Id.* (to be codified at § 1769(g)(9)).

25. *Id.*

26. INST. OF MEDICINE OF THE NAT’L ACADEMIES, NUTRITION STANDARDS AND MEAL REQUIREMENTS FOR NATIONAL SCHOOL LUNCH AND BREAKFAST PROGRAMS: PHASE I. PROPOSED APPROACH FOR RECOMMENDING REVISIONS 1 (Virginia A. Stallings & Christine L. Taylor eds., 2008), *available at* http://books.nap.edu/openbook.php?record_id=12512&page=1 [hereinafter PHASE I].

27. *Id.* at 15.

eration.²⁸ The first report, released in 2008, describes the methods the Institute used in proposing revisions to the National School Lunch and Breakfast Programs.²⁹ In the second report, which was released in 2010, the Institute of Medicine released its recommendations for ensuring that school meals “better meet the nutritional needs of children, foster healthy eating habits, and safeguard children’s health.”³⁰ In conjunction with the Department of Agriculture’s effort, the Senate Committee on Agriculture, Nutrition, and Forestry has held a series of hearings relating to child nutrition.³¹ One such hearing in the series discussed the benefits of farm to school programs.³² The Food and Nutrition Service of the USDA has incorporated the recommendations of the Institute of Medicine and the information gathered at the hearings of the Senate Committee into a proposed rule to revise and update the meal patterns and nutritional requirements of the National School Lunch and Breakfast Programs.³³ Among other things, the proposed rule, which is intended to take effect in 2012,³⁴ “would increase the availability of fruits, vegetables, whole grains, and fat-free and low-fat fluid milk in school meals.”³⁵ Given this and the Senate Committee’s seeming interest in the benefits of farm to school programs for school children,³⁶ it is likely that the proposed rule, if implemented, will have the effect of reaffirming Congress’ commitment to farm to school programs.

B. *State Legislation Supporting Farm to School Programs*

As the Federal Government’s involvement with farm to school programs through legislative efforts has grown, so too has states’ involvement through similar efforts. To date, at least thirty-three state legislatures have enacted legisla-

28. See *id.*; INST. OF MEDICINE OF THE NAT’L ACADEMIES, *SCHOOL MEALS: BUILDING BLOCKS FOR HEALTHY CHILDREN* (Virginia A. Stallings et al. eds., 2010), available at http://www.nap.edu/catalog.php?record_id=12751#toc [hereinafter *SCHOOL MEALS*].

29. PHASE I, *supra* note 26, at 2.

30. *SCHOOL MEALS*, *supra* note 28, at 2.

31. Press Release, Iowa Ag Connection, Senate Ag Committee to Explore Benefits of Farm-to-School Programs (May 8, 2009), available at <http://www.iowaagconnection.com/story-state.php?Id=436&yr=2009>.

32. *Id.*

33. See generally Nutrition Standards in the National School Lunch and School Breakfast Programs, 76 Fed. Reg. 2494, 2494 (proposed Jan. 13, 2011) (to be codified at 7 C.F.R. pts. 210 & 220).

34. Philip Brasher, *More Veggies Will Fill School Lunches*, DES MOINES REG., Jan. 14, 2011, at A1, available at 2011 WLNR 859675.

35. Nutrition Standards in the National School Lunch and School Breakfast Programs, 76 Fed. Reg. at 2494.

36. See Press Release, *supra* note 31.

tion regarding farm to school programs.³⁷ There are several commonalities among such legislation.³⁸ Indeed, when enacting farm to school legislation, state legislatures have seemingly looked to and even copied similar legislation passed by neighboring and other states.³⁹ Much of the legislation is also strikingly similar to the federal legislation discussed above.⁴⁰ Commonly, state legislation establishes a state farm to school program, often within an existing state department or a program of similar nature, which encourages the procurement of locally grown fruits and vegetables.⁴¹ Also common is legislation allocating funding to state farm to school programs or legislation calling for the establishment of a grant program to assist schools in the purchase of local food or “equipment, resources and materials [to be used] to increase [their] local [food] purchasing.”⁴²

While less common, a few states—Colorado, Kentucky, Maryland, and Massachusetts—have passed legislation which more seriously supports farm to school programs and their continued use and growth.⁴³ Legislatures in both Colorado and Kentucky, have passed legislation requiring that “[w]hen price, quality, [and] other factors are equal, local product shall be purchased” over product grown elsewhere.⁴⁴ Additionally, legislation has been passed in Maryland which provides for preference of local product through a five percent price allowance.⁴⁵ This allows school officials to buffer the minimum amount required in an open bid process to favor the purchasing of local product.⁴⁶ Similar legislation has

37. NAT'L FARM TO SCHOOL NETWORK, STATE FARM TO SCHOOL LEGISLATION (2010), available at www.farmtoschool.org/files/publications_177.pdf.

38. See generally *Farm to School State Legislation*, COMMUNITY FOOD SECURITY COAL. (Oct. 10, 2006) (on-file with author) [hereinafter *State Legislation*] (detailing states' legislative provisions pertaining to farm to school programs).

39. *Id.* (noting that Pennsylvania House Resolution 821 is nearly “word for word the same as . . . Delaware [House] [R]esolution [74] . . . introduced two months before”).

40. See *id.* (explaining that Colorado Senate Bill 06-127 “[r]equires that [Colorado] fresh fruits and vegetables be used to the *maximum amount possible*” and that Vermont Act Number 145 “[e]stablish[ed] a mini-grant program for the purchase of . . . equipment, resources and materials to increase local [food] purchasing” (emphasis added)).

41. See *id.*

42. *Id.* (quoting the “Vermont” slide).

43. See *id.*

44. See *id.* (quoting the “Summary of Types of Farm to School Legislation” slide); see also KY. REV. STAT. ANN. § 45A.645(1)(a) (LexisNexis 2007 & Supp. 2010); H.B. 1307, 65th Gen. Assemb., Reg. Sess. (Colo. 2005) (codified as amended at COLO. REV. STAT. § 8-18-103 (2010)).

45. See H.B. 883, 421st Gen. Assemb., Reg. Sess. (Md. 2006) (codified as amended at MD. CODE ANN., STATE FIN. & PROC. § 14-407 (LexisNexis 2006)).

46. See generally *State Legislation*, *supra* note 38 (providing examples of different states' price preference for locally grown foods).

been passed by the Massachusetts Legislature, whereby school officials may “pay up to 10% above the lowest bid to purchase in-state agricultural products.”⁴⁷

By being protectionist in nature, such legislation supports state farm to school programs by strongly encouraging schools to buy locally and by creating a market in which local farmers can remain competitive. This legislation no doubt works to ensure the longevity of the respective state farm to school programs.

II. FARM TO SCHOOL PROGRAMS IN IOWA

A. Iowa Legislation Supporting Farm to School Programs

Following on the efforts of other states, legislation was introduced during the 2007 session of the Iowa Legislature⁴⁸ to establish a statewide farm to school program in Iowa.⁴⁹ Senate File 452 very much resembled legislation passed by the Oklahoma legislature the year before⁵⁰ and provided that the Iowa Farm to School Program was to be used “for the purchase of locally and regionally produced or processed food in order to improve child nutrition and strengthen local and regional farm economies.”⁵¹ As evidenced by this language, the Iowa Legislature, in accordance with Congress and other state legislatures, saw farm to school programs as offering a solution to the common problems of childhood and adolescent obesity and dwindling farm markets.

Senate File 452 additionally provided that the Department of Agriculture and Land Stewardship was to administer the Iowa Farm to School Program.⁵² To this end, Senate File 452 directed the Department to hire a coordinator to oversee the program.⁵³ Per Senate File 452, the coordinator of Iowa’s program was charged with several tasks including “[i]dentifying and promoting the critical ways for local communities to participate in the program,” facilitating communication between schools and farmers, “[c]onducting workshops and training sessions and providing technical assistance to school food services, farmers, proces-

47. *Id.* (quoting the “Massachusetts” slide).

48. *Bill History for SF 452*, THE IOWA LEGISLATURE, <http://coolice.legis.state.ia.us/Cool-ICE/default.asp?Category=BillInfo&Service=DspHistory&var=SF&key=0478B&GA=82> (last visited May 16, 2011) (showing Senate File 452 was introduced on March 8, 2007); *see also* S. Journal 82-60, Reg. Sess., at 647 (Iowa 2007), *available at* <http://search.legis.state.ia.us/NXT/gateway.dll/jourarch/SJ2007/03-08-2007.pdf?f=templates&fn=default.htm> (describing the Senate Files introduced onto the floor of the Iowa Senate on March 8, 2007).

49. S.F. 452, 82d Gen. Assemb., Reg. Sess. (Iowa 2007).

50. *See State Legislation, supra* note 38. *Compare* Iowa S.F. 452, with H.B. 2655, 50th Leg., 2d Sess. (Okla. 2006) (codified as amended at OKLA. STAT. tit. 2, §§ 5-60.2 to 5-60.6 (2011)).

51. Iowa S.F. 452 § 3.

52. *Id.* § 5.

53. *Id.* § 4.

sors, and distributors regarding the demand for and the availability of Iowa food products, and assisting persons seeking to participate in the program,” establishing an internet website in order to provide the public with information on the program, and “[s]eeking financial or in-kind contributions from persons to support the program.”⁵⁴ To achieve the established directives, Senate File 452 directed the Department of Human Services, the Department of Education, and the Department of Public Health to “cooperate with the [D]epartment of [A]griculture and [L]and [S]tewardship in administering the Iowa farm-to-school program . . . by providing for professional consultation and staff support.”⁵⁵ To ensure the funds necessary to achieve the directives set forth in Senate File 452, the Iowa Legislature sought to appropriate almost \$100,000 from Iowa’s General Fund to support Iowa’s Farm to School Program.⁵⁶

After being introduced, Senate File 452 was stalled for several weeks before being amended into Senate File 601—the final standings bill of the 2007 session.⁵⁷ As enacted, Senate File 601 contained a very condensed and much changed version of Senate File 452.⁵⁸

While maintaining the establishment of a program “to link elementary and secondary public and nonpublic schools in this state with Iowa farms to provide schools with fresh and minimally processed food for inclusion in school meals and snacks, encourage[] children to develop healthy eating habits, and provide Iowa farmers access to consumer markets,”⁵⁹ Senate File 601, as enacted, seemingly charged the Iowa Department of Agriculture and Land Stewardship with coordination of the Iowa Farm to School Program “in partnership with the Iowa Department of Education and a . . . Farm to School Council.”⁶⁰ Established by Senate File 601, the Farm to School Council consists of seven members representing various associations and state departments.⁶¹ Associations to be represented on the council include the Iowa Association for Health, Physical Education, Recreation and Dance, the Iowa School Nutrition Association, and the Leo-

54. *Id.*

55. *Id.* § 5.

56. *Id.* § 6.

57. Press Release, Community Market Coop., Legislature Approves and Funds Iowa Farm to School Program (June 22, 2007), available at <http://communitymarketcoop.blogspot.com/2007/06/legislature-approves-and-funds-iowa.html>.

58. Compare S.F. 601, 82d Gen. Assemb., Reg. Sess. §§ 93-96 (Iowa 2007) (codified as amended at IOWA CODE §§ 190A.1-190A.4 (2011)), with Iowa S.F. 452.

59. Iowa S.F. 601 § 95.1.

60. *Iowa Farm to School Chapter Initiative*, IOWA DEP’T OF AGRIC. AND LAND STEWARDSHIP, <http://www.iowaagriculture.gov/AgDiversification/chapterInitiative.asp> (last visited May 16, 2011) [hereinafter *Chapter Initiative*]; see also Iowa S.F. 601 § 94 (enumerating the seven members of the Farm to School Council).

61. Iowa S.F. 601 § 94.

pold Center.⁶² State departments to be represented include the Department of Agriculture and Land Stewardship and the Department of Education.⁶³ Additionally, one Iowa fruit or vegetable producer and one Iowa organic meat producer are to be included on the Farm to School Council.⁶⁴ Senate File 601 provided much less direction for the administration of Iowa's Farm to School Program by charging the Farm to School Council with only two of the original directives included in Senate File 452—"to establish partnerships with public agencies and nonprofit organizations to implement a structure to facilitate communication between farmers and schools" and to "actively seek financial or in-kind contributions from organizations or persons to support the program."⁶⁵

In keeping with Senate File 452's direction for departmental cooperation, Senate File 601 charged "[t]he [D]epartment of [A]griculture and [L]and [S]tewardship and the [D]epartment of [E]ducation [with] provid[ing] information regarding the Iowa farm-to-school program [through] an electronic format on the department's internet website."⁶⁶ While Senate File 601 did not contain any appropriations in support of establishing the Iowa Farm to School Program, such funds were included in Senate File 551 in the amount of \$80,000 to be taken from Iowa's General Fund and used for salaries, support, maintenance, and other miscellaneous purposes for the 2007 fiscal year.⁶⁷

In 2009, Senate File 446 was enacted by the Iowa Legislature⁶⁸ to amend the language of section 190A.3 subsection 1 of the 2009 Iowa Code,⁶⁹ which codified Senate File 601.⁷⁰ Senate File 446 replaced descriptive and somewhat permissive language with mandatory language so that section 190A.3 subsection 1 of the Iowa Code now requires:

The [Iowa] farm-to-school program *shall* seek to link elementary and secondary public and nonpublic schools in this state with Iowa farms to provide schools with fresh and minimally processed food for inclusion in school meals and snacks, en-

62. *Id.*

63. *Id.*

64. *Id.*

65. *Compare* Iowa S.F. 452 § 4.1-4.6, *with* Iowa S.F. 601 § 95.3-95.4.

66. Iowa S.F. 601 § 96.

67. S.F. 551, 82d Gen. Assemb., Reg. Sess. § 26.9 (Iowa 2007).

68. *Bill History for SF 446*, THE IOWA LEGISLATURE, <http://coolice.legis.state.ia.us/Cool-ICE/default.asp?Category=BillInfo&Service=DspHistory&ga=83&key=0484B> (last visited May 16, 2011) (showing Senate File 446 was signed into law by the President and Speaker of the Senate on March 31, 2009 and by the Governor on April 3, 2009).

69. *See* S.F. 446, 83d Gen. Assemb., Reg. Sess. § 76 (Iowa 2009) (codified as amended at IOWA CODE § 190A.3 (2011)).

70. *See* Iowa S.F. 551 (stating that S.F. 601 will be provided for in Chapter 190A of the Iowa Code).

courage children to develop healthy eating habits, and provide Iowa farmers access to consumer markets.⁷¹

Aside from Senate File 446 and Senate Files 601 and 551, no other legislation has been enacted by the Iowa Legislature in support of or regarding Iowa's Farm to School Program, including further appropriations legislation. Thus, these are the most current forms of farm to school legislation in Iowa to date.

B. *The Iowa Farm to School Chapter Initiative*

From the larger Iowa Farm to School Program, individual farm to school chapters have been developed throughout the state to support farm to school programs at the local level. These individualized chapters allow local individuals and organizations, who are more familiarized with their communities' needs and resources, to better tailor the Iowa Farm to School Program to their communities.⁷² While tailored to meet the needs and resources of their locale, each of these eleven chapters "has developed and implemented a plan so as to uphold the objectives and mission of the [Iowa] Farm to School Program."⁷³

To date, there are eleven active farm to school chapters in Iowa⁷⁴ with some chapters representing an entire school district and others representing only a single school or project.⁷⁵ Iowa's eleven farm to school chapters serve over 25,000 Iowa students in grades pre K-12.⁷⁶ They include the Price Lab Farm to School Chapter in Cedar Falls, the Independence Area Farm to School Chapter, the I-Food Farm to School Chapter in Amana, the Lakeside Area Farm to School Chapter in Clear Lake, the Atlantic Farm to School Chapter, the Northeast Iowa Food & Fitness Initiative Farm to School Chapter in Decorah, the Villages–Van Buren Community School District Chapter in Keosauqua, the Oelwein Farm to School Chapter, the Iowa City Community School District Chapter, the Cowles Montessori Chapter in Windsor Heights, and the Davenport Community School District Chapter.⁷⁷ These farm to school chapters are largely funded by the local

71. Iowa S.F. 446 (codified as amended at IOWA CODE § 190A.3 (2011)) (emphasis added).

72. *See Chapter Initiative, supra* note 60.

73. *Farm-to-School Program*, IOWA DEP'T OF AGRIC. AND LAND STEWARDSHIP, <http://www.iowaagriculture.gov/AgDiversification/farmToSchoolProgram.asp> (last visited May 16, 2011).

74. *Id.*

75. *See Chapter Initiative, supra* note 60.

76. *Id.*

77. *Farm to School Chapters*, IOWA DEP'T OF AGRIC. AND LAND STEWARDSHIP, <http://www.iowaagriculture.gov/AgDiversification/pdf/chapterSummary.pdf> (last visited May 16, 2011) [hereinafter *School Chapters*].

communities they are housed within; however, approximately \$46,000 in project funding has been awarded to them by the Iowa Farm to School Program since their creation.⁷⁸ From this and other local funding, Iowa's farm to school chapters have provided Iowa students educational opportunities through the purchase of fruits and vegetables and through school gardening and composting projects.⁷⁹

C. *The Price Laboratory School Chapter Initiative*

As mentioned, the Price Laboratory School in Cedar Falls is home to one of Iowa's eleven farm to school chapter initiatives,⁸⁰ but among Iowa's eleven chapters, Price Laboratory School's chapter is truly unique. Urged by concerned parents after the school purchased tainted beef two years earlier, Price Laboratory School "launch[ed] a complete overhaul of lunch at the school" at the beginning of the 2009-2010 school year.⁸¹ As a result, "[i]t's now the only [school] in Iowa to prepare meals from scratch each day with food primarily grown by local farmers."⁸²

Students at Price Laboratory School have welcomed the change.⁸³ While eating a drumstick, one enthusiastic student commented, "'We never had real chicken here before, usually it was chicken patties . . . [t]his is like my mom's chicken.'"⁸⁴ The chicken was raised on a nearby farm where "[t]he birds face no antibiotic regimens and bulk up by ranging free in the fresh air and foraging on the ground instead of fighting for space in cages."⁸⁵ Lunches under the new lunch program are in stark contrast to previous lunches at the school, which included items such as crustless white-bread sandwiches, corn dogs, Doritos, Fruit Roll-ups, and crispy-rice marshmallow treats.⁸⁶ Surprisingly, such lunches met "standards for meat, grains, dairy and fruits and vegetables set by the United States Department of Agriculture."⁸⁷

The change did not come without a cost though. The price of lunch at the Price Laboratory School rose twenty-five cents—from \$2.00 to \$2.25.⁸⁸ Off-

78. See *Chapter Initiative*, *supra* note 60.

79. *School Chapters*, *supra* note 77.

80. *Id.*

81. Mike Kilen, *School Tests Local-Foods Lunch, Kids Eat it Up*, DES MOINES REG., Sept. 5, 2009, at 9, available at <http://www.uni.edu/iowa-rds/site/grassroots/documents/School-tests-local-foods-lunch.pdf>.

82. *Id.*

83. *See id.*

84. *Id.*

85. *Id.*

86. *Id.*

87. *Id.*

88. *Id.*

setting the price increase, however, is an increase in the number of students consuming school lunch.⁸⁹ “[T]he number of students eating school lunch increased from an average of 170 to nearly 300 of the 400 students.”⁹⁰ Additionally, the school received a number of grants, including those “from the Kellogg Foundation [and] the Leopold Center for Sustainable Agriculture” to assist in offsetting some of the costs and “to provide a framework for other schools . . . to explore [program] feasibility.”⁹¹

Thus far, Price Laboratory School’s new lunch program has proven very successful.⁹² Parents and students alike are pleased with the program’s ability to provide tasty, yet nutritionally healthy lunches.⁹³ Additionally, local and area farmers are pleased with the program as well.⁹⁴ As one farmer noted, the program has “help[ed] provide a steady market for his [product].”⁹⁵ For just one lunch, he was able to fill an order of thirty chickens.⁹⁶ In essence, the Price Laboratory School’s program seems to have benefited all of those involved.

D. Problems Relating to the Lack of Success of Iowa’s Program

With the seeming benefits of farm to school programs for not only school children, but also local farmers and communities, it is difficult to understand why Iowa’s Farm to School Program has not been more successful, especially considering Iowa’s location within the nation’s heartland. Some of the lack of success can be attributed to common but significant barriers to farm to school programs, including most notably: cost.⁹⁷ Cost is necessarily a major factor in the success of any farm to school program. Iowa’s short growing season is also likely to blame as it does not coincide with the academic calendar year.⁹⁸ Some of the lack of success might also be attributed to the Iowa Legislature’s efforts, or lack thereof, and Senate File 601. Senate File 601 did little to directly encourage

89. *See id.*

90. *Id.*

91. *Id.*

92. *See id.*

93. *See id.*

94. *See id.*

95. *Id.*

96. *Id.*

97. *See* ANDREA MISAKO AZUMA & ANDREW FISHER, COMMUNITY FOOD SECURITY COAL., HEALTHY FARMS, HEALTHY KIDS: EVALUATING THE BARRIERS AND OPPORTUNITIES FOR FARM-TO-SCHOOL PROGRAMS 28 (2001), available at <http://www.foodsecurity.org/pub/HealthyFarmsHealthyKids.pdf>.

98. *See id.* at 39. *But see* Kilen, *supra* note 81 (suggesting that greenhouses and canning productions can assist Iowa schools in making it through the winter seasons with local foods).

schools within the state to buy from local farmers.⁹⁹ Additionally, it created no incentive for doing so.¹⁰⁰ In this sense, Senate File 601 was little more than so-called “feel good legislation.” It merely called for the establishment of a statewide farm to school program and provided for the program’s administration.¹⁰¹

III. CONCLUSION

In order to continue to better the success of Iowa’s Farm to School Program, it is important for the Iowa Legislature to renew its effort and support of Iowa’s program through new legislation. This legislation should take the form of renewed funding and better guidelines with more directives.

Similar to legislation passed in Colorado and Kentucky, the new legislation should encourage, and indeed require, that schools in Iowa purchase local product over that grown elsewhere when price, quality, and other factors are equal.¹⁰² The new legislation might even provide for preference of local product through a price allowance or buffer.

Additionally, the legislation should create incentives for schools within the state to change their current food procurement procedures by developing their own farm to school chapters. This could be done by allocating additional funding to be used to continue to provide schools with startup grants for such programs.

These are difficult economic times and state funds, particularly in Iowa, are very limited. If funds cannot be allocated for such grants right now, as they likely cannot, the Iowa legislature should renew its directive under Senate File 601—“The [F]arm to [S]chool [C]ouncil shall actively seek financial or in-kind contributions from organizations or persons to support the [Iowa Farm to school] [P]rogram”¹⁰³ and ensure that such is being done. Additionally, the legislature should, through new legislation, direct the Farm to School Council to assist individual schools within the state in securing individual program grants from various organizations and entities to alleviate some of the local cost required.

It is through the kind of protectionist legislation outlined above—which encourages schools to buy locally and creates a market whereby local farms can

99. See S.F. 601, 82d Gen. Assemb., Reg. Sess. §§ 93-96 (Iowa 2007) (establishing a farm to school program, listing goals and strategies, and promoting agency cooperation).

100. See *id.*

101. See *id.*

102. *State Legislation, supra* note 38; see, e.g., KY. REV. STAT. ANN. § 45A.645(1)(a) (LexisNexis Supp. 2010); H.B. 1307, 65th Gen. Assemb., Reg. Sess. (Colo. 2005) (codified as amended at COLO. REV. STAT. § 8-18-103 (2010)).

103. Iowa S.F. 601 § 95.4.

remain competitive—that the Iowa Legislature can help ensure the success and continued growth of Iowa’s Farm to School Program as well as its longevity. It is also how the potential and ability of farm to school programs and their benefits for schoolchildren and farmers can truly be realized, creating a better Iowa for all.