

# ACCESS & EQUITY IN AUTHORIZING: FOOD SERVICES

## THE CASE FOR FOOD SERVICES PROGRAMS IN CHARTER SCHOOLS

Research shows that providing food services during the school day [leads to several important outcomes](#), especially for [lower income students](#), including improving student health, raising student achievement, and combatting food insecurity. The [USDA estimates that 13 million students](#) live in “food insecure” households and may rely on school meals as their only or primary food source. The Federal National School Breakfast and Lunch [Programs deliver](#) free or reduced price breakfast to 12.5 million students and lunches to 21.5 million students and many states further supplement these programs.

Despite these programs, the [USDA notes](#) that, for a variety of reasons, some charter schools have difficulty with providing food services. Authorizers should be aware of the benefits, as well as the unique challenges charter schools face, especially when the absence of food services can limit access to charter schools for low-income families.

<sup>1</sup> Adapted from <https://www.edglossary.org/access>

<sup>2</sup> Adapted from <https://www.edglossary.org/equity>

## WHY ACCESS AND EQUITY MATTER IN AUTHORIZING

When done well, charter school authorizing has the power to transform children’s lives. This starts with authorizers’ integral role ensuring every charter school is accessible and equitable for all. Good charter school policy is essential to support authorizers in implementing practices that promote this equity and accessibility. That’s why NACSA provides guidance on a variety of equity and access policy issues that can impact children’s and families’ experiences with charter schools.

### Defining Access and Equity

Different working definitions of terms like access and equity can lead to confusion as well as disparate visions and actions. NACSA uses these definitions:

**Educational Access<sup>1</sup>:** The ways in which educational institutions and policies strive to remove any barriers that might prevent some students from equitable participation in certain courses or academic programs.

**Educational Equity<sup>2</sup>:** Raising the achievement of all students, while narrowing the gaps between the highest- and lowest-performing students and eliminating the racial predictability and disproportionality of which student groups occupy the highest and lowest achievement categories.

## BARRIERS TO PROVIDING FOOD SERVICES

For charter schools, [many of the barriers](#) to providing food services stem from the challenges of complying with requirements for the federal and state programs. However, even schools prepared for these requirements, or wishing to provide food services outside these programs, face significant hurdles.

- **Facilities, Staffing & Preparation**

Participants in federal food services programs must comply with regulations covering food safety, preparation, facility requirements, and staffing policies. [Fewer than half](#) of charter school facilities have adequate kitchen facilities, just one of the many challenges charter schools have in locating adequate facilities generally. Additionally, given the comparatively small scale of their programs, charter schools face difficulty in hiring and training staff and administrators to run the program.

- **Program Administration**

Food services programs require specialized knowledge to run efficiently, especially if participating in a federal funding program. Administrators must understand and comply with complex regulations, particularly verifying student eligibility for funding reimbursement, as well as maintain rigorous reporting. For a charter school, where oversight is likely only a small part of one administrator's job, effective administration can be challenging.

- **Financial Viability**

Reimbursement rates under federal food services programs are set at flat per-meal rates, with a small adjustment for high eligibility enrollment. Here again, charter schools may struggle to take advantage of the same economies of scale, making it difficult to meet or exceed nutritional standards.

- **Third Party Contracting**

Many of the factors above explain why many charter schools that do provide food services rely on third-party vendors or the local district. However, reliance on a vendor eliminates much of the school's autonomy, limiting input or involvement by the school on things like menu selection and staff oversight. Schools may wish to customize their services to meet the needs of their community but are stuck with one-size-fits-all food service plans. Charter schools in some areas may have a non-cooperative school district or a lack of quality third-party vendors, further limiting options.

## WHAT'S HAPPENING AROUND THE COUNTRY

According to the [Food Research & Action Center](#), 38 states require schools to participate in federal food programs, however most of these states carve out exemptions for public schools or require participation only above certain enrollment eligibility thresholds. A few states have specific provisions related to charter schools, including:



### DELAWARE

All charter schools are required to provide breakfast and lunch services for students eligible for free/reduced-price lunch, however the state leaves the method of provision up to the individual school. ([14 Del. C. §506\(f\)](#))



### FLORIDA

Authorizers are required to provide charter schools assistance in food services matters, including eligibility and verification reporting and funding reimbursement. ([FL Stat. §1002.33\(20\)](#))



### OHIO

All charter schools with at least 20% free and reduced price lunch eligible students are required to provide food service unless the charter governing board determines that it cannot comply for financial reasons and communicates this determination to parents ([OH Rev. Code §3314.18](#))

## WHAT ROLE CAN AUTHORIZERS PLAY?

Thirteen states require charter applicants to describe the school's food services plan, though two of these states require such plans only if the applicant intends to provide such services. Authorizers responsible for reviewing food services plans in a charter school's application should be well versed in state and federal requirements to ensure proposed plans are viable.

Authorizers, especially state and local education agencies, can also provide important technical support and assistance to charter schools, including administrative support (such as verifying eligibility), recruiting and vetting third party vendors, and supporting partnerships and coalitions between charter schools and/or local food service agencies. Other categories of authorizers may be able to assist charter schools in their portfolio navigate vendor options, or coordinate collectives among charter schools to provide food services collaboratively.

<sup>3</sup> Alabama, Colorado, Idaho, Kentucky, Maine, Mississippi, Nevada, New Mexico, New York, Oklahoma, Virginia, Washington, and West Virginia.

## POLICY OPTIONS

Food services in charter schools depends on many factors, including but not limited to:

- Whether the charter school is an LEA for food services purposes
- Availability of facilities with adequate meal preparation resources
- Coordination and cooperation of local district
- Availability of quality third-party food services vendors
- State and other supplemental funding for food services

Given the different circumstances charter schools face, policy needs may greatly vary. However, NACSA offers the following general policy guidance:

### **Expect all charter schools to address food services**

Many states still do not require all schools, including charter schools, to provide food services or participate in state or federal food service programs. Others require only schools with a certain proportion of eligible student enrollment to participate. States should, at a minimum, require charter schools to address how they will ensure that student nutritional needs are met, whether or not the school provides food services. If a school will not be providing food services, the school should provide its authorizer with a clear reasoning.

## CASE STUDY | CALIFORNIA AB1871



Since 1975, California has ensured that all eligible students are provided at least one free or reduced-price meal each school day. Charter schools, however, are exempt from this requirement. As a result, as of 2017 nearly 80,000 eligible students, attended charter schools that did not provide food service.

In 2018, California enacted AB1871, expanding the food services requirement to most charter schools, while also protecting charter school autonomy and providing flexibility and support necessary to implement food services programs.

The law requires all charter schools to provide at least one in-school meal to all eligible students on each school day where students are expected on-site for two or more consecutive hours. This gives flexibility to 'hybrid' schools that offer both on-site and of-site instruction, while exempting schools that provide only non-classroom or non-site instruction.

The new law also protects school autonomy by not specifying how charter schools must meet the food services requirement, while clarifying that charter schools may partner with an existing food services authority. Additionally, the bill leverages the capacity and expertise of authorizers, nearly all local districts or county boards of education, to provide technical assistance to charter schools.

### **Give charter schools flexibility in meeting food service needs**

Charter schools should have maximum flexibility in determining how to best meet the food service needs of their students and community. Some schools may have facilities with modern kitchens and cafeterias and decide to provide meals in house; some may find value in forming a charter school collaborative to provide food services; others might contract with the district or a third-party vendor. There are likely dozens of alternatives policymakers have not even considered: charter schools should have the autonomy needed to choose the right option for themselves.

### **Ensure funding equity at smaller scales and provide assistance in navigating programs**

Funding for food service programs are largely readily available. Federal food service funding, especially for schools that serve disproportionately low-income students, covers much of what is needed, and many states further supplement this aid. Where charter schools run into trouble is in the complexity of operating and reporting under these programs, as well as in achieving the scale necessary to be financially viable. Charter schools need assistance in navigating funding programs and making the budget numbers work.

## **CONCLUSION**

The research is clear: healthy nutrition makes a huge difference in student achievement, particularly for low-income students. Charter schools that fail to provide food services, regardless of the reason, are failing their low income students and unintentionally keeping others from even attending. Policy changes are needed to help overcome the many barriers charter schools face in providing food services, but authorizers also have a key role to play in driving charter schools within their portfolio to address this equity issue.

## APPENDIX A

### Example of an Authorizer Checklist for Federal Food Service Requirements

- Does the school anticipate qualifying (or qualify) for the Community Eligibility Provision ([CEP](#))?
  - a. If not, are they prepared to do (or do they do) income [verification](#) for students?
- Does the school have a written [unpaid meal](#) charge policy?
- Does the school anticipate contracting (or have a contract) with a food service management company?
  - a. Does that contract comply with [federal regulations](#) for third party contracts?
- Is the school familiar with (or adhering to) service requirements, including [nutritional](#) requirements, [food and facilities safety](#), and staffing [professional standards](#)?
- Will (does) the school abide by federal [procurement](#) rules for food service?
- Will (is) the school accommodate(ing) students with [disabilities](#) as well as [dietary and cultural](#) restrictions in their food service?

*For more information about charter schools and School Nutrition Programs, authorizers and schools can consult the [Food Research & Action Center](#), a national nonprofit working to end poverty-related hunger in America.*