



Written by [Jack Kenny](#) on August 22, 2014

Marietta, Ga., School Board Takes Issue With Federal Snack Laws

With guidelines setting limits on student food choices and calorie consumption, the federal government is overstepping the limits of its authority, the Board of Education in Marietta, Georgia, has declared.

The board at last week's meeting passed a resolution expressing its displeasure with rules set by the U.S. Department of Agriculture governing the types of foods available in schools. While the rules are tied to subsidies for school lunch programs, they also cover the offerings in school vending machines, and the Marietta board says that's going a bit — or a bite — too far.



"Students spend approximately 180 days in school each year, and don't need Washington making it a joyless experience by 'legislating away' their opportunity to have an occasional donut or candy bar," board member Tom Cheater declared during the meeting, as reported by the *Marietta Daily Journal*.

The board's complaint is not about rules governing the subsidized school lunches, Superintendent Emily Lembeck pointed out, reasoning that the federal government has the right to control how federal dollars are spent. The objection is to extending the rules to cover any foods anywhere in the schools, including not only snacks from vending machines, but food items sold in fundraising efforts to support various school activities. Marietta High School Principal Leigh Colburn said students in cooking classes will no longer be allowed to sell cupcakes and other desserts, or coffee and muffins if the whole-grain muffins exceed the caloric count set by the Department of Agriculture standards.

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Lembeck said the state is seeking a waiver that will allow schools to have up to 30 opportunities to sell the forbidden foods in fundraisers that would last no more than three days each.

The rules reflect a trend in government circles — such as Michelle Obama's campaign against childhood and adolescent obesity — to discourage high levels of consumption by children and teenagers of sugar-laden sweets and other fattening foods. Former New York Mayor Michael Bloomberg's campaign against "Big Gulp" fountain drinks resulted in a city-wide ban on the sale of more than 16-ounce servings of sugary soft drinks — a ban struck down by the New York Supreme Court.

"I think when you're talking about high school and you're talking about sales that happen outside of the cafeteria ... with 16-, 17-, 18-, 19-year-old kids, they're perfectly capable of making these kinds of decisions for themselves," Principal Colburn said.

"What about athletes who need more calories?" asked board member Jill Multimer. "This rule is much more far-reaching than most realize."



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Cheater said he hopes the resolution will send a message to the federal government that school systems, and not Washington, are in the best position to decide what should be served in their schools.

But regardless of intentions, the state of Georgia, like the rest of the states, effectively bartered away that local authority by accepting the federal subsidy for school lunches, rather than raising that money at the state or local level. By sparing themselves that burden, states and municipalities have left their local school boards in the position of begging the federal “cupcake police” for permission to hold a bake sale.

The local appetite for federal dollars is as troublesome in its own way as youthful addiction to snacks.



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