



Written by [Michael Tennant](#) on August 5, 2014

So Long, Cupcake: Feds, With State Help, Ban School Bake Sales

Bye-bye, brownies. Thanks to new federal guidelines — and state inaction — the school bake sale may soon be a thing of the past.

It all began, reports the [Wall Street Journal](#), with “the 2010 Healthy, Hunger-Free Kids Act championed by first lady Michelle Obama and her ‘Let’s Move!’ campaign” against childhood obesity. That law imposed strict new nutrition standards on schools participating in federal school meals programs — standards that proved so expensive and unpopular that some schools have [stopped adhering to them](#).



“The law also required the U.S. Department of Agriculture (USDA) to set standards for all food and beverages sold during the school day, which includes vending machines, snack carts and daytime fundraisers,” the *Journal* adds.

The vending-machine rules have already ensnared at least one school. The feds demanded that Davis High School in Kaysville, Utah, [return its entire \\$15,000 school lunch subsidy](#) because a soda machine in the school bookstore was kept running during the lunch period. The fine was later reduced to just under \$1,300.

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As of July 1, however, these requirements will also be enforced on fundraisers and other school-day activities, with states having the power to assess fines on noncompliant schools. That means, for example, that “buttery, salty popcorn” is out, says the *Journal*. “Kernels sold on site during the day must contain no more than 230 milligrams of sodium per serving until 2016, when it drops even lower. No more than 35% of calories in an item can come from total fat.” Needless to say, nearly all baked goods and candies fail to meet the standards and thus will be banned; some schools have already prohibited the sale of boxes of Girl Scout cookies. And because homemade food doesn’t come with nutritional labeling, “the result of the new requirements may be more processed-food products,” the paper writes. Could this be why many processed-food manufacturers’ groups, such as the Snack Food Association, [lobbied](#) for a bill that would at first glance seem inimical to their interests?

“If somebody wants to object to federal intrusion in what’s going on in schools, I think this would be an ideal place to target their objections as opposed to some of the other things people are tending to complain about,” Tennessee Board of Education chairman Fielding Rolston said, reports the *Nashville Tennessean*. “It’s unbelievable to me the amount of guidelines that are there.”

To be fair, the law does permit “infrequent” fundraisers that don’t meet the USDA’s requirements, but states must establish their own policies for how many such fundraisers can occur. According to the [School Nutrition Association](#), thus far only 18 states have adopted fundraiser policies, ranging from Minnesota’s strict regime of approving fundraisers on a case-by-case basis with the ultimate goal of



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eliminating them to Georgia's relatively generous approach of 30 fundraisers per year per school, with each event lasting up to three days.

"These new federal guidelines limiting food and beverage fundraisers are an absolute overreach of the federal government," Georgia state school superintendent Dr. John D. Barge and state board of education chair Helen Rice said in a [statement](#). "Tough economic times have translated into fewer resources and these fundraisers allow our schools to raise a considerable amount of money for very worthwhile education programs. While we are concerned about the obesity epidemic, limiting food and beverage fundraisers at schools and school-related events is not the solution to solving it. We have faith in our local schools to make good decisions on behalf of children. That is why we have initiated this rule that gives schools the maximum flexibility in determining how many food and beverage fundraisers they choose to hold."

Meanwhile, in the 32 states that have not adopted a fundraiser policy, all fundraisers will have to abide by the USDA's guidelines, putting the kibosh on the sale of popular items such as cupcakes and chocolate bars.

"For some districts, this will be a huge change," School Nutrition Association president Julia Bauscher told the *Journal*. "There's a lot of fear among school food directors that we will have to be the food police."

"Schools have relied on these types of sales as revenue streams for sports, cheering clubs, marching bands," Tennessee Board of Education deputy executive director David Sevier told the newspaper. "We get the obesity issue, but we don't want to jerk this out from under the kids."

The Volunteer State has actually passed a relatively liberal policy, allowing each school to have up to 30 fundraiser days per year. But as Sevier pointed out to the *Tennessean*, it doesn't matter how many students or hours are involved; one fundraiser uses up one day.

"If you're a principal, you have to basically declare Tuesday Bake Sale Day (for all clubs) — otherwise you're almost certain to go over," Tennessee education commissioner Kevin Huffman told the paper.

Of course, all of this could have been avoided had the federal government not gotten into the business of subsidizing school lunches in the first place, something it is not supposed to be doing under the Constitution. That subsidy gives Washington enormous leverage over local schools — leverage that is now being used to control what students consume. Other federal education dollars are being employed to encourage states to adopt Common Core, thereby also controlling what students are taught. And, of course, extracurricular activities are micromanaged from inside the Beltway via Title IX of the Education Amendments of 1972.

The only way to wrest control of local schools from Washington is to force Uncle Sam to abide by the Constitution and have no involvement whatsoever in education. A bevy of bake sales may not be in the best interest of students' health, but under the American system of federalism, that should be up to state and local governments, not federal bureaucrats, to decide.



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