EXHIBIT 10
DATE 2-14-05
HB HB 578

February 14, 2005

Representative Galvin-Halcro and members of the House Education Committee,

For the record, my name is Darrell Rud, Executive Director of the School Administrators of Montana.

I would like to convey my opposition and that of the School Administrators of Montana against **HB578 that, according to its title, restricts food and beverage vending machines in schools**.

My opposition comes from two viewpoints:

- Personal
  - Having been a professional educator for more than 30 years gives me a perspective on the bigger picture issues;
- Voices from the field
  - I work for and represent most of our state's school superintendents, principals, county superintendents and special ed directors and have asked their representatives for feedback;

Personal

Locally made decisions (by Boards of Trustees, administrative and site-based individuals & groups, parent councils, student councils, etc.) in compliance with existing accreditation standards and laws should drive the direction of the establishment of healthy practices in schools, districts, and communities including, but not limited to, how food and beverage vending machines are utilized.

While it is irrefutable that obesity does indeed play a significant role in the child and adult world of today, passage of this law is unnecessary and is unlikely to make a significant difference without an analysis of the total "health climate" of schools and communities.

Further meaningful engagement of parents, business leaders, curriculum developers, health enhancement professionals, students and others in a productive discussion should look at all aspects of how schools and communities can work together for improved health. This broad-based inclusive discussion will likely be able to lay a firm foundation for a comprehensive improvement of health and wellness in schools and communities.

Voices from the field

- Superintendent Al Sipes, Columbus Public Schools, SAM President-Elect
    - Again, this is a local control issue. Our district has already addressed what works for our school and school board. Our elementary students have no access to vending machines and our middle school students can only use them after school.
    - Because we have a lot of middle school activities, the vending machines serve as our concessions for these events. We believe that parents can direct what their children have access to. For our high school students, they have access to the machines throughout the day, but this is limited to what is allowed in classrooms.
    - We stock all of our machines with healthy alternatives, so a choice exists as to what they buy and consume. We tried the flavored milk products and the students essentially rebelled against them after about their second attempt at drinking them. The shelf life of regular milk products make them impractical for vending.
    - While we do not like our high school students eating candy bars and such for breakfast (we stock all sorts of other items for them to choose), we have agreed that even those in the morning (vs. not eating anything) are better than nothing. Further, these students are old enough to be educated in their choices and do receive direction from their parents as to what they want they kids consuming.
    - Students will stop off at one of the convenience stores prior to coming to school to buy these items if they are not available in the school. Because of an open-campus policy for lunch, our high school students will get this type of food regardless of whether the vending machine is in the school.
    - Our Honor Band funds their yearly trip solely from the revenue generated from the vending machine. Our Honor Society also has a vending machine that pays for their educational trip each year. Our middle school yearbook and our high school Close-Up organizations also generate revenue from vending machines that they operate.

- Dr. Bruce Messinger, Superintendent, Helena Public Schools, SAM Board member:
    - I do not believe this legislation is necessary or appropriate.

      However, I do believe it would be beneficial for SAM to work with MTSBA to develop model policy and procedures that could be implemented in school districts across MT. The US Department of Agriculture is requiring all schools that serve hot lunch to have a Health and Nutrition Policy adopted by 2006. Helena is starting work on a new policy this spring and there are many good resources to assist us at the federal and state level. Helena would be glad to share the policy and procedure with other school districts once we work through the process. I believe it is important for each community to address this issue and involve community, employees, parents and students.

- Karen Underwood, Principal, Cut Bank High School, Montana Association of Secondary School Principals Board Member
    - My opposition is based on the following
        - Profits from vending machines are a major activity for student fundraising.
        - We promote choice in product selection is what locally.
    - NOTE: The National Association of Secondary School Principals has issued guidelines for exclusive contracts earlier this year. They are available for review.

- Laurie Huffman, Principal, Miles City:
    - I do not support this bill because I think this should be controlled at the district/school level and not mandated at the state level.

Thank you for your consideration of this request to vote against HB578! Feel free to contact me about my testimony!

Sincerely,

Darrell Rud
Executive Director
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