

Practice Brief

Integrating Research, Legal Technical Assistance, and Advocacy to Inform Shared Use Legislation in Mississippi

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Abstract

Purpose. The purpose of this article was to describe the process by which research findings informed the successful passage of legislation designed to increase opportunities for physical activity in Mississippi, and discuss implications and lessons learned from this process.

Design and Setting. The article is descriptive and conceptual, and addresses the collaborative process by which research, legal technical assistance, and advocacy informed and shaped shared use legislation in Mississippi.

Subjects. Collaborators informing this article were an Active Living Research grantee, a staff attorney with the Public Health Law Center, the American Heart Association Mississippi Government Relations Director, and community partners.

Results. The American Heart Association and Public Health Law Center developed policy guidance in the form of sample language for legislation as a starting point for states in determining policy needed to eliminate or reduce barriers to the shared use of school recreational facilities. The policy guidance was informed by evidence from Active Living Research–funded research studies. The American Heart Association, supporting a bill shaped by the policy guidance, led the effort to advocate for successful shared use legislation in Mississippi.

Conclusion. Research should be policy relevant and properly translated and disseminated. Legal technical assistance should involve collaboration with both researchers and advocates so that policymakers have the information to make evidence-based decisions. Government relations directors should collaborate with legal technical staff to obtain and understand policy guidance relevant to their advocacy efforts. Effective collaborations, with an evidence-based approach, can lead to informed, successful policy change. (*Am J Health Promot* 2014;28[3s]:S100–S103.)

Key Words: Mississippi, Shared Use, Legislation, Schools, Policy, Collaboration, Prevention Research. Manuscript format: research brief; Research purpose: descriptive; Study design: nonexperimental; Outcome measure: other; Setting: state/national; Health focus: fitness/physical activity; Strategy: policy; Target population age: youth, adults; Target population circumstances: geographic location

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This manuscript was submitted April 30, 2013; the manuscript was accepted for publication September 18, 2013.

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0890-1171/14/\$5.00 + 0
DOI: 10.4278/ajhp.130430-ARB-209

PURPOSE

The purpose of this article was to describe the process by which research findings were used to inform policy guidance in the form of sample legislation, and how policy guidance was used by advocates to shape and promote Mississippi shared use legislation. Implications and lessons learned from this process are discussed. Robert Wood Johnson Foundation (RWJF) Active Living Research program (ALR)–funded research was used to inform the policy guidance developed by the American Heart Association (AHA) and Public Health Law Center (PHLC). The PHLC, and AHA affiliate in Mississippi, worked collaboratively to inform and shape the legislation.

DESIGN AND SETTING

This article is descriptive and addresses the process by which research, legal technical assistance, and advocacy informed and shaped Mississippi shared use legislation. Collaborators involved in the process—an ALR grantee, a staff attorney with the PHLC, and the AHA Mississippi Government Relations Director—informed this article. The collaborative effort discussed in this article began in February 2010 when initial contact was made between the researcher and staff attorney. The collaborations continued through the passage of the shared use legislation in July 2012. Institutional review board approval for this collaboration was not required.

RESULTS

Shared use is a concept used to describe the sharing of public school and other community physical activity spaces between schools and others within communities. Evidence suggests that safe and activity-friendly school facilities that are open and shared outside of normal school operating hours increase the likelihood that people living in the surrounding community will be physically active,^{1,2} and that fear of liability among school administrators is a barrier to sharing school physical activity spaces outside of regular school hours.³

The AHA determined that promoting shared use would be a priority and that changing state liability laws to encourage shared use was important in addressing liability as a perceived barrier to opening school grounds for community recreational use. In recognition, the AHA contracted with the PHLC to develop sample language for shared use legislation to be used in its work across the country, as well as to provide individualized, state-by-state reviews of statutes and court cases impacting liability claims in the after-school setting. States that did not meet AHA baseline criterion for liability protection (e.g., Minnesota, Tennessee, Mississippi, Oklahoma, Wisconsin) were a primary focus of this work.

Early in the development of the sample policy language, the PHLC staff attorney sought out the leading research to support recreational use, including an article in the *American Journal of Preventive Medicine*,⁴ authored by the ALR researcher. The staff attorney and researcher worked together to identify key research findings that supported the AHA policy guidance. The connection with the AHA Mississippi affiliate occurred as the staff attorney was providing individualized technical assistance for Mississippi and translating the policy guidance sample language into the Mississippi context.

The PHLC developed policy guidance in the form of sample language for legislation as a starting point for states in determining what policy is needed to eliminate or reduce barriers to the shared use of school recreational

facilities. The Policy Guidance⁵ was informed by evidence from ALR-funded research studies,^{2,3,6-12} and with individualized work from the states, creating a comprehensive feedback loop, including specific work in Mississippi. The Policy Guidance contained several key components that included a Findings and Purpose section. Findings are brief statements of fact that articulate the issue to be addressed and support the need for policy action. The science-based evidence outlined in the Findings section provided a basis for the Purpose and rest of the sample language in the Policy Guidance.¹

In July 2012, Mississippi passed legislation to clarify school liability exposure and promote community recreational use (shared use) of public school property. Shared use was noted as a way to improve school health initiatives and encourage healthy living in the community. It evolved from a 2011 study committee report providing suggestions on ways to improve the availability of healthy foods in communities around the state. The AHA led the effort to advocate for this legislation, with strong support from the Mississippi State Department of Health and the Partnership for a Healthy Mississippi. Champions for the bill were Representative Toby Barker and Senator Chris Massey. Senator Massey's district includes one of the state's most powerful school districts, DeSoto County. Gaining the support of this district was important in gaining support for the bill. The bill was widely popular, with no dissenting votes on the final version of the bill in either chamber. The Mississippi Legislature, using language taken directly from the Policy Guidance, declared that the Purpose of the act was to make school property available to community members during nonschool hours for recreational activities in order to "support active living, reduce obesity, reduce health care costs associated with obesity, increase community safety, maximize community resources, and promote community support for schools."¹³ Of particular interest to legislators was scientific evidence relevant to health care costs associated with obesity.

CONCLUSION

This example of the effective integration of research and policy involved three components: (1) science-based research, (2) legal technical assistance, and (3) government relations. The research findings that informed policy largely originated from ALR-funded studies. ALR is a national program of the RWJF, whose goal is to support and share research on environmental and policy strategies that can promote daily physical activity for U.S. children and families.

Studies and research findings need to be relevant, timely, and accessible to policymakers and advocates. Researchers may need to complete an environmental scan of key current and emerging policy-relevant issues before proposing a study. Additionally, the translation and dissemination of research findings should be conducted in a manner and form that is both understandable and relevant to policymakers. This may often involve work beyond the scope of a funded study. Collaborations made in the process of disseminating research findings can have benefits professionally, such as forming new networks and research teams, perhaps with researchers from other disciplines and practitioners who can contribute to a future project in a meaningful way. In the present case, a personal communication (telephone call made and returned) by those who had never previously met, and who worked in different fields, led to a successful and lasting collaboration. It took getting out of the "comfort zone" of each to forge the collaboration.

Legal technical assistance is critical to the development of public health strategies that promote physical activity opportunities, such as community recreational use of school property. The PHLC formed collaborations that led to new connections and research partners. Additionally, PHLC staff worked with the AHA to inform their policy and advocacy staff of the implications of legislation and case law to their advocacy efforts. The PHLC acted as a flow-through for research findings in its development of the Policy Guidance. Ongoing communication between researchers and the PHLC was

essential to ensuring that the meaning of research findings was not lost in translation, and that key issues were highlighted. Communication and the sharing of resources began in the early phases of the development of the Policy Guidance and continued throughout the process.

The AHA Government Relations Director was an essential partner in the process. The AHA, armed with information and support from the PHLC, was able to lay a solid groundwork for the start of the legislative session. Shared use was chosen as a policy priority in Mississippi for several reasons: (1) it was a cost-efficient measure; (2) school leaders were interested in shared use, but worried about liability; and (3) Mississippi had several champions for the issue. A campaign plan was formed to develop a process by which perspectives could be gained and policy priorities could be developed. To better understand state and community level needs, the AHA received legal technical assistance from the PHLC to review current laws and identify key stakeholders. The AHA then spoke to stakeholders, such as school district superintendents, to gauge their knowledge of shared use. It is important to educate and engage the grassroots/volunteer community as early as possible, so that when the legislative process begins, the community understands the key issues and their importance. This created an opportunity to incorporate talking points into the grassroots messaging.

Additionally, existing and potential allies were identified. Because shared use was a novel concept for Mississippi, it was important to educate these groups and determine which legislators might have a stake or interest in the issue. Once the legislative session begins, you have a bill champion and the bill language has been determined. In the case of Mississippi, the Policy Guidance sample language, informed by ALR research findings, was a good fit for the existing Mississippi legal landscape. Therefore, the sample language was used to craft the recommended legislation with little modification.

Once a bill draft is introduced, the grassroots network and allies apply

pressure and/or support to targeted lawmakers as the bill moves through the legislative process. During the Fall before the legislative session, the AHA government relations director composed and sent out educational e-mails through AHA's You're the Cure Network to both educate the volunteer advocates and give them the opportunity to educate their lawmakers on shared use. The AHA Government Relations Director also held meetings with the chairs of the House and Senate Education Committees and educated bill sponsors on the issue of shared use. Further, AHA staff met with Hope Ladner, the government liaison with the MS State Department of Health, before the legislative session with hopes of having the issue approved by the State Board of Health. The Board of Health met and agreed to add it to their slate of issues to propose to the governor.

The bill was referred to the House and Senate Education Committees. It was important to have discussions not only with the leadership in the Education Committees, but also with the leadership within the Mississippi Department of Education. Conversations, particularly as to the legislative intent or purpose, often included reference to evidence-based research, looping back to the Findings section of the Policy Guidance. Throughout the entire legislative process the volunteer network and allies, armed with the best available evidence, were updated on the process and encouraged to apply pressure on lawmakers when needed. Despite the success of the legislation and efforts of those involved, additional opportunities to educate the general public on shared use agreements and the role they can play in creating healthier communities would have been beneficial. Post enactment, an evaluation of the impact of legislation and educational efforts about the legislation on shared use implementation and physical activity is needed. Although this article addresses the part of the policy process that leads to the adoption of legislation; it does not address implementation, enforcement or evaluation of the policy, and any unintended consequences (positive or negative).

SO WHAT? Implications for Health Promotion Practitioners and Researchers

What is already known on this topic?

The American Heart Association is advocating for shared use legislation in states across the nation to help promote physical activity and prevent obesity, cardiovascular disease, and stroke. Safe and activity-friendly school facilities that are open and shared outside of normal school operating hours improve the likelihood that people living in the surrounding community will be physically active. Fear of liability among school administrators is a recognized barrier to sharing school physical activity spaces outside of regular school hours.

What does this article add?

This article provides an example of the integration of research, legal technical assistance, and advocacy in a manner that resulted in successful policy adoption.

What are the implications for health promotion practice or research?

Evidence-based policymaking is possible where research findings are properly translated and disseminated to legal/technical assistance providers who use this information to develop policy guidance for use by advocates. Advocates can then use the policy guidance, informed by research, to shape policy and advocate for policy change.

References

1. Durant N, Harris SK, Doyle S, et al. Relation of school environment and policy to adolescent physical activity. *J Sch Health*. 2009;79(4):153-159.
2. Farley TA, Meriwether RA, Baker ET, et al. Safe play spaces to promote physical activity in inner-city children: results from a pilot study of an environmental intervention. *Am J Public Health*. 2007; 97(9):1625-1631.
3. Spengler JO, Connaughton DP, Maddock JE. Liability concerns and shared use of school recreational facilities in underserved communities. *Am J Prev Med*. 2011;41(4):415-420.
4. Spengler JO, Carroll MS, Connaughton DP, Evenson KE. Policies to promote physical activity on school grounds: a review of state recreational user statutes. *Am J Prev Med*. 2010;39(1):81-88.
5. Public Health Law Center: Eliminating barriers for community recreational use of school property: policy guidance on liability and shared use. Available at: <http://publichealthlawcenter.org/sites/default/files/resources/phlc-fs-shareduse->

- samplestatute-language-2012. Published January 23, 2012. Accessed January 23, 2013.
6. Evenson KR, McGinn AP. Availability of school physical activity facilities to the public in four US communities. *Am J Health Promot.* 2004;18(3):243–250.
 7. Spengler JO, Ko YJ, Connaughton DP. Scale development: perceived barriers to public use of school recreational facilities. *Am J Health Behav.* 2012;36(3):311–331.
 8. Cox L, Berends V, Sallis JF, et al. Engaging school governance leaders to influence physical activity policies. *J Phys Act Health.* 2011;8(suppl 1):S40–S48.
 9. Spengler JO, Young SJ, Linton LS. Schools as a community resource for physical activity: legal considerations for decision makers. *Am J Health Promot.* 2006;21:390–396.
 10. Evenson KR, Wen F, Lee SM, et al. National study of changes in prevalence and community access to school physical activity facilities: the School Health Policies and Programs Study. *J Phys Act Health.* 2010;7:S20–S30.
 11. Spengler JO. Promoting physical activity through the shared use of school and community recreational resources: a research brief. Princeton, NJ: *Active Living Research, a National Program of the Robert Wood Johnson Foundation.* 2012. Available at: <http://www.activelivingresearch.org/shareduse>. Accessed January 11, 2013.
 12. Maddock JE, Choy L, McGurk M, et al. Increasing safe places for physical activity through a joint use agreement: a case study in urban Honolulu. *Prev Chronic Dis.* 2008;5(3):1–8.
 13. Mississippi House Bill No. 540. School property and facilities; authorize shared use agreements for public recreation and sports. 2012. Available at: <https://law.resource.org/pub/us/code/ms/ms.scan.2012/gov.law.ms.code.10a.s.2012.pdf>. Accessed September 3, 2013.