

Integrating research, legal technical expertise, and advocacy to inform, shape and promote successful shared use legislation in Mississippi



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Shared Use and Physical Activity



Getting from Here to There



ALR Research

**Public Health Law
Center Policy Guidance
(Sample Language)**

**Mississippi
Legislation**

Research That Informed Policy

- **ALR Research Briefs and Syntheses**

- *Parks, Playgrounds and Active Living*
- *Active Education: Physical Education, Physical Activity and Academic Performance*
- *Designing for Active Living Among Adults*



- **ALR Researchers**

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The Public Health Law Center



The Public Health Law Center



We do:

- Legal research
- Policy development
- Publications
- Trainings



We don't:

- Direct representation
- Lobby

Finding Space to Play:

Legal and Policy Issues Impacting Community
Recreational Use of School Property

A Policy Options Brief
April 2012



ELIMINATING BARRIERS FOR COMMUNITY RECREATIONAL USE OF SCHOOL

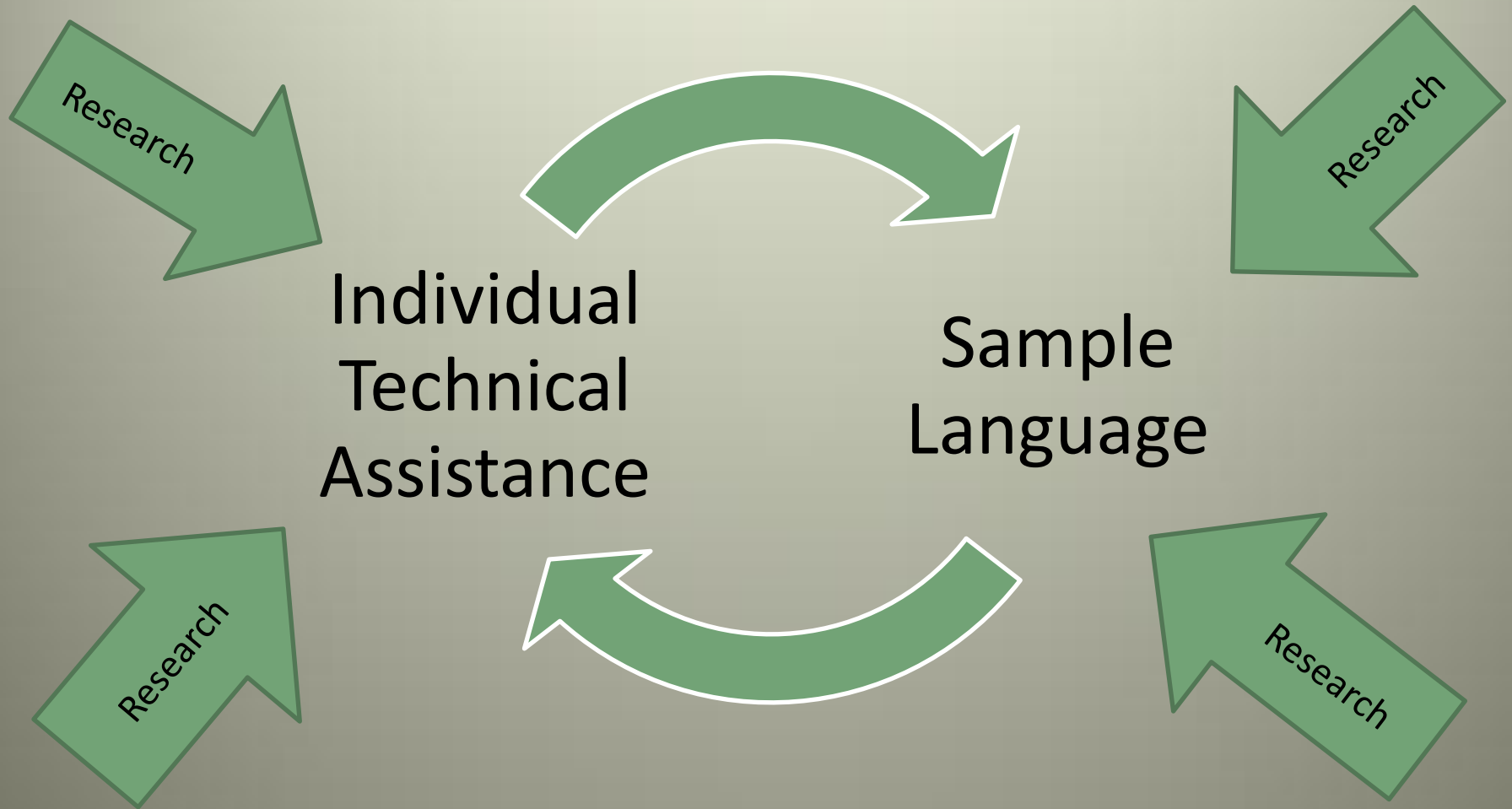
PROPERTY: POLICY GUIDANCE ON LIABILITY AND SHARED USE

Obesity rates are on the rise, in part because of the public's lack of access to safe and appropriate places to be physically active. One key strategy for promoting increased physical activity is to open school property for recreational use by the community during non-school hours. Research indicates that one of the main obstacles to this strategy is a fear among school administrators that if school property is opened to the community for recreation, schools will face additional legal liability for injuries that result. Whether real or misplaced, these concerns can stymie efforts to encourage physical activity.

Considerations Prior to Initiating Policy Change

The starting point in addressing the fears about recreational use of school property during non-school hours is to understand the legal standards involved. State laws relating to school liability and community use of school property are complex, and vary from one state to another. In many states, careful analysis of applicable state laws and judicial decisions will show that liability fears are misplaced. Still, if a state's liability standards are not clearly stated in the law, and must instead be deduced by analyzing multiple statutes and legal decisions, the absence of an explicit and straightforward liability standard may itself block progress. In these instances, simply amending state law to clearly describe the existing liability protections can allay administrators' fears.

In other states, the risk of liability may truly be excessive, compared to the law's treatment of private landowners or the treatment of comparable public activities. For example, every state already creates legal protections for private landowners who open their properties for recreational use by the public, whether for hunting, fishing, boating, swimming, hiking or other outdoor activities. These laws limit the liability of private landowners in order to encourage them to open their property for public recreation. Similarly, every state has adopted some form of "governmental immunity", "sovereign immunity" or "state tort claims" law, limiting public liability for certain activities. Where liability concerns threaten activities essential to the public interest, it is not uncommon for laws to create liability protections that balance the need to protect injured victims against the need to encourage specific activities that benefit society as a whole. Thus, laws may create specific liability protections to encourage "Good Samaritans" to come to the aid of accident victims, or to encourage local governments to clean up contaminated industrial sites, or to encourage drug manufacturers to produce vaccines. In the same way, it may be appropriate in some states to modify the law to provide liability protections for the schools to promote public health, while still encouraging safe places for the public to be active.



Sample Language

Findings of fact

Statement of purpose

Definitions

Liability provisions; and

Exceptions



Sample Language

Encourage/require public use

Encourage/require shared use agreements

Encourage/require work with recreation organizations

Create and post toolkit

Encourage/require School Health Council





American Heart Association | American Stroke Association®

Government Relations

- Laying the Groundwork

- Where was Mississippi
 - Existing Code
 - Survey
 - Community Transformation Grants



- How to find and cultivate a bill sponsor
 - 2011 House Bill 1170
 - 2012 House Bill 540
- How to introduce and promote this new issue



HOUSE BILL NO. 540
(As Sent to Governor)

1 AN ACT TO AUTHORIZE LOCAL SCHOOL BOARDS TO ALLOW SCHOOL
2 PROPERTY TO BE USED BY THE PUBLIC DURING NONSCHOOL HOURS FOR
3 RECREATION AND SPORTS; TO EXPRESS CERTAIN LEGISLATIVE FINDINGS
4 REGARDING OBESITY AND ASSOCIATED HEALTH RISKS; TO DEFINE CERTAIN
5 TERMS; TO LIMIT THE LIABILITY OF SCHOOL DISTRICTS AND SCHOOL
6 DISTRICT EMPLOYEES FOR CLAIMS ARISING FROM THE PUBLIC'S USE OF
7 SCHOOL PROPERTY AND FACILITIES FOR RECREATION AND SPORTS; TO
8 ENCOURAGE SCHOOL DISTRICTS TO ENTER INTO SHARED USE AGREEMENTS
9 WITH COMMUNITY ORGANIZATIONS AND LOCAL GOVERNMENTAL ENTITIES FOR
10 PURPOSES OF RECREATION AND SPORTS; TO REQUIRE THE STATE DEPARTMENT
11 OF EDUCATION, IN CONSULTATION WITH THE STATE DEPARTMENT OF HEALTH,
12 TO DEVELOP A BEST PRACTICES TOOL KIT RELATING TO SHARED USE
13 AGREEMENTS; AND FOR RELATED PURPOSES.

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

15 SECTION 1. (1) The Legislature finds the following:

16 (a) The Centers for Disease Control and Prevention has
17 released studies documenting:

18 (i) Overweight and obese children experience the
19 same risk factors that are associated with heart disease in
20 adults, including high blood pressure, high cholesterol levels and
21 Type 2 diabetes, once referred to as adult-onset diabetes;

22 (ii) Every year, an estimated three hundred
23 thousand (300,000) people in America die because of diseases
24 caused by being overweight and obese;

25 (iii) Studies have shown that up to eighty percent
26 (80%) of overweight adolescents become overweight adults;

27 (iv) Fourteen percent (14%) of deaths from cancer
28 in men and twenty percent (20%) of cancer deaths in women are
29 because of being overweight and obese; and



Educating and Activating the Network and Lawmakers

Katherine Bryant

From: Elizabeth Williams
Sent: Friday, February 22, 2013 2:55 PM
To: Katherine Bryant
Subject: SUA-- Let's jump this last hurdle - Governor's signature needed!

From: Katherine Bryant, American Heart Association [<mailto:psa.advocacy@heart.org>]
Sent: Friday, February 22, 2013 2:45 PM
To: Elizabeth Williams
Subject: Let's jump this last hurdle - Governor's signature needed!

ACTION ALERT



Greater Southeast Affiliate/Mississippi

Dear Kenneth,

We have one last step to make our school playgrounds and athletic facilities more available for community use - the Governor's signature!

[Please take a moment to email Governor Bryant and ask him to sign House Bill 540!](#)

House Bill 540 will make school playgrounds and athletic facilities more available for community use through encouraging Shared Use Agreements between schools, YMCAs, Boys and Girls Clubs, and more. As a result, it'll be easier for us to show children how much fun team sports and play can be.

By signing this bill, Governor Bryant will give us another tool to help make our state a healthier place for all Mississippians. [Click here to email our Governor today!](#)

You're the Cure,

Katherine Bryant
Government Relations Director, Mississippi

Heart Disease and Stroke. You're the Cure.



Mississippi Advocacy Department
Katherine Bryant, Government Relations Director • Julie M. Howell, Grassroots Director
psa.advocacy@heart.org

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Implementation



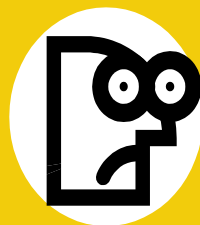
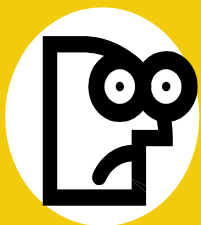
Tupelo, Mississippi



Integrating research, legal technical expertise, and advocacy

Lessons Learned





It's QUESTION TIME!!