



STATE LAWS IMPACTING COMMUNITY USE OF SCHOOLS PROPERTY: EVALUATION APPROACHES AND IMPLICATIONS FOR RESEARCH AND POLICY IMPLEMENTATION

The legal information and assistance provided in this presentation does not constitute legal advice or legal representation.



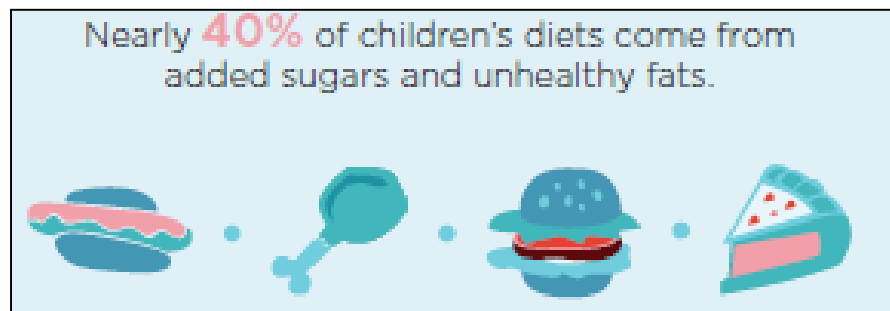
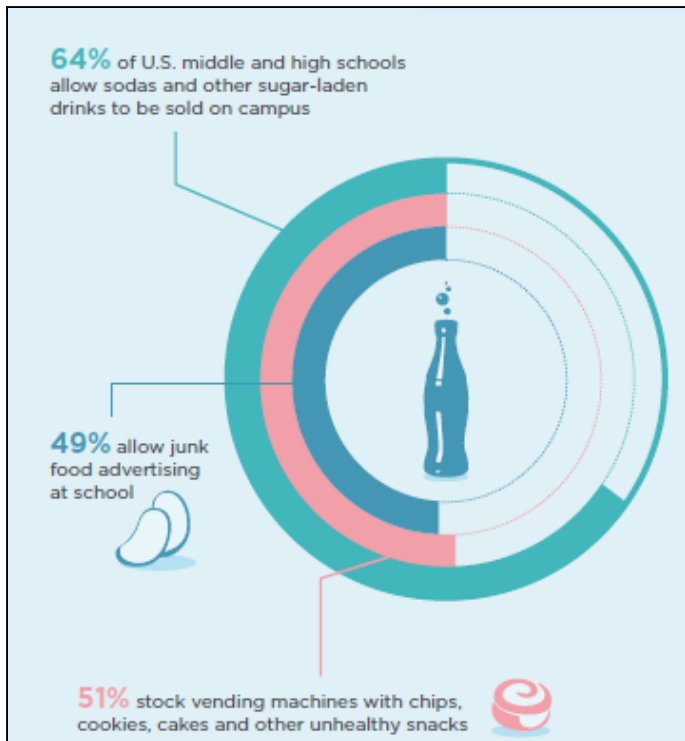
Objectives

- Discuss two different policy research approaches evaluating state laws on community use of school property.
- Learn the strengths and weaknesses of each approach in the context of research and practice goals.
- Promote discussion of how these approaches may be used together to promote research and implementation of effective joint use agreement policy.

Speakers

- Moderator: Mary Marrow, staff attorney with the Public Health Law Center
- Carter Headrick, Director of State and Local Obesity Policy for the Voices for Healthy Kids Project of the American Heart Association
- Scott Kelly, staff attorney with the Public Health Law Center at William Mitchell College of Law
- Natasha Frost, J.D. staff attorney at the Public Health Law Center
- Frank M. Perna EdD, PhD, National Cancer Institute (NCI)
- Stefanie Winston, legislative analyst at the MayaTech Corporation

Our Changing World



A Collaborative Response

THE RESULT



American
Heart
Association

TAKING ACTION TO PREVENT OBESITY



Robert Wood Johnson
Foundation



Influencing public policy through advocacy is an essential strategy to reducing childhood obesity.

Policy Priorities

Smart School Foods

- Improve the nutritional quality of snack foods and beverages in schools.

Healthy Drinks

- Increase accessibility, availability, and affordability of healthy beverages by increasing access to water in school and community environments.
- Increase costs of sugar sweetened beverages through the passage of excise taxes.

Food Access

- Increase access to affordable foods in Corner Stores & Grocery Stores

Policy Priorities

Marketing Matters

- Develop guidelines for serving more nutritious foods in restaurants.
- Improve point-of-purchase design in retail environments.
- Replace unhealthy food promotion & marketing in schools with healthy food promotion & marketing.

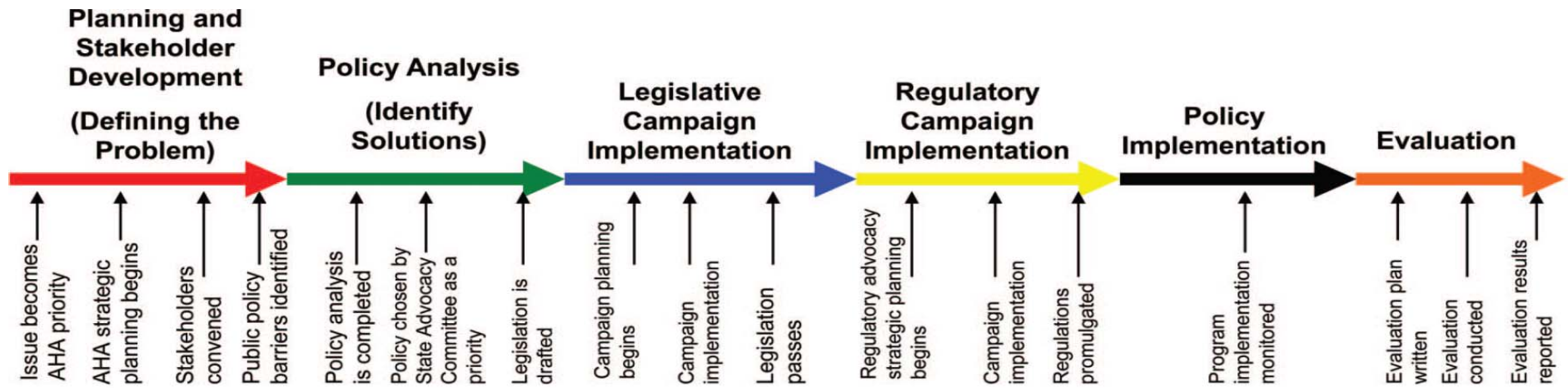
Active Places

- Pass and implement Shared Use legislation which clarifies liability laws so schools can open playgrounds and gyms to the community.
- Support policies which fund Safe Routes to School programs and ensure federal dollars are effectively used.
- Promote “Complete Streets” initiatives that integrate bike and pedestrian paths into road-planning and construction.

Active Kids Out of School

- Establish mandatory physical activity standards in before and after school programs.
- Increase access to playground equipment within communities.

American Heart Association



| | | | | | |
|---|---|--|---|--|--|
| <ul style="list-style-type: none"> • An issue is identified as an Association-wide priority where policy and systems change is needed to advance the priority. • Advocacy staff convene cross-functional internal teams to develop strategic plan to address policy. Stakeholders group of internal and external experts/partners may be convened as well for input and guidance. • Public policy opportunities and barriers are identified and legislative and regulatory options are explored. | <ul style="list-style-type: none"> • Policy analysis is led by state advocacy staff and could include analysis of the following: <ul style="list-style-type: none"> • Current statutory and regulatory law. • Political and economic feasibility of solution. • Potential public policy solutions that could address the problem. • Policy solution chosen and identified as a state advocacy priority by State Advocacy Committee. • Decision is made to pursue legislative or regulatory route. • Decision is made on outcome measures for subsequent evaluation. | <ul style="list-style-type: none"> • Either through this proactive process or in reaction to legislation that is introduced, state advocacy staff take the lead developing strategic campaign plans to advance public policy. • Utilizing a cross-functional team for both planning and implementation (internal and external partners as appropriate to the issue), legislation is shepherded and passed. • If enabling legislation, policy opportunities next turn to the regulatory realm. | <ul style="list-style-type: none"> • If regulatory action is needed, state advocacy staff develop strategic regulatory campaign plans to advance our regulatory priorities. • Utilizing a cross-functional team for both planning and implementation, advocacy staff work closely with internal and external partners to monitor the regulatory advocacy process. • Advocacy staff take the lead on lobbying tactics as well as providing expert advice and guidance | <ul style="list-style-type: none"> • Once legislation and/or regulation is passed, advocacy staff monitor and influence the development of the program so that it is aligned with AHA guidelines and policies. • Advocacy staff take the lead on development of evaluation plan related to agreed upon outcome measures. | <ul style="list-style-type: none"> • Evaluation may be completed using internal or external resources and partners. • Outcomes are evaluated and reported. |
|---|---|--|---|--|--|

The School Environment



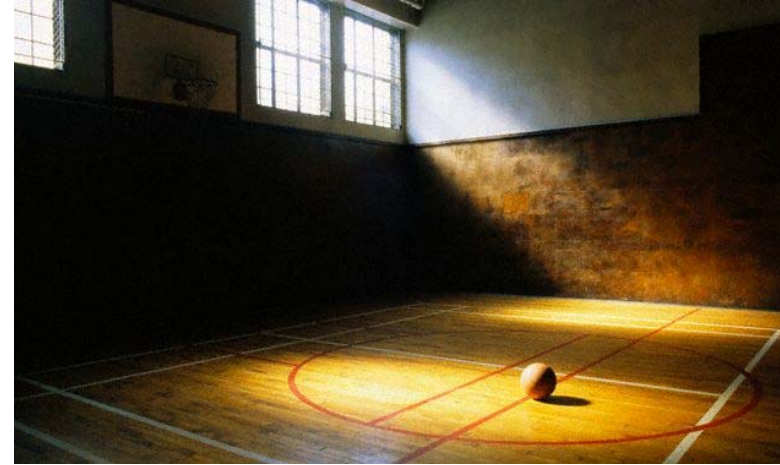
“environments that contribute to the livability, sustainability, and public health of neighborhoods and communities.”

(EPA, 2011)

Community Use



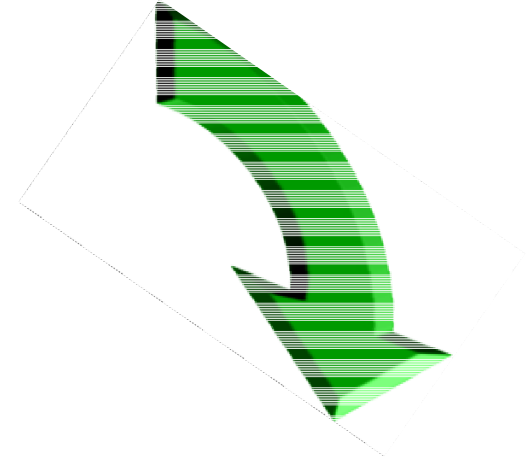
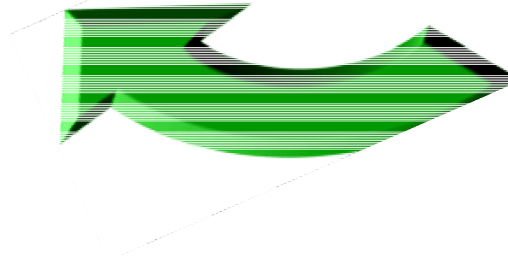
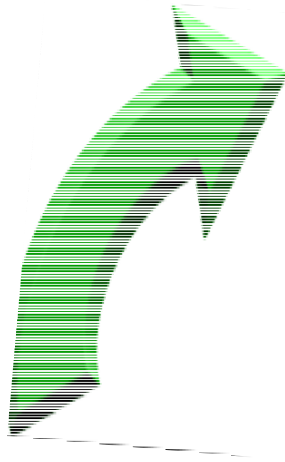
Community Neglect



Liability



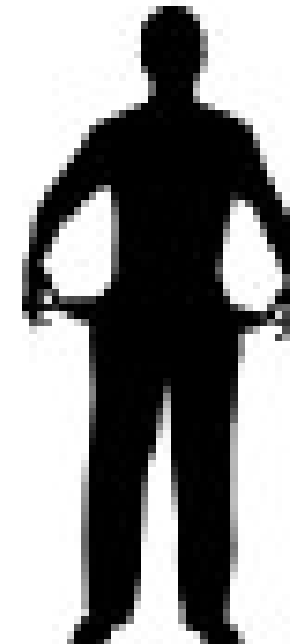
Fear



Fear



| School Builders, Inc. 123 Anywhere St. Olympia, WA 98501 000.000.0000 Fax 000.000.0000 | | INVOICE |
|--|-----------------------------|---|
| | | INVOICE NO: 1 DATE: January 6, 2003 |
| To: | City High School | Billing Period: August 2002 |
| ACTIVITY | DESCRIPTION | AMOUNT |
| | Completed to date | \$10,000.00 |
| | Billed to date | 00.00 |
| | Contract amount due to date | \$10,000.00 |
| | | SUBTOTAL \$10,000.00 |
| | | SALES TAX @ .08 800.00 |
| | | Less retainage (5% of \$10,000) (500.00) |
| | | TOTAL DUE this billing \$10,300.00 |
| Make all checks payable to: School Builders, Inc. THANK YOU FOR YOUR BUSINESS! | | |

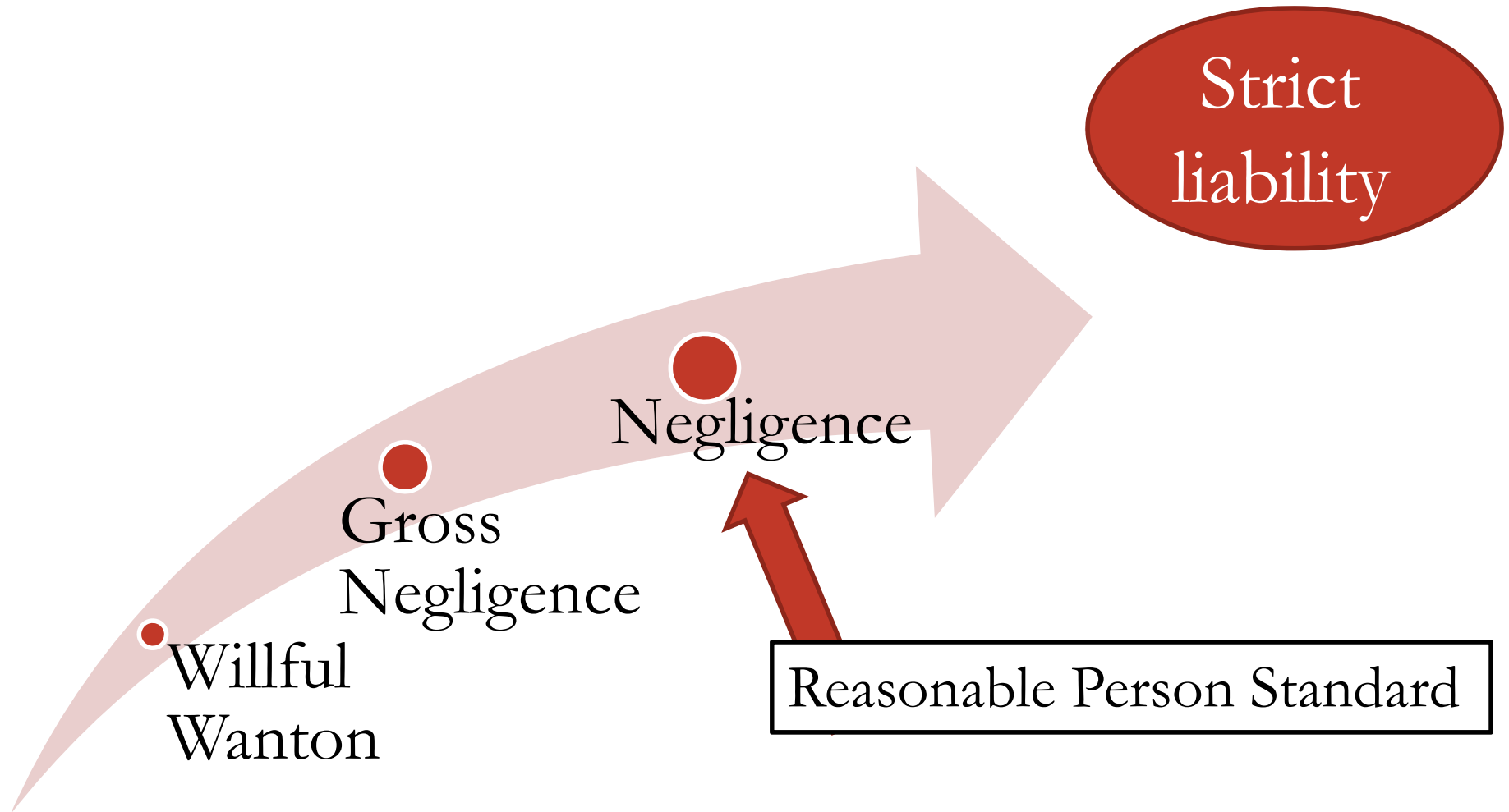


Elements

- **Duty of care;**
- **Failed in Duty;** *and*
- That failure **caused harm** that could have been **reasonably expected to occur**



Duty of Care



Use Agreements



Documentation



Purpose



Why?

Appropriateness



Training



Supervision



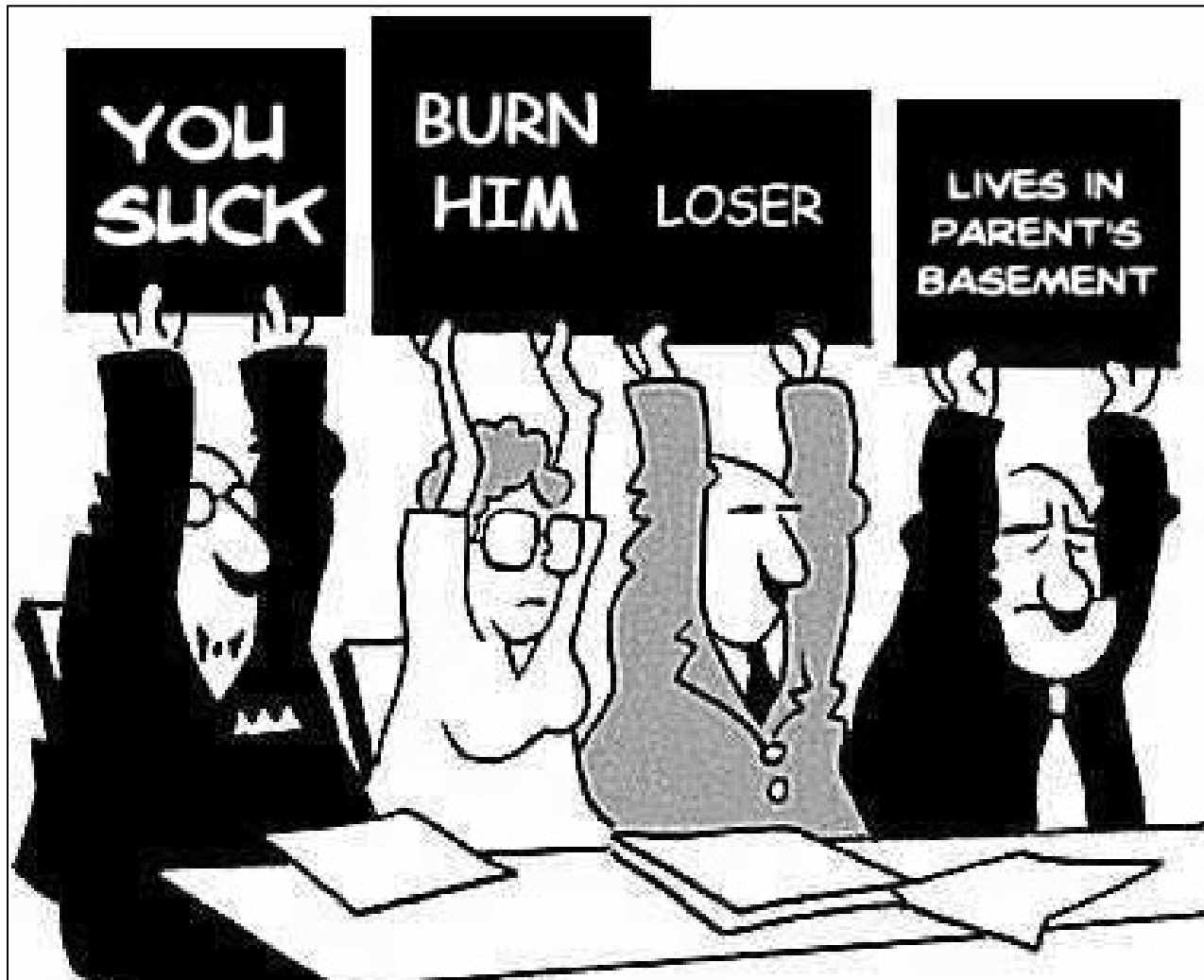
Risk Management



Duration



Evaluation



Know the Policy Landscape

- Grassroots and partner input
- Based in Science
- Develop Model Policy
- Decide on Bottom Lines
- 50 State Scan
 - Set the baseline
 - Track Progress
 - Measure Against Bottom Lines

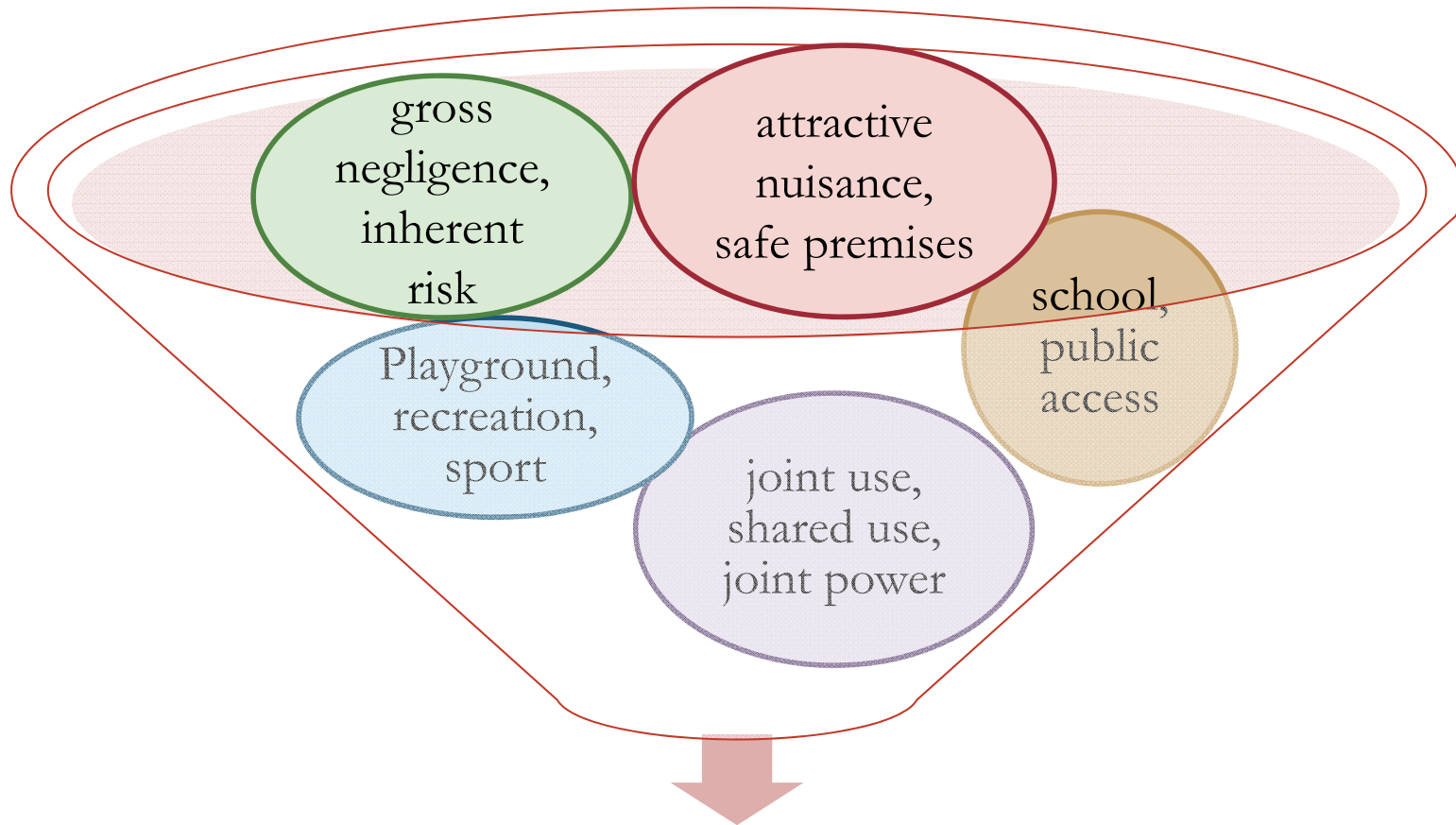


Know the Legal Landscape

- Use of School Property by Public
- Shared Use Agreements
- Governmental Immunity
- Recreational User Statute
- Limits on Recovery
- Insurance Requirements
- Court cases
- Other statutes



Picking the search terms



Key words

Going beyond key words

Education
Code

NPLAN
50 state
review

Memo components

- Use of School Property for Public Purposes Statute
- Recreational Use Statute
- Sovereign/governmental immunity
- Other Cases relating to Recreation
- Other issues affecting liability and recreation
- Other issues affecting liability protections in other contexts
- Jury Verdicts and Settlements



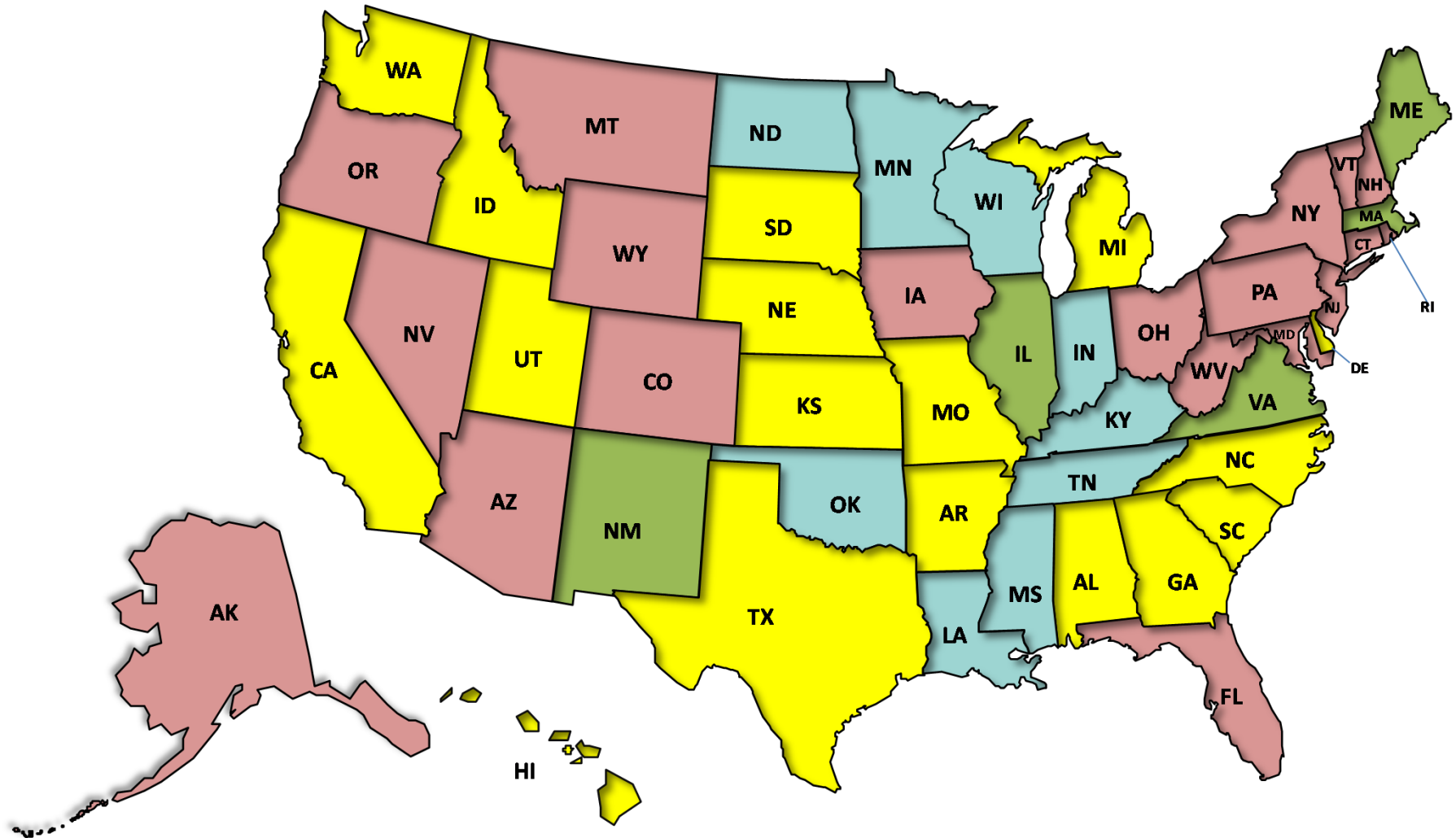
Statutes

Cases

Other

Baseline: Schools are protected from liability up to the level of gross negligence when allowing community recreational use of indoor and outdoor school property during non-school hours

| | |
|------------------|--------------|
| Baseline | Not Baseline |
| Analysis Pending | Passed Laws |



North Carolina

Strong
protection:
sovereign
immunity



North Carolina


Notwithstanding the provisions of G.S. 115C-263 and 115C-264, local boards of education may adopt rules and regulations under which they may enter into agreements permitting non-school groups to use school real and personal property, except for school buses, for other than school purposes so long as such use is consistent with the proper preservation and care of the public school property. No liability shall attach to any board of education, individually or collectively, for personal injury suffered by reason of the use of such school property pursuant to such agreements. N.C. Gen. Stat. Ann. § 115C-524 (West)

North Carolina


Attendee at middle school basketball game brought action against county school board, seeking to recover damages for injuries allegedly sustained in fall on bleachers. The Court of Appeals, held that: 1 school board's entering into a general trust fund agreement did not waive governmental immunity; 2 school board's operating basketball game and charging admission did not constitute a proprietary function as would waive governmental immunity; 3 statute requiring school board to keep school buildings in good repair and proper condition did not create private cause of action for individuals. Willett v. Chatham County Bd. of Educ., 176 N.C. App. 268, 625 S.E.2d 900 (2006)

Arizona

- Recreational Use Statute
- Governmental Immunity
- A.R.S. § 15-1105 Lease of school property; civic center school fund; reversion to school plant fund; definitions







FINDING SPACE TO PLAY



8/13/2013 IN CITY OF PHOENIX ELEMENTARY SCHOOLS

A look at school policies and practices promoting physical activity through shared use within the 21 elementary school districts in the City of Phoenix, Maricopa County, Arizona.

What happens when a state is not in the baseline?



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.

American Heart Association • 7272 Greenville Avenue • Dallas, Texas, 75231
www.americanheart.org/youretherecure

Public Health Law Center 875 Summit Avenue, Saint Paul, MN, 55105-3076 www.publichealthlawcenter.org 651.290.7506

<http://www.publichealthlawcenter.org/sites/default/files/resources/phlc-fs-shareduse-samplestatute-language-2012.pdf>

Policy Guidance on Community Use

- Findings of Fact
- Statement of Purpose
- Definitions
- Liability Provisions
- Other innovative components



Success story: Mississippi

- Specifically authorizes school district-level shared use policy
- Limits liability
- Encourages shared use agreements
- Authorizes government funds for shared use agreements
- Requires state-level shared use toolkit
- Requires Department of Education website
- Requires school districts to address community use

Lessons learned

- Importance of TA
- Need state-specific resources
- Unintended consequences
- Open access versus agreements
- Terminology
- Multilevel approach
- Need for resources



State-specific resource development

- Wisconsin toolkit
- Minnesota toolkit
- Other state-specific resources

Maricopa County Public Health WeArePublicHealth.org

Public Health Law Center AT WILLIAM MITCHELL COLLEGE OF LAW

The Partnership

Shared Use of School Facilities – Online Survey

Public Health Law Center AT WILLIAM MITCHELL COLLEGE OF LAW

WISCONSIN SCHOOL RESOURCES

Using Recreational Agreements in Wisconsin Schools

Recreational agreements are becoming a popular strategy that community and school partners can use to increase access to opportunities for physical activity. Wisconsin's state laws help to remove the barrier of liability from schools, making it easier to open up school spaces for community use. At the same time, public health advocates would like to partner with schools to help expand the use of school spaces so that surrounding community members can become more physically active.

Because many stakeholders can benefit from a robust use of school spaces for physical activity, these organizations have partnered to help school districts better understand the purpose and structure of "recreational agreements" that school districts can use in connection with authorizing community use of school grounds for recreational activities. The Wisconsin Association of School Boards, Public Health Law Center and Transform Wisconsin collaboratively developed two sample recreational agreement/facility use forms, a reference checklist, and a fact sheet that provides a general explanation of the liability protection provided by recreational agreements. Using these materials will allow schools to consider taking advantage of the liability protection offered by state law, and provide ways for community members to work with schools in order to truly increase shared use of school spaces. Recreational agreements have great potential to become a triple win for schools, community organizations, and community members.



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MINNESOTA RECREATIONAL USE

Making the Case for Community Recreational Use of School Property

Shared use of school property, facilities and equipment has been explored as a strategy to increase physical activity opportunities for local communities. But, does providing access to these spaces actually increase physical activity and decrease obesity?

Several studies sought to measure these associations. The following facts highlight some of the most relevant research in this area, and make the case that shared use of school property is a good strategy for increasing physical activity.

Does access to recreational facilities increase physical activity?

- It is reported that people with access to recreational facilities exercise more than those without access to these facilities.^{1,2}
- Research indicates that children are more likely to be physically active outside of school hours when they have access to school recreational facilities³ and when those facilities are renovated.⁴
- Evidence suggests that access to school recreational facilities in underserved communities improves the likelihood that community members will be physically active.⁵



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Questions?

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What's next?

COMMENTARY

Promoting Physical Activity Through the Shared Use of School Recreational Spaces: A Policy Statement From the American Heart Association

Deborah Rohm Young, PhD, John O. Spengler, JD, PhD, Nabeela Frost, JD, Kelly R. Evenson, PhD, Jeffrey M. Vincent, PhD, and Laurie Whitwal, PhD

Most Americans are not sufficiently physically active, even though regular physical activity improves health and reduces the risk of many chronic diseases. Those living in rural, non-White, and lower-income communities often have insufficient access to places to be active, which can contribute to their lower level of physical activity.

The shared use of school recreational facilities can provide safe and affordable places for communities. Studies suggest that challenges to shared use include additional cost, liability protection, communication among constituencies interested in sharing space, and decision-making about scheduling and space allocation.

This American Heart Association policy statement has provided recommendations for federal, state, and local decision-makers to support and expand opportunities for physical activity in communities through the shared use of school spaces. (Am J Public Health. Published online ahead of print October 17, 2013; e1-e8. doi:10.2105/AJPH.2013.301481)

REGULAR PHYSICAL ACTIVITY is an important behavior for general health and to reduce the risk of coronary heart disease, stroke, hypertension, obesity, and some types of cancer.¹ Unfortunately, the vast majority of youths and adults are not sufficiently physically active. Depending on the population of study and the physical activity assessment used, between 53%² and 95%³ of adults and between 50%⁴ and 90%⁵ of adolescents are found to not participate in physical activity at levels recommended by the US government.⁶ African Americans and Latinos are less physically active^{2,4} than are their White counterparts. All Americans should have a variety of community resources that provide an opportunity to be physically active.

Public schools are located in all communities and often have physical activity facilities and spaces that can be shared with community members. The American Heart Association supports policies that enable schools to share their physical activity spaces with individuals and community groups. This is in direct agreement with the American Heart Association

of leading public health authorities.^{7,8} However, policy recommendations and tools are needed to facilitate and encourage the shared use of school resources. We have identified the benefits and challenges of shared use, provided policy recommendations to support and expand shared use, and highlighted areas for needed additional research.

DEFINITION OF SHARED USE

Opening school buildings and grounds during non-school hours for community use is often referred to as “shared use” or “joint use”;⁹ public schools sharing their facilities that are conducive to physical activity with individual community members, community groups, or school or public agencies during non-school hours. Facilities include both indoor and outdoor physical activity spaces. Shared use includes individual community members’ informal use for unstructured, unsupervised use and supervised, community-sponsored activities, such as team sports and supervised open gym.

Shared use may occur through an informal arrangement or may

involve formal agreements or agreements are available from many sources, including the National Policy and Legal Analysis Network.¹⁰

ACCESS TO SPACES AND THE PROSPECT OF SHARED USE

In many communities, opportunities exist for physical activity. Most local governments provide public parks and recreation centers, and commercially available sports and fitness facilities are sometimes available. However, many rural, non-White, and lower-income communities often do not have the same density of community recreational facilities^{11,12} as do those living in higher-income neighborhoods. Privately owned commercial facilities typically require memberships or fees that limit the accessibility for lower-income populations. Therefore, it is important to have convenient access to affordable physical activity spaces in all communities.

Public school facilities have emerged as an area of public health advocates’ attention because of their great availability in US communities and their im-

TABLE 1—Policy Recommendations to Promote and Facilitate Shared Use That Address Shared Use Challenges

| Policy Recommendation to Promote and Facilitate Shared Use | Shared Use Challenges Addressed by the Recommendation | | | | |
|---|---|---------------|---------------|-----------|-----------------|
| | Funding | School Design | Communication | Liability | Decision-Making |
| Encourage or require school districts to provide community recreational use of school property. | X | | X | X | X |
| Require school board policy to address shared use. | X | X | | X | X |
| Clarify or provide liability protection for schools when recreational use of the property is allowed. | | | | X | |
| Authorize school districts to enter into shared use agreements, and set specific requirements for what is included in the agreements. | X | | X | X | X |
| Require proof of insurance for groups using school property. | | | | X | |
| Support full and dedicated funding of the Land and Water Conservation Fund. | X | X | | | |
| Incorporate community recreational use of school property as a Statewide Comprehensive Outdoor Recreation Plan priority. | X | X | | | |
| Provide incentives for shared use in school construction. | X | X | | | |
| Outline joint powers concepts and opportunities. | X | | X | X | X |
| Require the creation of state-level toolkits and local dissemination plans to local communities. | X | X | X | X | X |
| Commission studies through state workgroups to assess barriers and determine solutions. | X | X | X | X | X |

Joint Use Agreement in the Classification of Laws Associated with School Students (C.L.A.S.S.) Evaluation Tools and Database

Frank Perna, EdD, PhD.
National Cancer Institute

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The MayaTech Corporation

Active Living Research Conference
San Diego, CA, March 9, 2014

The findings and conclusions in this presentation are those of the authors and do not necessarily represent the views on the National Cancer institute

C.L.A.S.S. Syllabus

- Lesson 1: What is C.L.A.S.S. & what makes it unique as an approach?
- Lesson 2: What is the C.L.A.S.S. *Joint Use Agreement Scale*?
- Lesson 3: Let's go to C.L.A.S.S. (demonstration)
- Q & A

Lesson 1: What is C.L.A.S.S.?

Classification of Laws Associated with School Students

- Classification system of codified state laws
 - ⊗ Includes two coding systems:
 - Physical Education-Related State Policy Classification System (PERSPCS)
 - School Nutrition Environment State Policy Classification System (SNESPCS)
- All 50 states and Washington DC
- Grade levels: Elementary, Middle and High School
- Years 2003 – 2012, coded biennially after 2008

How was C.L.A.S.S. Developed?

Conceptual framework guided by:

- ⊗ Expert panel including scientists and senior policy analysts (NCI, CDC, and scientific consultants)
- ⊗ Socio-ecologic model
- ⊗ Policies expected to have an impact on school environment and social norms that may affect children's behaviors (Masse, et al., 2007).

Topics based on consensus recommendations from:

- ⊗ Expert panel
- ⊗ Review of published literature
- ⊗ Key documents and web reports
- ⊗ Government recommendations and guidelines (e.g., NASPE, IOM, CDC healthy School Guidelines)

C.L.A.S.S. Development (Cont.)

- Classification System Based On:
 - ⊗ National Standards & Recommendations
(NASPE, CDC, IOM, FDA, USDA, ACSM, IOM)
- Measure the extensiveness of school PE and Nutrition state codified laws
- State codified laws since, 2003 - 2012:
 - ⊗ Compiled and independently coded
 - ⊗ Updated annually through 2008 and biannually thereafter
 - ⊗ Additional policy areas added for 2012



What makes C.L.A.S.S. Unique?

- Assigns specific scores (allowing ranking and comparisons)
- Enacted state-level law only: state statutory law and adopted regulations
- Grade level distinction
- Systematic coding

CLASS Compares to Other Systems?

| | C.I.A.S.S. ¹ | CDC; Nutrition and Physical Activity Database ² | F as in Fat: How Obesity Threatens America's Future 2010 ³ | National Conference of State Legislatures ⁴ | Rudd Center for Food Policy and Obesity ⁵ | Obesity Legislation Database ⁸ |
|-------------------------------------|-----------------------------|--|---|--|--|---|
| Nutrition | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| PE and PA | ✓ | ✓ | | ✓ | ✓ | ✓ |
| Grade-level distinction | ✓ | | | | | ✓ |
| Uses Empirical Scores | ✓ | | | | | |
| Years covered | 2003-2008; 2010, biennially | 2001-2011 | 2010 | 2004-2009 | 2010-2011 | 2000-2007 |
| Allows comparison across years | ✓ | | | | | |
| Enacted legislation and regulations | ✓ | | ✓ | | | ✓ |

Lesson 2: What is the C.L.A.S.S. *Joint Use Agreement Scale?*

- Conceptual framework guided by:
 - ⊗ Review of published literature
 - ⊗ Expert panel including scientists and senior policy analysts (NCI, CDC, MayaTech, Change Lab Solutions and Extramural Community)
- Scoring Criteria from consensus recommendations
 - ⊗ MayaTech created search-string & initial codified law search
 - ⊗ Expert panel provided feedback on iterations coding criteria
 - ⊗ Scoring criteria and decision rules established
 - ⊗ Pilot testing of 5 states
 - ⊗ Scoring criteria and decision rules revised
 - ⊗ All 50 states and District of Columbia scored
 - percent inter-rater agreement > 90%, kappa > .95

Joint Use Agreement Scoring Key and Variable Information

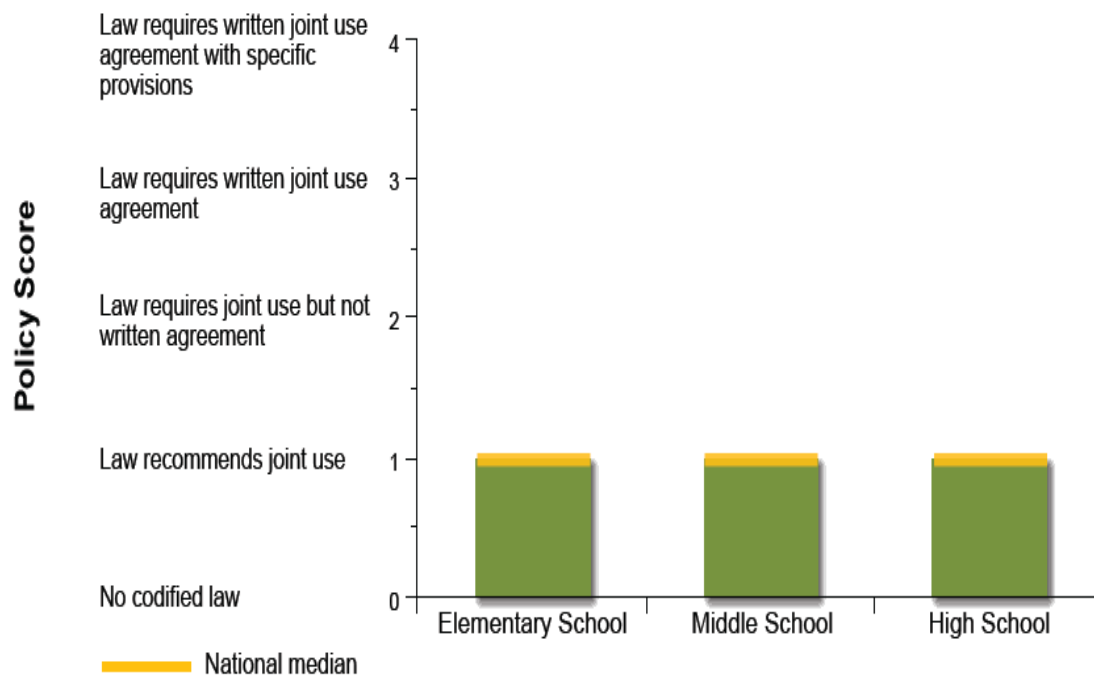
| Score | Description: The Joint Use Requirement score reflects the degree to which state law allows for joint use agreements between a school and a community partner with the aim of increasing access to school physical activity facilities as suggested in the CDC School Health Guidelines at the ES grade level. |
|-------|---|
| 4 | State requires a formal written agreement between schools and communities or organizations that allows access to school's recreational facilities outside of school hours and contains 3 of the following 4 criteria: -- Contains provision regarding liability -- Contains provision regarding fees for use -- Contains provision regarding insurance coverage -- Contains provisions regarding operations and management of the facility |
| 3 | State requires a formal written agreement between schools and communities or organizations that allows access to school's recreational facilities outside of school hours without reference to liability, fees, insurance or operations and management. |
| 2 | State requires schools to allow communities or organizations access to schools' recreational facilities outside of school hours, without a specific requirement for written agreements between the parties, or provisions regarding liability, fees, insurance, or operations and management. |
| 1 | State recommends informal cooperation between schools and communities or organizations that allow access to school's recreational facilities outside of school hours and references one or more of the following 4 criteria: -- Contains provision regarding liability -- Contains provision regarding fees for use -- Contains provision regarding insurance coverage -- Contains provisions regarding operations and management of the facility |
| 0 | No requirement or recommendation for a joint use agreement. |

Joint Use Agreement Decision Rules

| | |
|-----------------------|--|
| Decision Rules | <ol style="list-style-type: none">1) Exclude laws that only discuss funding of joint use facilities2) Laws must specify recreational activities, not just opening up the facilities for civic duties or educational opportunities.3) Definitions:<ol style="list-style-type: none">a. Formal Agreement: joint use agreement, or when the school must have a written agreement concerning access to schools' recreational facilities.b. Informal Agreement: when the state authorizes or requires schools to allow access to recreational facilities but does not specify that an agreement is required.c. Communities or Organizations: includes other schools, parks, for-profit or non-profit organizations; essentially any group that enters into an agreement with a elementary/middle/high school is included.4) A fee, or lack thereof (i.e. allowing the property to be used for free) counts as one of the elements.5) Exclude laws that only discuss liability and not joint-use/access issues.6) If grades are not specified in the joint use variable, then we will assume that the provision applies to all grades.7) Provisions that address joint use but do not specify recreational use are not included. |
|-----------------------|--|

Physical Education / Joint Use Agreement Requirement / Arizona / 2012

The Joint Use Requirement score reflects the degree to which state law allows for joint use agreements between a school and a community partner with the aim of increasing access to school physical activity facilities as suggested in the CDC School Health Guidelines.



This chart shows a state's codified law in relation to the Centers for Disease Control & Prevention (CDC) recommendations for Joint Use Agreement Requirements at each grade level. The median score for the nation is also shown.

[CLASS Scoring Key and Variable Information](#)

The median national score is the 'middle' score, with half the states with scores over the median and the other half with scores below the median.

The information provided in this map is based on data collected and coded by the MayaTech Corporation through a contract with the National Cancer Institute and reflects the codified law of each state as of December 31 of the specified year. CLASS scores reflect the effective date of the law, not the law creation date.

Implementation of the Joint Use Scale

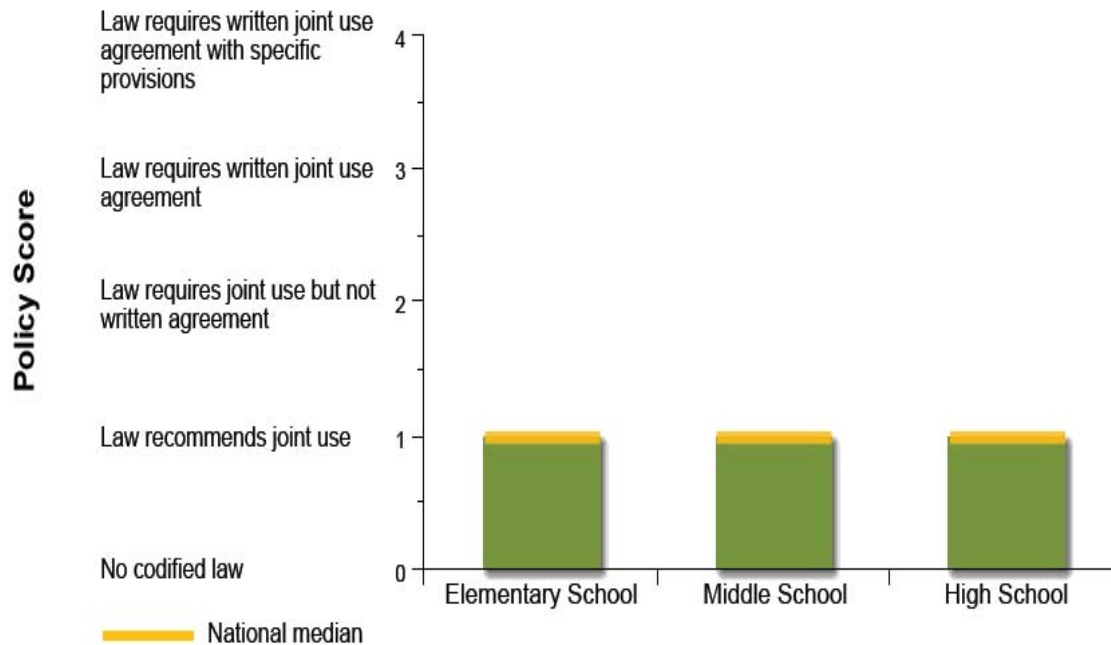
- Arizona
 - Coded as a “1” for ES, MS, and HS
 - Citations:
 - ARIZ. REV. STAT. §§ 15-1105, 15-1141, 15-1142, and 15-1143
 - Decision NOT to Code:
 - ARIZ. REV. STAT. § 33-1551

Comparison of C.L.A.S.S. and A.H.A. Analyses for Arizona

- Key Findings:
 - Agreement on analysis of the lease of school property statute.
 - A.H.A. included recreational use statute, while C.L.A.S.S. did not.
 - C.L.A.S.S. did not use case law, or non-statutory laws.

Physical Education / Joint Use Agreement Requirement / North Carolina / 2012

The Joint Use Requirement score reflects the degree to which state law allows for joint use agreements between a school and a community partner with the aim of increasing access to school physical activity facilities as suggested in the CDC School Health Guidelines.



This chart shows a state's codified law in relation to the Centers for Disease Control & Prevention (CDC) recommendations for Joint Use Agreement Requirements at each grade level. The median score for the nation is also shown.

CLASS Scoring Key and Variable Information

The median national score is the 'middle' score, with half the states with scores over the median and the other half with scores below the median.

The information provided in this map is based on data collected and coded by the MayaTech Corporation through a contract with the National Cancer Institute and reflects the codified law of each state as of December 31 of the specified year. CLASS scores reflect the effective date of the law, not the law creation date.

Implementation of the Joint Use Scale

- North Carolina:
 - Coded as “1” for ES, MS, and HS
 - Citations:
 - N.C. GEN. STAT. §§ 115C-12, 115C-524
 - Decision NOT to Code:
 - 15A N.C. ADMIN. CODE § 12k.01.09

Comparison of C.L.A.S.S. and A.H.A. Analyses for North Carolina

- Key Findings:
 - C.L.A.S.S. analyzed laws that specifically applied to schools.
 - A.H.A. looked at the broader joint use environment.
 - C.L.A.S.S. only analyzed statutes and regulations.

Primary Limitations of C.L.A.S.S. Approach to JUA Policy Scoring

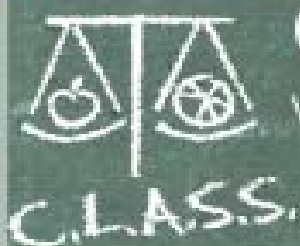
- Conceptually, JUA should promote activity levels, but empirical evidence sparse
- Proximally, unknown if state laws favorable to the creation of JUA actually facilitate their occurrence
- C.L.A.S.S. only analyzed statutes and regulations related to joint use *agreement*

Let's Go To C.L.A.S.S.



Classification of
Laws
Associated with
School
Students

<http://class.cancer.gov/index.aspx>



Classification of Laws Associated with School Students

WELCOME

The Classification of Laws Associated with School Students (C.L.A.S.S.) website uses two policy classification systems to score state-level codified laws for physical education (PE) and nutrition in schools. The scoring criteria for these systems are based on current public health research and national recommendations and standards for PE and nutrition in schools.

Use C.L.A.S.S. data to:

- Compare codified state laws in nutrition and physical education to national standards.
- Assess differences in codified state laws in nutrition and physical education across states over time.

View Data Map



About C.L.A.S.S.

Policy Areas Covered
Contact C.L.A.S.S.
Funding Opportunities

Download C.L.A.S.S. Data

School Nutrition
Physical Education and Recess

State Profiles

C.L.A.S.S. BRIEFS

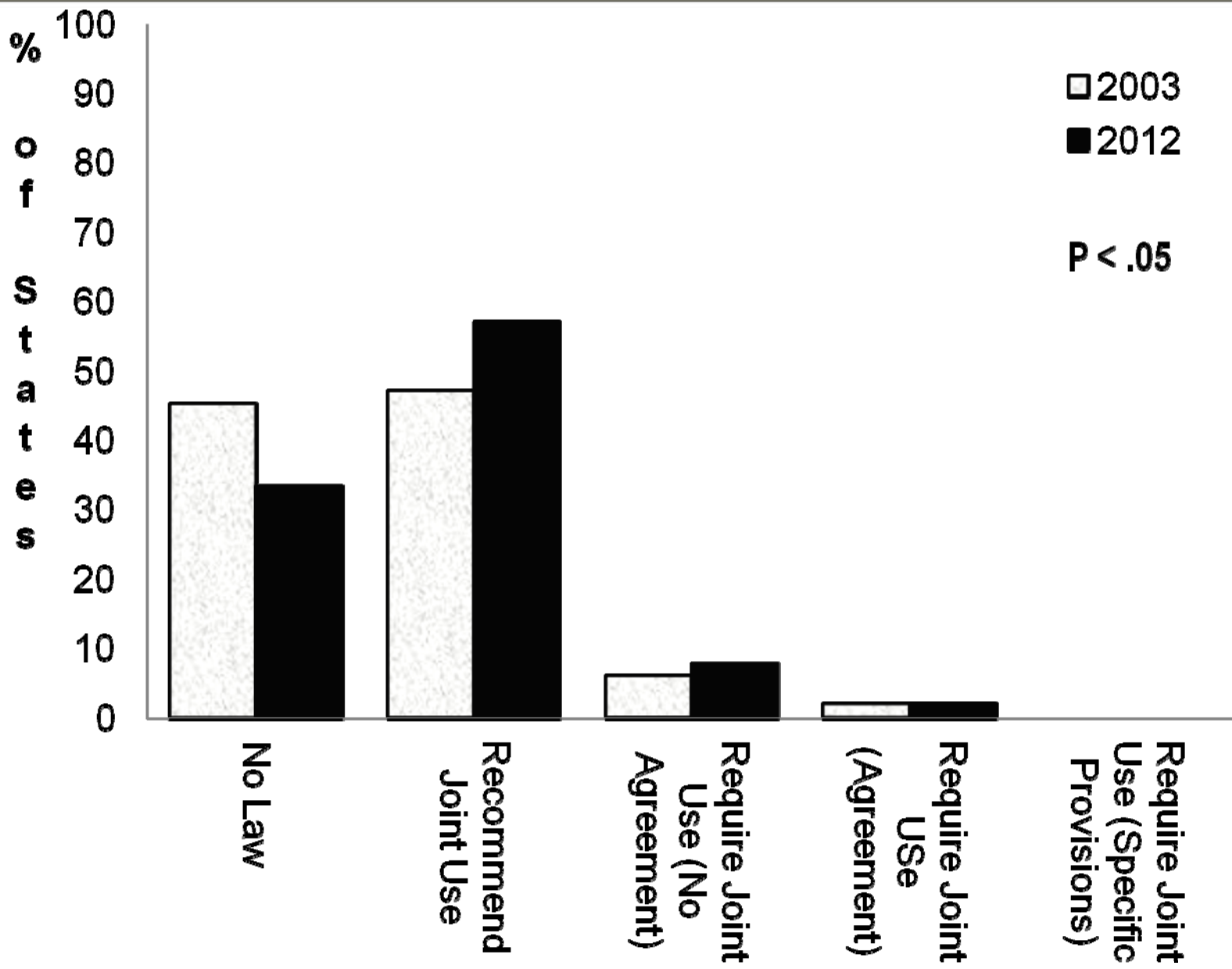
C.L.A.S.S. Actions

Publications
Presentations
C.L.A.S.S. Users


What's New?


- > The 2012 C.L.A.S.S. physical education and nutrition data are now available for [download](#) and also through the C.L.A.S.S. Data Maps and State Profiles tools.
- > New policy areas added: Moderate-vigorous physical activity in PE, Joint-use agreement for physical activity, PE proficiency, Potable water, Farm-to-school program.
- > The first C.L.A.S.S. [BRIEF](#), documenting the positive association between strong state law and physical education in US schools, is now available!
- > Visit the C.L.A.S.S. [State Profiles](#)! This new web tool creates state-specific profiles for all policy areas in physical education and nutrition.
- > See new C.L.A.S.S. publications in [C.L.A.S.S. Actions](#).

Change in C.L.A.S.S. Rating: Joint Use Agreement



C.L.A.S.S. STATE PROFILE EXAMPLE



U.S. National Institutes of Health | www.cancer.gov



Classification of Laws Associated with School Students

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C.L.A.S.S. - Classification of Laws Associated with School Students - Profiles



A summary of how California scored in physical education and nutrition in 2012.

Physical Education (PE) Laws

Nutrition Laws

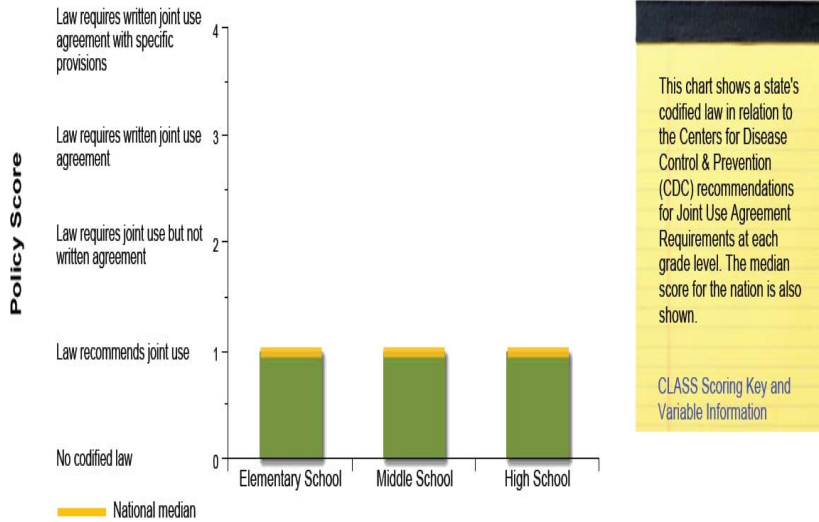
The National Cancer Institute's Physical Education-Related State Policy Classification System scores codified state laws in the following areas. Scores are based on national standards for physical education developed by the National Association for Sport and Physical Education (NASPE).

| | |
|--|--|
| <p>Policies that apply by grade level</p> <ul style="list-style-type: none"> Physical Education (PE) Time Requirements Physical Activity (PA) Time Requirements Staffing Requirements Curriculum Standards Fitness Assessment | <p>Policies that apply across grade levels</p> <ul style="list-style-type: none"> Recess Time MyPA Time Requirements Joint Use Agreement Requirement Proficiency Requirement |
|--|--|

For more information on this data or for state-to-state comparisons, visit the Classification of Laws Associated with School Students (C.L.A.S.S.) Web site at <http://class.cancer.gov>. C.L.A.S.S. is an empirical scoring system to evaluate state codified law related to school nutrition and physical education. C.L.A.S.S. was developed through consultation with an expert advisory panel of extramural scientists and staff scientists from the Centers for Disease Control and Prevention and the National Institutes of Health. C.L.A.S.S. data are coded and maintained through a contract with the MayaTech Corporation.

Physical Education / Joint Use Agreement Requirement / California / 2012

The Joint Use Requirement score reflects the degree to which state law allows for joint use agreements between a school and a community partner with the aim of increasing access to school physical activity facilities as suggested in the CDC School Health Guidelines.

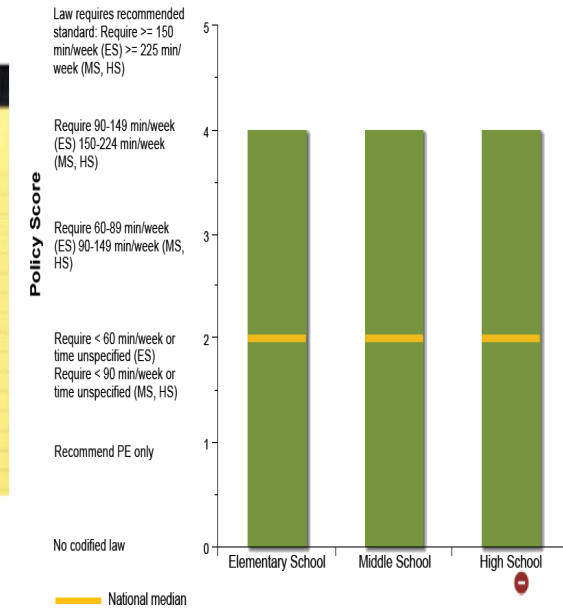


The median national score is the 'middle' score, with half the states with scores over the median and the other half with scores below the median.

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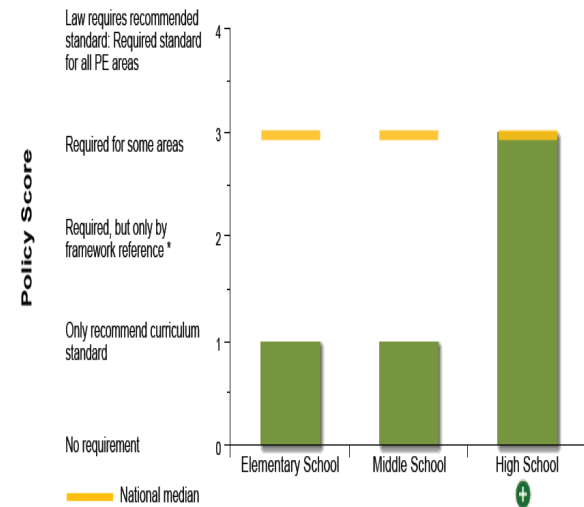
Physical Education / PE Time Requirements / California / 2012

The Physical Education (PE) Time Requirements score reflects the degree to which state law addresses the amount of PE instruction with respect to the National Association for Sport and Physical Education (NASPE) recommended standard.



Physical Education / Curriculum Standards / California / 2012

The Physical Education (PE) Curriculum Standards score reflects the degree to which state law addresses the PE curriculum requirements with respect to the National Association for Sport and Physical Education (NASPE) recommended standard.



C.L.A.S.S. Actions Examples



National Cancer Institute

U.S. National Institutes of Health | www.cancer.gov



Classification of Laws Associated with School Students

Home About C.L.A.S.S. View Data Map State Profiles Download Data C.L.A.S.S. BRIEFS C.L.A.S.S. Actions

C.L.A.S.S. Actions

Want to see C.L.A.S.S. in action? These are examples of how C.L.A.S.S. data can be used to analyze school physical education (PE) and nutrition policies.

C.L.A.S.S. Publications

Publications of C.L.A.S.S. data. Please click on the title to link to that paper or abstract.

Taber DR, Chiqui JF, Powell LM, Perna FM, Chaloupka FJ. [Associations between state physical education \(PE\) requirements and PE participation, physical activity, and body mass index change](#). *Prev Med*. 2013 Nov;57(5):629-33. Epub 2013 Aug 23.

Másse LC, Perna F, Agurs-Collins T, Chiqui JF. [Change in school nutrition-related laws from 2003 to 2008: evidence from the school nutrition-environment state policy classification system](#). *Am J Public Health*. 2013 Sep;103(9):1597-603. doi: 10.2105/AJPH.2012.300896.

Greathouse KL, Chiqui J, Moser RP, Agurs-Collins T, Perna FM. [The association of soda tax and school-nutrition law: A concordance of policies](#). *Public Health Nutr*. 2013 Nov 14:1-6. [Epub ahead of print]

Taber DR, Chiqui JF, Perna FM, Powell LM, Chaloupka FJ. [Weight status Among Adolescents in States That Govern Competitive Food Nutrition Content](#). *Pediatrics*, published online August 13, 2012 (doi: 10.1542/peds.2011.3353)

Perna FM, Oh A, Chiqui JF, Másse LC, Abienza AA, Nebeling L, Agurs-Collins T, Moser RP, Dodd KW. [The association of state law to physical education time allocation in US public schools](#). *Am J Public Health*. 2012 Aug;102(8):1594-9. doi: 10.2105/AJPH.2011.300587.

Másse LC, Chiqui JF, Igoe JF, Abienza AA, Kruger J, Kohl HW 3rd, Frosh MM, Yaroch AL. [Development of a Physical Education-Related State Policy Classification System \(PERSPCS\)](#) *Am J Prev Med* 2007;33(4S).

Highlights

[C.L.A.S.S. Publications](#)

[C.L.A.S.S. Presentation Posters](#)

[C.L.A.S.S. Presentations](#)

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C.L.A.S.S DATA PUBLICALLY AVAILABLE



National Cancer Institute

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Classification of Laws Associated with School Students

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School Nutrition Environment State Policy Classification System (SNESPCS)

SNESPCS data are currently available from 2003–2012. After 2008, policies are coded every two years.

The SNESPCS 2003 single-year data set and codebook were based on nutrition standards published by the U.S. Dietary Guidelines for Americans and other federal recommendations. In 2008, the SNESPCS data was revised to include recommendations from the Institute of Medicine report, "Nutrition Standards for Foods in Schools: Leading the Way toward Healthier Youth." As a result, the SNESPCS criteria and coding for current combined dataset have changed since the initial publication. Future SNESPCS data sets will be updated according to the most recent nutrition standards that affect the school nutrition environment. The competitive foods, reimbursable school meal, and nutrition education policies are classified according to grade level requirements at the elementary, middle, and high school levels. Grade-level classifications were not made for the remaining topics. C.L.A.S.S. scores reflect the law into effect in the specified year, not law creation date. The citation for source laws coded are available in the SNESPCS Law Citation file. C.L.A.S.S. data are occasionally updated due to changes in policy or coding. If you have any questions or would like to know if there are updates to the C.L.A.S.S. data, please contact nciclass@mail.nih.gov.

Data files available for download:

[SNESPCS 2003-2012 Data File](#) (xls)
[SNESPCS 2003-2012 Data File](#) (sav)
[SNESPCS 2003-2012 Citation File](#) (xls)

[Data File Code Book](#) (pdf)
[SNESPCS Scoring Key and Variable Information](#) (pdf)

Physical Education-Related State Policy Classification System (PERSPCS)

PERSPCS data are currently available from 2003–2012. After 2008, policies are coded every two years. With the exception of recess time, policies for each topic are classified according to grade-level requirements at the elementary, middle, and high school levels. A series of dichotomous tracking variables that might potentially enhance or inhibit implementation or impact the individual policy provisions are also coded for the time requirement, staffing, and assessment-related variables. C.L.A.S.S. scores reflect the law into effect in the specified year, not law creation date. The citation for source laws coded are available in the PERSPCS Law Citation file. C.L.A.S.S. data are occasionally updated due to changes in policy or coding. If you have any questions or would like to know if there are updates to the C.L.A.S.S. data, please contact nciclass@mail.nih.gov.

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[PERSPCS Scoring Key and Variable Information](#) (pdf)

THANK YOU!

For more information

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