National Policy and Legal Analysis Network to Prevent Childhood Obesity (NPLAN)

A National Initiative

SUMMARY

The National Policy and Legal Analysis Network to Prevent Childhood Obesity (NPLAN) supports policy innovation and implementation by empowering advocates, practitioners, and decision-makers with expert legal and policy technical assistance.

Between 2006 and 2014, a multidisciplinary team of NPLAN attorneys, policy analysts, urban planners, and communications specialists delivered technical assistance to Robert Wood Johnson Foundation (RWJF) grantees working on childhood obesity prevention and other stakeholders, developed and disseminated technical assistance products based on legal research, and provided training on legal and policy issues.

In 2013, NPLAN began a new role as a provider of legal technical assistance to Voices for Healthy Kids, a major advocacy initiative to reverse the childhood obesity epidemic. RWJF launched Voices in 2012 in collaboration with the American Heart Association (AHA).

Key Results to Date

The NPLAN team summarized results in interviews for this report and in regular reports to RWJF:

- **From January 2009 through January 2014, NPLAN responded to over 2,200 requests for legal technical assistance.** The intensity of the support increased over time, with a greater emphasis on capacity and relationship building, than on one-time informational requests.
  
  — Of 88 technical assistance recipients who responded to a 2012 survey, some 30 percent reported that at least one issue for which they received assistance resulted in policy or program changes.

- **NPLAN created a comprehensive array of technical assistance products—including toolkits, model agreements, and fact sheets—based on legal research by staff attorneys and consultants.**
The documents, available online, are organized into five priority areas:

- Active, Accessible Communities
- Healthier Food Environments
- Limiting Unhealthy Foods
- Junk Food Marketing
- Healthier Schools

NPLAN staff provided technical support and conducted trainings and convenings on legal and policy issues around childhood obesity prevention for RWJF national programs and other grantees, as well as for other stakeholders.

**Funding**

Between December 2006 and January 2014, RWJF awarded ChangeLab Solutions, $18.67 million in funding for NPLAN. See Appendix 1 for the eight grant awards. In February 2014, RWJF awarded an additional $3,000,000 to continue support for the NPLAN project through July 2015.

**CONTEXT**

In 2005, the Institute of Medicine released a report calling for increased national attention to the epidemic of childhood obesity. The report stressed the importance of the built environment as an influence on children’s ability to exercise and eat healthy food. It recommended that local governments, private developers, and community groups expand opportunities for healthy eating and physical activity.

These opportunities include ensuring access to recreational facilities, parks, playgrounds, sidewalks, bike paths, routes for walking or bicycling to school, maintaining safe streets and neighborhoods, and locating supermarkets and farmers markets in “food deserts,” urban neighborhoods and rural towns without ready access to fresh, healthy, and affordable food.

---

1 ChangeLab Solutions was originally called Public Health Law and Policy. Initially, Public Health Law and Policy was a project of the Public Health Institute, which serves as an incubator and fiscal agent for a variety of nonprofits. Public Health Law and Policy became an independent nonprofit in 2010 and was subsequently renamed ChangeLab Solutions.


3 The U.S. Department of Agriculture estimates 23.5 million people live in food deserts. In urban areas, it means living more than a mile from a supermarket or grocery store. A 10-mile marker is used to consider food access in rural areas, in which the population is more sparsely distributed and where vehicle ownership is high.
Policymakers and public health practitioners need the competencies to use public health laws and legal authorities to promote environments where the “healthy choice is the easy choice.” With information and technical assistance from legal experts, they can support statutes and regulations at the federal, state, and local levels of government that promote healthy lifestyles.

**RWJF’s Interest in This Area**

Legal analysis is a critical component of RWJF’s efforts to reverse the childhood obesity epidemic through policy and environmental changes in schools and communities. The Foundation’s investment in NPLAN mirrored its investments in other areas of legal research and technical assistance.

“RWJF needed a group that could really read national and state policy issues and interpret that from a legal perspective.”—Sharon Z. Roerty, MCRP, RWJF Senior Program Officer

In 2009, RWJF launched *Public Health Law Research: Making the Case for Laws that Improve Health*. The goal of the national program is to build the evidence for public health law and policy, and translate research findings into practical tools for policymakers, public health practitioners, and leaders in other fields and venues. For more on this program, which runs through 2016, see the Progress Report.

In 2010, RWJF launched a companion program, the *Network for Public Health Law*. This program provides legal assistance, resources, and opportunities to build connections among local, tribal, state, and federal officials; public health practitioners; attorneys; policymakers; and advocates.

**THE PROJECT**

The National Policy and Legal Analysis Network to Prevent Childhood Obesity (NPLAN) empowers advocates, practitioners, and decision-makers with expert legal and policy technical assistance. NPLAN is a project of the Oakland, Calif.-based ChangeLab Solutions, a nonprofit that researches and drafts model laws and policies, develops educational toolkits, and provides training and technical assistance to stakeholders on policy change issues that can improve the health of their communities.

In addition to addressing obesity, ChangeLab Solutions addresses other health-related issues, including tobacco control, healthy housing, and funding for healthy community change. Marice Ashe, JD, MPH, ChangeLab Solutions’ founder and chief executive and director of NPLAN emphasizes the interconnectedness of its other programs and
NPLAN, pointing to the “co-benefits” of strategies for addressing obesity. “We use a systems approach, rather than a silo approach. The same strategies that work for obesity—walkable communities, for example—work for heart disease, asthma, mental health, or for elders aging in place,” said Ashe.

The holistic perspective was “baked in from the beginning. RWJF was very aware of our tobacco-control work in California and asked us to do nationally for obesity prevention what we did for California in tobacco control,” she adds.

Going forward, ChangeLab Solutions’ perspective also means a “big commitment” to building what RWJF envisions as a Culture of Health. “A lot of what we do has huge impact on other areas, such as building healthy places.”

**Staffing Structure**

NPLAN is directed by Ashe. Quang Dang, JD, ChangeLab Solutions’ vice president of programs, serves as deputy director. Manel Kappagoda, JD, MPH, ChangeLab Solutions program director and senior staff attorney, preceded Dang as deputy from 2007 to 2014.

NPLAN has consistently engaged from five to 10 in-house attorneys who work with policy analysts, urban planners, and land use planners as the need arises. “It has been tremendously helpful to have a cross-disciplinary approach to policy areas,” said Dang.

The project team also interacts with outside legal experts on a regular basis and with academic institutions around the country. The in-house and external network is able “to push out really complicated legal issues in the simplest way possible,” says Dang.

NPLAN contracts with Allen Mattison, JD, at Trister, Ross, Schadler & Gold, as outside counsel to ensure that NPLAN’s legal technical assistance falls clearly within the boundaries of educating policymakers rather than influencing specific legislation. RWJF is prohibited from supporting or engaging in lobbying.

RWJF’s communications consultant Burness Communications has supported NPLAN’s dissemination efforts since 2006. “We review content and provide strategic advice on how to disseminate their products,” said Elizabeth Wenk, MA, vice president for public policy at Burness. “We also try to amplify the impact by connecting with other stakeholders and grantees releasing similar products.”
Planning Phase

Ashe and her team began to develop NPLAN with a planning grant from RWJF in late 2006. As part of that process, they explored the following questions with more than 60 national stakeholders:

- What are the outstanding legal questions related to obesity prevention, and who is currently addressing them?
- What priority legal research areas should be addressed?
- What types of materials and trainings are needed?
- Who do they see as the primary users of the network?
- What communications strategies will be most successful?

The team completed a five-year strategic plan for a sustainable national network, which included the substantive areas of legal and policy expertise that would be needed, the financial resources necessary to sustain the work, and how requests for technical assistance would be channeled. An advisory board assisted in this early work and “served valiantly” for the next six years, according to Ashe. “They helped us think strategically on how we delivered assistance and the types of projects to work on.”

NPLAN convened five “learning communities” to bring information back from the field and avoid the risk of “developing models in a vacuum,” said Ashe. These geographically and racially diverse groups of experts helped to identify key legal issues of importance in the areas of active neighborhoods, the food environment, marketing to children, the school environment, and the built environment. Added Ashe, “We used the learning communities to challenge us and make sure our work was practical.”

NPLAN also partnered with six legal research centers in the early phases of the project to provide input on topics identified by the advisory board and learning communities.

See Appendix 2 for a list of advisory board and learning community members. See Appendix 3 for a list of the legal research centers.

NPLAN’s Project Objectives and Evolution

The project objectives were to:

1. Deliver high-quality, responsive, and timely legal and policy technical assistance
2. Develop a comprehensive array of legal and policy tools based on a foundation of legal research

---

4 Grant ID 58104 ($241,199; December 15, 2006 through August 14, 2007).
3. Conduct trainings on legal and policy issues related to healthy eating and active living

4. Disseminate technical assistance products and legal research to a wide audience

NPLAN spent the first year of its grant deeply immersed in legal research and tool development so it would have a library of resources ready once local communities throughout the nation received community engagement grants from related investments, such as the RWJF program *Healthy Kids, Healthy Communities*. During this time, to build initial demand for its services, the NPLAN team also sponsored annual stakeholder symposia, coordinated a retreat for RWJF childhood obesity team members and staff of national program offices involved in childhood obesity prevention work (May 2008), and attended meetings and conferences of RWJF grantees and other organizations engaged in this work. NPLAN began delivering legal technical assistance in January 2009.

Its emphasis evolved over time—in synch with shifts at RWJF. In 2011, the Foundation assessed its investments in childhood obesity since 2007 and made a midcourse shift away from research and demonstration and toward advocacy and putting programs on the ground to meet the goal of reversing the epidemic by 2015.

NPLAN moved in that direction as well, with less emphasis on legal research and more on “building evidence” to help RWJF understand what works to inform childhood obesity intervention from a legal and policy perspective. NPLAN also intensified its technical assistance activities.

**Partnerships**

**Partnering with RWJF National Programs**

NPLAN works in partnership with major RWJF national programs as “thought leaders” in shaping the vision for the childhood obesity prevention movement and identifying trends in the legal and policy environment. Grantees funded through these programs also have been primary targets for NPLAN’s legal technical assistance.

- Active Living by Design (also see the Program Results Report)
- Active Living Research (also see the Program Results Report)
- Bridging the Gap: Research Informing Practice and Policy for Healthy Youth Behavior (also see the Progress Report)
- Communities Creating Healthy Environments: Improving Access to Healthy Foods and Safe Places to Play in Communities of Color (also see the Progress Report)
- Healthy Eating Research: Building Evidence to Prevent Childhood Obesity (also see the Progress Report)
● Healthy Kids, Healthy Communities: Supporting Community Action to Prevent Childhood Obesity (also see the Progress Report)

● Leadership for Healthy Communities: Advancing Policies to Support Healthy Eating and Active Living

● Salud America!: The RWJF Research Network to Prevent Obesity Among Latino Children (also see the Progress Report)

Other key partners supported by RWJF and other funders include the following:

● Campaign for Healthy Kids

● Alliance for a Healthier Generation

● Safe Routes to School National Partnership

● YMCA of the USA

● Yale Rudd Center for Food Policy & Obesity

**Partnering with Voices for Healthy Kids**

In 2013, NPLAN entered the start-up phase of a new role as provider of legal technical and policy assistance to *Voices for Healthy Kids*.

*Voices*, launched in November 2012, is a major advocacy initiative of RWJF and the American Heart Association (AHA) designed to engage, organize, and mobilize people to improve the health of their communities and reverse the childhood obesity epidemic. Its emphasis is on state-level policy change. RWJF provided the AHA with $8 million in initial funding to create and manage the initiative. Together, the two organizations are working on policy interventions in six issue areas that research shows are likely to have the greatest impact on reversing obesity. An expert organization serves as a “hub” in each area, providing leadership and support to grantees promoting policy change. The six target areas and hubs are:


3. Active Places: Increasing access to safe places to be active, such as parks, playgrounds, and school gyms. Hub: Safe Routes to School National Partnership

4. Healthy Drinks: Reducing consumption of sugary beverages. Hub: Rudd Center for Food Policy & Obesity

6. Active Kids Out of School: Increasing children’s physical activity levels out-of-school. Hub: YMCA of the USA

NPLAN has partnered extensively with the hub organizations in the past. For details on the work it will be doing with Voices in the coming years, see The Work Continues.

RESULTS TO DATE

The NPLAN team discussed the results of their work in interviews for this report and in reports submitted to RWJF. (For a list of people interviewed for this report, see Appendix 4.)

- **From January 2009 through January 2014, NPLAN responded to over 2,200 requests for legal technical assistance from RWJF grantees and other stakeholders.** Requests for technical assistance came from RWJF grantees, as well as city, county, and state governments; federal agencies, such as the Centers for Disease Control and Prevention (CDC) and U.S. Department of Agriculture (USDA); academic institutions; foundations; advocacy groups, such as Safe Routes to School National Partnership; and policy centers, such as the Center for Science in the Public Interest.

Demand increased sharply over time, as did the intensity of the support, with a greater emphasis on capacity and relationship building, rather than on one-time informational requests. Although the more in-depth interactions are staff intensive, ChangeLab Solutions program director Kappagoda notes that “the outcomes are more gratifying.”

“We go the extra mile to help communities go from aspiration to implementation.”—Marice Ashe, NPLAN Director

- **NPLAN attorneys and outside legal consultants researched and analyzed key issues of interest to policymakers and advocates promoting policy change in their communities.** Many of these issues had been identified by the Learning Communities and by faculty of the six legal research centers that partnered with NPLAN.

The research led to peer-reviewed articles, book chapters, white papers, legal memos, and several state-by-state legal surveys. ChangeLab Solutions’ communication staff worked with the NPLAN team to translate many of the products into accessible documents for non-legal audiences.

“They do a remarkable job—helping with product design, editorial issues, social media, packaging our work in a way that RWJF, other grantees and other people in the
Here are just a few examples of NPLAN’s legal analyses:

— A legal primer, published in the *American Journal of Public Health*, with strategies to avoid potential constitutional problems in the formulation of obesity prevention policy. Issues explored include allocation of power among federal, state, and local governments; freedom of speech; property rights; privacy; equal protection; and contract rights.5

This kind of legal analysis was also incorporated into user-friendly documents such as First Amendment FAQs.

— A description of how mobile food vending regulations can be used to increase access to nutritious food for vulnerable populations using examples from 12 U.S. cities, also published in the *American Journal of Public Health*.6

This research informed several documents designed for community stakeholders, including a fact sheet on Healthy Mobile Vending Policies, and a table summarizing Mobile Vending Laws in the 10 Most Populous U.S. Cities.

— Fifty state memos analyzing laws governing liability for after-hours use of school facilities.7 Among the findings:

- All 50 states have some form of governmental immunity that protects public entities from liability.
- Some states have recreational user statutes that protect property owners, including public entities, who allow others to enter their property for recreational purposes.
- In no state are rules governing recreational use during non-school hours more onerous than rules that apply during the school day.

The research was also used in an array of accessible tools, such as “What is A Joint Use Agreement: A Fact Sheet for Parents, Students, and Community Members.”8

---


7 The memos were based on NPAN’s 50 state survey. See Baker T et al. “Liability Risks for After-Hours Use of Public School Property to Reduce Obesity: A Fifty-State Survey.” Oakland, Calif: NPLAN, 2008. Available online. In 2013, NPLAN revised seven of the state memos and developed fact sheets for two additional states, which are available online.
The NPLAN team created a comprehensive array of documents—toolkits, model agreements, and fact sheets—for stakeholders to use in promoting policy and environmental change in their communities. These resources, organized into five priority areas, are available online:

- **Active, Accessible Communities:** Tools in this section help stakeholders encourage community residents to be more active through strategies such as shared or joint use agreements, complete streets policies, and creating safe routes to schools.

  An example is *Playing Smart: Maximizing the Potential of School and Community Property Through Joint Use Agreements.* The 186-page toolkit includes model agreement language, an overview of financing strategies, and success stories from communities around the country.

- **Limiting Unhealthy Foods:** This section helps communities interested in regulating and taxing sugary drinks, limiting fast-food restaurants, and improving food and beverage vending.

- **Junk Food Marketing:** In this section, NPLAN attorneys cover the First Amendment guarantee of free speech and other legal issues that policymakers must heed as they take steps to reduce youth exposure to marketing of unhealthy foods.

- **Healthier Schools:** Resources in this section include tools for promoting physical activity, such as through a Safe Routes to School program, and healthier food consumption through school vending policies and access to drinking water.

In addition to the five topic areas, the website includes a section on **Law & Policy 101,** to introduce stakeholders to issues that arise in childhood obesity prevention.

**NPLAN provided technical support to major national programs and other childhood obesity-prevention initiatives funded by RWJF.** NPLAN also collaborated with them in conducting trainings, webinars, and convenings.

See **NPLAN in Action: Examples from the Field** for profiles of how NPLAN worked with RWJF national programs. Other examples:

---

8 A joint use agreement is a formal agreement between two separate government entities—often a school or school system and a city or county—setting forth the terms and conditions for shared use of public property or facilities.

9 Although organized and titled slightly differently, these obesity-prevention priority areas essentially matched those of RWJF at the time. NPLAN lists six RWJF priority areas, with examples of related NPLAN products, online.

10 Complete streets policies help communities ensure that streets meet the needs of all users—pedestrians, bike riders, and public transit users, as well as drivers.
— In June 2012, NPLAN and The Food Trust convened the Healthy Corner Stores Symposium in San Francisco. Findings from the symposium are summarized in the report, *Toward a Sustainable Model for Small-Scale Healthy Food Retail*.

— In 2013, NPLAN provided extensive technical assistance to the Safe Routes to School National Partnership, including advising on joint use, school siting, and street-scale improvements.

NPLAN also partners with other groups, including the American Planning Association, National Trust for Historic Preservation, Center for Science in the Public Interest, and Berkeley Media Studies Group.

- **NPLAN conducted trainings and convenings on legal and policy issues for RWJF grantees and other stakeholders working on childhood obesity prevention.**

  — From July 2009 through January 2014, NPLAN hosted or participated in 45 webinars covering a wide range of policy and legal issues. Topics included helping local government promote community gardens; crafting public health policies that support healthier environments; and using licensing laws to encourage food retailers to carry fresh produces. Many of these webinars are available [online](#).

  — NPLAN sponsored convenings that brought together traditional and nontraditional partners, identified trends in legal and policy issues relevant to childhood obesity prevention, and helped set an agenda for the future. Examples include:

    • A Convening on State-Level Approaches to Liability and Joint Use (July 2011) encouraged joint use advocates to work with state and local government leaders.

    • Three convenings in 2011 brought public health, anti-hunger, agriculture, and environmental groups together to discuss opportunities for collaboration on informing federal food and agriculture policy.

    • An NPLAN Symposium in April 2012 brought together thought leaders from RWJF’s childhood obesity-prevention team, and the programs and projects it funds, and others to think through next steps for moving policy forward.

  — NPLAN made frequent presentations at grantee meetings of RWJF national programs, as well as at conferences hosted by the Institute of Medicine, CDC, American Public Health Association (APHA), Grantmakers In Health, and many other organizations.
Technical Assistance: Satisfaction Survey and Tracking Tool

NPLAN conducted a technical assistance satisfaction survey in 2013. Of the 391 surveys mailed to technical assistance recipients, 88 responses were received (22.5% response rate). Among the findings:

- Some 90 percent of survey respondents rated their most recent episode of technical assistance as “excellent” or “good”—ultimately resulting in policy or program changes. Common topic areas were: complete streets, joint use agreements, healthy vending machines, and sugar-sweetened beverages.

- Respondents received 10 different types of technical assistance, including copies of model policies, NPLAN participation in a meeting or phone call, and referrals to Web-based resources. Some 60 percent of respondents reported visiting NPLAN Web pages, and 87 percent downloaded materials.

- Some 85 percent of respondents used NPLAN technical assistance more than once. While 42 percent first received assistance through a webinar, presentation, or training, 93 percent reported their most recent support came via email or telephone, suggesting an ongoing relationship had been established.

As demand for technical assistance grew, NPLAN began tracking encounters “in a one-page glance to show what topic area is getting a lot of action and geographic areas where there are lots of requests for information or where there is not enough traction,” said RWJF’s Roerty. “It is a really good window into what’s happening.”

*NPLAN “worked across all grantees... to help characterize and understand where the greatest needs were and where the gaps are in our ability to provide technical assistance.”*—Shale L. Wong, MD, MSPH, RWJF Senior Program Consultant

Neither RWJF nor its grantees had been tracking this kind of information, and RWJF saw the NPLAN approach as a potential model to other grantees involved in providing research information or other technical assistance to advocates. RWJF awarded two grants to ChangeLab Solutions to develop a prototype and pilot it with a group of RWJF childhood obesity grantees. Based on the results, NPLAN submitted a set of recommendations to RWJF staff, who in the fall of 2014 was weighing the feasibility of a technical assistance tracking system for grantees.

---

11 ID 70423 ($400,000; November 15, 2012 through September 30, 2014). ID 71773 ($29,000; May 1, 2014 through October 31, 2014).
NPLAN IN ACTION: EXAMPLES FROM THE FIELD

The following examples illustrate how NPLAN’s technical assistance, training, and partnership-building activities help policymakers promote change in their communities.

Opening Up School Recreational Facilities in Hamilton County, Tenn.

Step ONE (Optimize with Nutrition and Exercise) is a countywide effort to promote physical fitness and healthy lifestyles among residents of Hamilton County. In 2010, Step ONE received a $360,000 grant through Healthy Kids, Healthy Communities, an RWJF national program that seeks to implement healthy eating and active living policy- and environmental-change initiatives across the United States. (For more on this program, see the Progress Report.)

John Bilderback, MS, Step ONE program manager, wanted to use the grant to make recreational facilities in schools in the Hamilton County School District available for use after school hours and on weekends. In weighing his options, Bilderback quickly realized the advantages of a district-initiated “open-use directive,” rather than individual agreements for dozens of schools.

To move forward, Bilderback needed more information about open use policies. He contacted NPLAN’s Dang, whom he recalled meeting at an annual grantee meeting for Healthy Kids, Healthy Communities. Dang directed him to the website for sample ordinances, fact sheets, and other materials.

Bilderback drew on several documents, including What is a Joint Use Agreement?, Liability for Use of School Property After Hours, and the Fifty-State Scan of Laws Addressing Community Use of Schools. These materials provided him with all the basics he needed.

“The website is a gold mine of documents and it was just a matter of sorting through and finding what would be most useful to us.”—John Bilderback, MS, Step ONE Program Manager

As Bilderback and his partners talked with school principals and other stakeholders, opinions started to favor his approach. Some principals began actively or passively allowing off-hours use of their facilities in advance of a formal policy. Some simply “looked the other way;” others quietly took down their “keep out” signs.

Bilderback used NPLAN’s model agreements as a guide to draft an open use policy and then worked with NPLAN staff attorneys to refine the policy. The Hamilton County School Board adopted an open use policy in February 2014. As a result, nearly 30,000
more residents of Hamilton County, including 8,300 children under age 10, now live within one-half mile of an accessible playground.

Restricting Junk Food Marketing on School Grounds

In October 2013, Sabrina Adler, JD, a staff attorney at NPLAN who works primarily on legal and policy issues related to food marketing to children, began talking to a USDA nutritionist, Erika Pijai, MS, RD.

Pijai’s first questions to Adler were about districts that had implemented school wellness policies that included restrictions on food marketing. As the conversations continued, Pijai asked about legal issues, such as the definitions of “food and beverage,” and what model policies would and would not cover. “She drilled down on a number of questions, and we responded with detailed information in less than 24 hours,” says Adler.

The NPLAN team knew the USDA was responding to a request from the White House, but did not know staff was drafting a regulation to establish a framework for local school wellness policies, as mandated under the Healthy, Hunger-Free Kids Act of 2010.

Adler saw that NPLAN materials had informed the language of the proposed rule, published in the Federal Register on February 26, 2014. The lengthy preamble that explains how USDA developed the regulation cites NPLAN’s sample District Policy Restricting Food and Beverage Marketing on School Grounds: A Model Policy to Help Limit Advertising. The USDA is reviewing the comments from the public comment period, which ran through April 2014, prior to issuing a final version of the rule.

Having NPLAN’s technical assistance inform a proposed federal regulation was something of a surprise to Adler and her colleagues.

“The lesson may be that you never know where your technical assistance will end up, so getting it right is important.”—Sabrina Adler, JD, Staff Attorney, NPLAN

Food Policy Council Convening

In November 2013, ChangeLab Solutions and the Healthy Farms, Healthy People Coalition co-hosted a Food Policy Council Convening. Food policy councils bring together diverse stakeholders to improve regional, state, or local food systems. “We saw a lot of overlap between people working on childhood obesity prevention and food policy councils, but the two hadn’t found each other yet,” said Rio Holaday, MPH, a policy analyst at ChangeLab Solutions who helped to coordinate the one-day convening, the first of its kind.
“Food Policy Councils look at the food system more broadly and see childhood obesity as an outcome of the core food system.”—Rio Holaday, MPH, Policy Analyst, ChangeLab Solutions

The meeting brought together representatives from 16 food policy councils and 15 national childhood obesity-prevention and agriculture organizations. It featured speakers from the USDA, CDC, AHA, Johns Hopkins Center for a Livable Future, and The Food Trust. Networking happened on two levels, said Holaday—at a meeting prior to the convening for food policy council members only and then throughout the day, between the councils and obesity-prevention organizations.

“Networking between food policy councils doesn’t happen often,” said Holaday, “so feedback was positive.” Since the meeting “a lot of food policy councils have started working on projects together, calling each other for help.” One example is that the food policy council in Spartanburg, South Carolina, got in touch with the Los Angeles council to find out how its composting program works.”

Enhanced partnerships between the obesity-prevention field and food policy councils developed. A USDA representative told council members about state-level USDA staff with whom they could collaborate. “That’s important because people didn’t realize there were state-level representatives they could reach out to,” Holaday said.

NPLAN staff learned more about food policy council priorities and challenges from this convening, including their view of childhood obesity as a symptom of a broken food system.

“People were using different languages to talk about what they care about. Once we broke down the silos, we found we are doing the same work but calling it different things.”—Rio Holaday

From the ideas generated at the meeting, NPLAN staff identified strategies to enhance collaboration, including:
● **Promote and fund food policy councils as key partners in the obesity-prevention movement.** Funders who prioritize obesity prevention can support food policy council work that aligns with their goals. Currently, only a handful of funders, RWJF among them, do so.\(^\text{12}\)

● **Conduct and disseminate joint research about the effects of the food system on health.** Research that links food system change and obesity prevention highlights the important role of food policy councils. Sharing this information widely may make it easier for councils to secure more support from the obesity-prevention field.

● **Extend routine support to food policy councils.** Organizations like NPLAN that provide legal and policy technical assistance to obesity-prevention organizations could extend their support to food policy councils.

### CASE STUDIES

In 2012, ChangeLab Solutions used RWJF funds to contract with an outside evaluator, Nancy Frank, MPH, principal of the Oakland, Calif.-based [Nancy Frank and Associates](#). Frank prepared case studies assessing NPLAN’s response to requests for technical assistance from five communities around the country. In addition to policy impact, Frank looked at “interim impacts,”\(^\text{13}\) such as expanded organizational capacity, media coverage, issue reframing and expanded awareness, new donors, and new advocates and partners.

**San Francisco:** The Bay Area Metropolitan Transportation Commission with encouragement from community partners, including the Safe Routes to School National Partnership, instituted a new requirement that cities and counties applying for transportation funds through its One Bay Area Grant program demonstrate a commitment to walking and biking. They asked NPLAN for help in providing clear guidance on what a strong commitment to complete streets should look like.

NPLAN attorneys worked with the community partners to draft a complete streets resolution addressing nine required elements of a complete streets policy for adoption by any county or city applying for One Bay Area grants. One element was that all transportation improvements include safe and convenient access for all users and increase mobility for walking, bicycling, and transit use.

As a result of this process, at least 65 local jurisdictions put new complete streets policies in place—policies that apply not only to the expenditure of the Metropolitan

---

\(^\text{12}\) One example of an RWJF grant is ID# 71294 to support the position of the Northwest Mississippi Health Council coordinator in reducing childhood obesity in a 10-county region ($150,000, April 2, 2014 through March 31, 2016). Another is grant ID# 53656 to the Spartanburg (South Carolina) Nutrition Council for developing a training manual for a community gardening program ($65,000, August 15, 2005 through August 14, 2006).

\(^\text{13}\) In assessing interim impacts, Frank used the Composite Logic Model for advocacy education, which shows how advocacy tactics connect to interim outcomes that set the stage for policy change. See documents describing the model and a tool for applying it [online](#).
Transportation Commission’s One Bay Area Grants, but also to all new street construction and renovation in those communities.

“The MTC took a forceful step in its support of complete streets by tying it to eligibility for significant funding.” — Evaluation Case Studies Report

“Without ChangeLab Solutions, I think we would have gotten something much more general in place,” observed a representative of Safe Routes to School. “In the end, it was a much better requirement because of them.” Evaluator Frank noted that the commission and its partners viewed ChangeLab Solutions as a “sound, neutral, legal expert bringing a deep knowledge of the topic to the discussion.”

- **New York City:** In September 2012, the city amended its health code to include a “Portion Cap Rule” restricting the size of sugar-sweetened beverages that could be served or sold in food service establishments to 16 ounces. The amendment was immediately challenged in the courts by a broad array of opponents.

  NPLAN attorneys prepared two “amicus briefs” to clarify its support for the amendment. Although the Portion Cap Rule was blocked from implementation, Frank noted that NPLAN’s “strong and concise data” on the scope of the obesity epidemic and the contribution of sugar-sweetened beverages “could support other organizations as they seek to put obesity-prevention efforts on the public policy agenda.” She added that ChangeLab Solutions’ “demonstrated capacity to provide amicus briefs to support innovative public health laws could be applied to future projects” as well.

- **San Diego:** A representative of the community group, Walk San Diego, contacted NPLAN’s Sara Zimmerman, JD, for information that might help them work with parents to reverse a “no bike to school” policy. Zimmerman analyzed the district’s bike ban policy and concluded the district was actually creating greater liability for itself by specifying how students could travel to school.

  This analysis was a decisive factor in the school board’s decision to retract the policy, according to the district’s director of transportation, Jeanette Ford. “The information that ChangeLab Solutions provided on liability was awesome! Because the opinion came from Sara, it was immediately credible. She had such depth of legal knowledge.”

  Zimmerman sees it as a two-way street. “It takes people on the ground to create pressure, but having a legal authority makes advocacy move into action.”

---

14 Amicus (friend of the court) briefs are filed by someone who is not a party to a case and who has not been solicited by any of the parties to provide assistance. The brief may take the form of legal opinion, testimony or learned treatise and is a way to ensure that the possibly broad legal effects of a court decision will not depend solely on the parties directly involved in the case.
“If Walk San Diego had provided the opinion that their no-bike policy actually increased liability, the district might not have listened. However, because the information came from a neutral legal expert, the district acted on it.”—Jeanette Ford, Director of Transportation, South Bay Union School District

In 2013, Zimmerman became technical assistance director of the Safe Routes to School National Partnership. When community members ask for help overturning bike bans, she often points them to NPLAN’s Backing Off Bike Bans, a document that incorporates lessons from the San Diego work.

SIGNIFICANCE OF THE WORK

NPLAN provides resources and services that are not available anywhere else. It is “the only group in the childhood obesity area doing legal technical assistance analysis,” RWJF’s Roerty says. “NPLAN is supporting the building of this movement.”

The value of its work, she said, is “being able to sort through legal action, bills, amendments to bills and say ‘this is important, this is something to watch, there’s an action in this state house.’

*NPLAN’s work “allows us to amass resources, and gives helpful heads-up for our grantees, particularly in Voices for Healthy Kids, where we are trying to find opportunities to take collective action.”—Sharon Z. Roerty, RWJF

Adds RWJF’s Wong, “They really have been critical to guiding the direction that RWJF has gone and responding to the guidance we have put forward. We couldn’t do this without their legal and policy expertise.”

LESSONS LEARNED

1. **Invest in professional development to build communication skills.** NPLAN sent team members to RWJF communications trainings and to additional trainings and conferences, and brought consultants in-house to train staff. That training “definitely enabled us to amplify our messaging on childhood obesity-prevention strategies,” according to NPLAN’s Ashe.

2. **“Think strategically” about how advisory boards evolve, and when they can be most productive.** The NPLAN advisory board was disbanded in 2012 after six years of service. “We are now a more mature program with deep ties to communities across
the nation that ground our work in their needs on a daily basis,” said NPLAN’s Ashe. “It made sense to rely on the learning from our ongoing technical assistance to inform our work going forward.” In addition, she pointed out, NPLAN had less funding, and found it was “time intensive for staff to support the advisory board.”

3. **Set clear boundaries when providing technical assistance in a large and complex field.** Childhood obesity-prevention stakeholders comprise a dynamic advocacy community working on many levels and with many different strategies to achieve their goals. To avoid the pitfall of trying to be “all things to all advocates,” NPLAN established technical assistance categories aligned with RWJF priorities so it could measure progress in each area, according to NPLAN’s Ashe.

Setting boundaries is “a juggling act,” says RWJF’s Roerty, but “laying out our priorities at RWJF lets us be clear with NPLAN about what we need and want them to support. Our priorities become the screening criteria for what they can spend time on.”

4. **Identify policy levers that can bring about significant, measureable change.** In honing in on priority areas for *Voices for Healthy Kids*, RWJF and the AHA established policy “bottom lines”—sets of evidence-based strategies that can “push change” and “be measured over time” to demonstrate their impact on childhood obesity, says Roerty.

**THE WORK CONTINUES**

In February 2014, RWJF renewed its support for NPLAN with a grant that runs through July 2015. NPLAN will continue to provide legal research, create model agreements, toolkits, and other products based on that research, and offer one-on-one technical assistance and training.

The “first priority” is to support *Voices for Healthy Kids*, but the team “will still be available to the rest of our grantees whose needs fall outside the six advocacy targets of *Voices*,” said RWJF’s Roerty.

NPLAN will also continue to serve as a “thought leader,” helping to define “national messages about policy and filtering them to states,” said Wong, RWJF’s consultant. The team will “work with states, creating model policies that could be adopted by anyone, and adapted to specific needs of states or localities,” but will not get involved in specific legislation.

**Supporting Voices for Healthy Kids**

The target audiences for NPLAN’s technical assistance are the AHA, the six *Voices* hubs, and, most importantly, the grantees who receive funds through *Voices*. In 2013, 22

---

15 ID 71570 ($3,000,000; February 1, 2014 through July 31, 2015).
coalitions around the country received funding through the RWJF grant to AHA, ranging from $15,000 to $100,000 to support advocacy campaigns targeting one of the six priority areas.

“Ultimately,” says Carter Headrick, AHA’s director of State and Local Obesity Policy Initiatives, “AHA, the hubs, and NPLAN are all engaged in providing ongoing, regular assistance to our grantees and advocates all across the country, giving them the materials and information they need to change policy.” AHA’s Voices staff will coordinate requests for NPLAN’s technical assistance to ensure effective use of their resources. “We may be asking them for technical assistance for a specific grantee or take an issue raised by one grantee and apply it to grantees everywhere.”

Looking ahead, Headrick expects that AHA and NPLAN will create new tools to help minority and low-income communities implement policy change. To illustrate the need, Headrick cites an AHA-led effort to encourage Mississippi schools to open their doors for community use. “Middle class schools were opening doors, but then the NAACP learned that schools in poorer neighborhoods weren’t opening doors. What tools do we need to bring about change in those neighborhoods? We have some really good toolkits that work in many situations, but not in low-income rural or urban neighborhoods.

“We need to learn from the Mississippi example. Why don’t those tools work and how do we revise them or make different, more sophisticated tools that focus on issues specific to neighborhoods most affected by obesity?”

**Other Activities to Support the Movement**

In addition to the six Voices’ priorities, NPLAN is looking at Voices’ “three new policy levers: healthy procurement (purchasing) policies, wellness policies in schools, and farmers markets,” says Ashe. “We are constantly shifting resources away from areas where the need is less—physical activity in schools, for example, requires less of the legal technical assistance that NPLAN focuses on—and redirecting it to where we are needed more.” Right now, that also includes early child care, breastfeeding, and pregnancy—areas in which RWJF is interested as well, Ashe notes.

In addition to being responsive to the field, Ashe says NPLAN is “on the lookout for ideas that people aren’t asking about. We are always scanning what’s happening in the world to see how we can leverage other movements and social experiments for public health improvement.”

For example, NPLAN has joined an effort by large financial institutions, including the Federal Reserve Bank, “to use tools of private capital to achieve community health outcomes. Obesity is related to diseases that are a major driver of health care costs. If we can get private capital involved, we’ll have more resources at the table.”
APPENDIX 1

Project List

Public Health Institute (Oakland, Calif.)
Planning for the Development of a Legal Resource Network for Childhood Obesity Prevention
ID# 58014 (December 15, 2006 through August 14, 2007) $241,299

Project Director
Marice Ashe, JD, MPH
(510) 302-3305
mashe@changelabsolutions.org

Public Health Institute (Oakland, Calif.)
National Policy and Legal Analysis Network for Childhood Obesity Prevention
ID# 61206 (August 15, 2007 through September 30, 2008) $3,323,075
ID# 62083 (October 1, 2008 through October 31, 2009) $3,545,876
ID# 67854 (August 1, 2010 through October 14, 2010) $1,045,453
ID# 66920 (November 1, 2009 through September 30, 2010) $3,058,348

Project Director
Marice Ashe, JD, MPH
(510) 302-3305
mashe@changelabsolutions.org

ChangeLab Solutions (Oakland, Calif.)
National Policy and Legal Analysis Network for Childhood Obesity Prevention
ID# 67830 (October 15, 2010 through October 14, 2011) $2,750,000
ID# 69285 (October 15, 2011 through October 14, 2012) $2,750,000
ID# 70352 (November 1, 2012 through January 31, 2014) $3,000,000

Project Director
Marice Ashe, JD, MPH
(510) 302-3305
mashe@changelabsolutions.org
APPENDIX 2

NPLAN Advisory Board and Learning Communities Members

(Partitions current as of their service on the board or learning community. Provided by NPLAN’s management; not verified by RWJF.)

**NPLAN Advisory Board**

**Marilyn Aguirre-Molina, EdD, MS**
Professor of Public Health  
City University of New York (CUNY) School of Public Health  
Executive Director  
CUNY Institute for Health Equity  
New York, N.Y.

**Adam Becker, MPH, PhD**
Executive Director  
Consortium to Lower Obesity in Chicago Children  
Chicago, Ill.

**Myron F. Floyd, PhD**
Professor  
Department of Parks, Recreation & Tourism Management  
College of Natural Resources  
North Carolina State University  
Raleigh, N.C.

**Martin Gonzalez, JD**
Assistant Executive Director  
Governance and Policy Services  
California School Boards Association  
Sacramento, Calif.

**Nora L. Howley, MA**
Manager of Programs  
NEA Health Information Network  
Washington, D.C.

**Joyal Mulheron, MS**
Chief Strategy Officer  
Partnership for a Healthier America  
Washington, D.C.

**Maya Rockeymoore, PhD**
President and CEO  
Center for Global Policy Solutions  
Director, Leadership for Healthy Communities  
Washington, D.C.

**William M. Sage, MD, JD**
Vice Provost for Health Affairs  
James R. Dougherty Chair for Faculty Excellence  
University of Texas at Austin  
Austin, Texas

**Stephen D. Sugarman, JD**
Associate Dean  
University of California, Berkeley  
Berkeley Law School  
Berkeley, Calif.

**Jerome D. Williams, PhD**
Prudential Chair in Business  
Director, Center for Urban Entrepreneurship & Economic Development  
Rutgers University Business School  
Newark, N.J.

**Learning Communities**

**Active Neighborhoods**

**Adam Becker, MPH, PhD**
Executive Director  
Consortium to Lower Obesity in Chicago Children  
Chicago, Ill.

**Christine Bozlak, PhD, MPH**
Advocacy Program Manager, CLOCC  
Consortium to Lower Obesity in Chicago Children  
Chicago, Ill.
Myron Floyd, PhD
Professor
Department of Park, Recreation & Tourism Management
College of Natural Resources
North Carolina State University
Raleigh, N.C.

Sherry Everett Jones PhD, MPH, JD
Division of Adolescent and School Health
National Center for Chronic Disease Prevention and Health Promotion
Centers for Disease Control and Prevention
Atlanta, Ga.

Mary Marrow, JD
Staff Attorney
Public Health Law Center
William Mitchell College of Law
St. Paul, Minn.

Megan McConville
Program Manager
National Association of Development Organizations
Washington, D.C.

Ian Thomas, PhD
Project Director
PedNet Coalition
Columbia, Mo.

Matthew Trowbridge, MD, MPH
Assistant Professor
University of Virginia School of Medicine
Charlottesville, Va.

Nina Walfoort
Director of Marketing and Planning
Transit Authority of River City
Louisville, Ky.

Built Environment

Adam Becker, MPH, PhD
Executive Director
Consortium to Lower Obesity in Chicago Children
Chicago, Ill.

Andrew L. Dannenberg, MD, MPH
Associate Director of Science
Division of Emergency and Environmental Health
Centers for Disease Control and Prevention
Atlanta, Ga.

Reid Ewing, PhD
Research Professor
National Center for Smart Growth
University of Maryland
College Park, Md.

Robert Garcia, JD
Founding Director and Counsel
The City Project
Los Angeles, Calif.

Kami Pothukuchi, PhD, MUP
Associate Professor
Department of Geography & Urban Planning
Wayne State University
Detroit, Mich.

Food Environment

Marilyn Aguirre-Molina, EdD, MS
Professor of Public Health
City University of New York (CUNY) School of Public Health
Executive Director
CUNY Institute for Health Equity
New York, N.Y.

Adam Becker, MPH, PhD
Executive Director
Consortium to Lower Obesity in Chicago Children
Chicago, Ill.

Kami Pothukuchi, PhD, MUP
Associate Professor
Department of Geography & Urban Planning
Wayne State University
Detroit, Mich.
Marketing to Children

**Marilyn Aguirre-Molina, EdD, MS**
Professor of Public Health
City University of New York (CUNY) School of Public Health
Executive Director
CUNY Institute for Health Equity
New York, N.Y.

**Julie Ralston Aoki, JD**
Staff Attorney
Public Health Law Center
William Mitchell College of Law
St. Paul, Minn.

**David Britt, MPA**
Independent Consultant
Immediate Past President
Children’s Television Workshop
New York, N.Y.

**Angela Campbell, JD**
Professor
Institute for Public Representation
Georgetown University
Washington, D.C.

**Jeff Chester, MSW**
Executive Director
Center for Digital Democracy
Washington, D.C.

**Lori Dorfman, DrPH**
Director
Berkeley Media Studies Group (a project of the Public Health Institute)
Oakland, Calif.

**Vivica Kraak, PhD, RD, MS**
Assistant Professor of Food & Nutrition Policy
Virginia Polytechnic Institute
Blacksburg, Va.

**Ted Mermin, JD, MEd**
Executive Director
Public Good Law Center
Berkeley, Calif.

**Tamara Piety, JD, LLM**
Professor of Law
University of Tulsa College of Law
Tulsa, Okla.

**Jennifer Pomeranz, JD, MPH**
Assistant Professor
Temple University School of Law

**Guilherme Roschke, JD**
Institute for Public Representation
Georgetown University Law Center
Washington, D.C.

**Mary Story, PhD, RD**
Professor and Associate Director of Academic Programs
Community & Family Medicine, Duke University
and the Duke Global Health Institute
Durham, N.C.

**Ellen Wartella, PhD, MA**
Professor, Department of Communication Studies
Northwestern University School of Communication
Evanston, Ill.

**Jerome D. Williams, PhD**
Prudential Chair in Business
Director, Center for Urban Entrepreneurship & Economic Development
Rutgers University Business School
Newark, N.J.

**Margo Wootan, DSc**
Director, Nutrition Policy
Center for Science in the Public Interest
Washington, D.C.
School Environment

Anna Barnes, MPH
School Programs Coordinator
Consortium to Lower Obesity in Chicago Children
Chicago, Ill.

Adam Becker, MPH, PhD
Executive Director
Consortium to Lower Obesity in Chicago Children
Chicago, Ill.

Erryn Brock
Program Specialist, Healthy Lifestyles
National PTA
Alexandria, Va.

Pat Cooper, PhD
Chief Executive Officer
Early Childhood and Family Learning Foundation
New Orleans, La.

Sherry Everett Jones, PhD, MPH, JD
Health Scientist
Division of Adolescent and School Health
National Center for Chronic Disease Prevention and Health Promotion
Centers for Disease Control and Prevention
Atlanta, Ga.

Martin Gonzalez
Assistant Executive Director
Governance and Policy Services
California School Boards Association
Sacramento, Calif.

Nora L. Howley, MA
Manager of Programs
NEA Health Information Network
Washington, D.C.

Jennie R. Joe, PhD
Professor, Department of Family and Community Medicine
University of Arizona
Tucson, Ariz.

Whitney Meagher, MSW
Project Director–Center for Safe and Healthy Schools
National Association of State Boards of Education
Arlington, Va.

Lisa Soronen, JD
Executive Director
State and Local Legal Center
Washington, D.C.

Sara Titzer, MS
Healthy School Program Director—Content Management and Network Operations
Alliance for a Healthier Generation
Portland, Ore.

Antronette Yancey, MD, MPH (deceased)
Professor
UCLA School of Public Health
Los Angeles, Calif.
APPENDIX 3

NPLAN’s Legal Research Center Partners

In the early phases of the project, NPLAN formed partnerships with legal research centers around the country. These included:

- Center for Law and the Public's Health
  Johns Hopkins University
- Chief Justice Earl Warren Institute on Race, Ethnicity and Diversity
  University of California at Berkeley
  Boalt Hall School of Law
- Public Health Advocacy Institute
  Northeastern Law School
- Rudd Center for Food Policy and Obesity
  Yale University
- University of Connecticut School of Law
  University of Texas School of Law

APPENDIX 4

People Interviewed for This Report

**RWJF**

**Sharon Z. Roerty, MCRP**
Senior Program Officer
Princeton, N.J.

**Kristin M. Gurdin, JD**
Counsel
Princeton, N.J.

**Shale L. Wong, MD, MSPH**
Senior Program Consultant
Professor of Pediatrics, University of Colorado
School of Medicine
Denver, Colo.

**ChangeLab Solutions**

**Marice Ashe, JD, MPH**
CEO
Director, NPLAN
Oakland, Calif.

**Quang Dang, JD**
Vice President of Programs
Deputy Director, NPLAN
Oakland, Calif.

**Manel Kappagoda, JD, MPH**
Program Director and Senior Staff Attorney
Oakland, Calif.

**Sabrina Adler, JD**
Senior Staff Attorney
Oakland, Calif.
Rio Holaday, MPH
Food System Policy Analyst
Oakland, Calif.

American Heart Association

Carter Headrick
Director of State and Local Obesity Policy
Voices for Healthy Kids Project of the
American Heart Association
Dallas, Texas

New Jersey Partnership for
Healthy Kids

Darrin Anderson, PhD
Deputy Director, New Jersey Partnership for Healthy Kids
Associate Executive Director, New Jersey YMCA State Alliance
Trenton, N.J.

The Food Trust

Brian D. Lang, MGA
Director
National Campaign for Healthy Food Access

Safe Routes to School National Partnership

Sara Zimmerman, JD
Technical Assistance Director
Oakland, Calif.

Burness Communications

Elizabeth Wenk, MA
Vice President for Public Policy
Bethesda, Md.
BIBLIOGRAPHY

(Citations and URLs are current as of date of this report; as provided by the grantee organization; not verified by RWJF; items not available from RWJF.)

Articles


**Books and Book Chapters**


**Reports**

Examples of technical assistance products available online:

**Active Accessible Communities**


**Healthier Food Environments**


**Limiting Unhealthy Foods**

- *Sugar-Sweetened Beverages Playbook*. ChangeLab Solutions/NPLAN. Available online.


**Junk Food Marketing**


Healthier Schools


Law and Policy 101

- **First Amendment FAQ’S.** ChangeLab Solutions/NPLAN, 2013. Available online.


- **Contracts and MOUs Understanding Key Terms.** ChangeLab Solutions, 2013. Available online.

Toolkits

The following are three examples of toolkits created by NPLAN. See the NPLAN Web page for others.

- **Playing Smart: Maximizing the Potential of School and Community Property Through Joint Use Agreements.** ChangeLab Solutions, 2010. Available online.


Communications and Promotions

[http://changelabsolutions.org/childhood-obesity](http://changelabsolutions.org/childhood-obesity). The Web page of the NPLAN project contains all the technical assistance products, including toolkits, model agreements, fact sheets, and reports.