

COMMENTARY

Social Science, Equal Justice, and Public Health Policy: Lessons from Los Angeles

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OVERVIEW

This paper presents a case study on using research and law to change public health policy. The City Project (a legal and policy advocacy organization), working with teachers and school officials, is using social science and legal research to promote changes in public policy that hopefully will result in better and more equitably delivered physical education in public schools in Los Angeles, California. The major goals are, first, to help students learn the skills and knowledge to move more, eat well, stay healthy, and do their best in school and in life; second, to alleviate unfair disparities based on race, ethnicity, and income; and third, to engage, educate, and empower people to improve public education and health. This case study shows that academics can work with lawyers and other practitioners, including teachers and organizers, to maximize the impact of their research.

The strategic, organized course of action has four major elements. First, the teachers' union – United Teachers of Los Angeles – organized a *public campaign* to support physical education. Second, attorneys filed an administrative *complaint* on behalf of parents, youth groups, and health advocates under civil rights and education laws to require the school district to enforce physical education requirements. Third, in response to the campaign and complaint, the Board of Education of the Los Angeles Unified School District unanimously adopted a *resolution* to enforce physical education laws. Fourth, the teachers, attorneys, and school officials are now

working on an *implementation plan* to enforce the physical education laws and resolution, and resolve the complaint. The goal has been to persuade the school district to provide quality physical education without litigation, but to resort to litigation if necessary. School officials have agreed to work with the teachers' union and The City Project, and litigation has not been necessary to date.

The message from The City Project and teachers' union to the school officials is simple: Do you want to get married? And, by the way, we have a gun.

The campaign, complaint, resolution, and implementation plan draw heavily on research published by the California Endowment (a philanthropy committed to improving equity in health in California) (1).

Persuading other school districts to enforce physical education requirements is the next challenge. Thirty-seven school districts throughout California did not enforce physical education requirements in 2006. For example, the Los Angeles school district does not enforce state law requiring an average of 20 min per day of physical education in elementary school (2). The Los Angeles Unified School District is the second largest school district in the United States. What Los Angeles does is a crucible for change elsewhere.

SOCIAL SCIENCE RESEARCH

Health, Physical Education, and Low-Income Students of Color

Between 1999 and 2006, obesity among students in the Los Angeles Unified School District increased from 20.2% to 26.1%, according to the county health department. The percentage of obese students continues to be persistently higher than at other schools in the county (3).

In the school district, 91% of students are children of color (4) and 74% are low-income (enrolled in free or reduced-cost meals) (5).

Over 87% of children in the school district were not physically fit under state physical education standards in 2004 (6).

The five largest physical education class sizes averaged 93 students in middle schools and 87.5 students in high schools in Los Angeles (7). A task force recently recommended a maximum student:teacher ratio of 55:1 for physical education classes.

There are physical education teacher vacancies, and teachers are assigned to teach classes for which they lack competency, contrary to state law (8).

Disparities Based on Race, Ethnicity, and Income

Evidence-based research published by the California Endowment (7) documents the importance of physical education for student health, development, and academic performance, as well as disparities based on income, race, and ethnicity. This research supports the campaign, complaint, resolution, and implementation plan in Los Angeles.

According to the Endowment (7), for example:

- Physical education is deficient in grades K-12 in California schools, and the problems are most severe at the elementary level.
- Physical education is particularly deficient for less affluent students and racial and ethnic groups at high risk for overweight and obesity.
- Personnel and material resources are inadequate to support quality physical education in many schools, particularly in less affluent communities.
- Improving physical education programs is likely to improve the health and academic performance of students.
- Research-based, activity-focused physical education programs for schools at all levels have been shown to improve physical activity and provide other benefits, such as improved concentration and decreased disruptive behavior.

Places for Physical Activity

Facilities such as playing fields and gyms are essential for quality physical education. Larger school play areas are associated with increased physical activity in middle school students. Elementary school teachers identify inadequate facilities and equipment among the top three barriers to meeting physical education guidelines (7).

The Los Angeles County Department of Public Health has analyzed childhood obesity for 128 cities and communities in the county. Cities with less open area set aside as parks, recreational

areas, school fields, or wilderness areas are more likely to have a higher prevalence of childhood obesity. The prevalence of childhood obesity varied significantly among cities and communities, ranging from 4% to 37%, and was found to be strongly associated with economic hardship (9).

Children of color living in poverty with no access to a car have the worst access to schools with five acres or more of playing fields and parks, and the highest levels of child obesity in Los Angeles. The Los Angeles Unified School District provided 71% more play acres for non-Hispanic White students than for Latino students in elementary schools as of 2004 (10). Of the District's 605 schools, only 103 have five acres or more of playing fields. There were only 30 joint use agreements between the school district and the city parks department out of 600 schools as of 2006. These facts are illustrated in GIS maps and demographic analyses for Los Angeles published by The City Project (11).

EQUAL PROTECTION LAWS

Studies on health disparities based on race, ethnicity, and income are relevant for compliance with civil rights and physical education laws.

For example, federal law – Title VI of the Civil Rights of 1964 and its regulations – prohibits both (1) unjustified discriminatory impacts for which there are less discriminatory alternatives, and (2) intentional discrimination based on race, color, or national origin, by recipients of federal financial assistance including school districts (12,13). Discriminatory intent is not required under the discriminatory impact standard. States including California have similar laws (14,15). School districts that violate these laws face the loss of federal and state funds and litigation. For example, a ruling in 1984 determined that IQ tests not validated for the purpose used had a discriminatory impact on Black students placed in classes for the educable mentally retarded and were not justified by “educational necessity,” in violation of Title VI disparate impact regulations (16).

There is evidence of both discriminatory impacts and intentional discrimination in the failure to provide quality physical education. Children of color are disproportionately affected by the failure to

provide physical education, and disproportionately suffer from obesity. School districts simply fail to enforce physical education laws. School officials know the impact that the failure to provide physical education has on students of color. Advocates, including the teachers' union and The City Project, for years have provided the board of education and superintendent with the studies on physical education, health, and disparities published by the California Endowment and others.

CONCLUSION

Failure to enforce physical education laws is a common practice by school districts in California and across the nation. Evidence-based research documents racial, ethnic and income disparities in physical education and health. Civil rights laws can be combined with that evidence to require school districts to enforce physical education requirements to improve the health and quality of life for students. The experience in Los Angeles illustrates how research and law are used to improve physical education through the process of campaign, complaint, resolution, and implementation plan now being carried out.

This case study provides lessons for others. Social scientists and attorneys need to collaborate to connect the dots between physical education, human health, racial and ethnic disparities, and civil rights and education laws. Foundations should fund analyses of evidence by legal practitioners, including social science research and disparities in physical education and health based on race, ethnicity, and income. Abstract policy reports and tool kits are not enough. Foundations should fund not only policy and legal advocacy outside the courts, but also litigation in the courts. Access to justice through the courts can be a profoundly democratic means of engaging, educating, and empowering people of color and low-income people to achieve concrete improvements in their lives.

Different alternatives may be available elsewhere, but a strategic campaign including coalition building, multidisciplinary research, media, policy and legal advocacy outside the courts, and litigation is likely to be a replicable model in other states or countries.

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