14 LEGAL DUTIES OF COACHES AND ATHLETIC ADMINISTRATORS

WIAA COACHES SCHOOL EXPRESS - JUNE 10, 2017
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DISCLAIMER

- The information provided is NOT a substitute for legal advice
SPORTS RISK MANAGEMENT

Risk management for scholastic sports is a proactive leadership function which involves the development & implementation of a strategic plan designed to reduce or transfer the hazards of participation for student-athletes that are inherent in an athletics program.

No risk management program will totally eliminate all program hazards - the twofold goal is to:

• *minimize* the chance of injury to student-athletes, coaches, spectators, officials, and other third parties, &

• *minimize* the legal exposure of the school and all of the school’s athletics personnel.
A failure by schools/athletics personnel to exercise reasonable care which acts as both the actual cause & the proximate cause of an injury to a student-athlete, coach, spectator, official, or other party.
NEGLIGENCE DEFINED IN SPORTS CASES

The Four Elements Requisite To Proving Negligence:

Duty: what were the legal obligations of the school & its athletics personnel under the circumstances?

Breach: was reasonable care exercised to fulfill those legal duties?

Causation: was a breach of legal duties the actual & proximate (foreseeable) cause of the injury?

Damages: adequate proof of financial damages related to the injury?
WHY THESE 14 LEGAL DUTIES?

• Several obligations or duties have been identified as absolute requirements for coaches and athletic administrators.

• These standards have evolved as a result of various case law proceedings and legal judgments against individuals and school districts. It is important that all coaches, including assistants and volunteers, know and understand the following duties.

• This summary is not all-inclusive but is generally accepted as the “Legal Duties of Coaches” by the NFHS (National Federation of High Schools) and NIAAA (National Interscholastic Athletic Administrator Association).
DUTY TO PLAN

A coach must demonstrate awareness of the maturity, physical development and readiness of athletes with appropriate plans for instruction, conditioning and supervision.

- Have a yearly plan, keep it, and follow it
- Prevent or reduce injury and loss by developing responsive strategies in:
  - Coaching competence
  - Medical screening
  - Appropriate activities that consider age, maturity, and environmental conditions
  - Injury response
  - Warnings to athletes and their families
  - Child advocacy in cases of alcohol and other drug abuse or family neglect or abuse
DUTY TO PLAN

This is a comprehensive requirement that transcends all other duties

Negligence can be alleged when an injury loss results from:

- No planning
- Inadequate planning
- When plans are developed but ignored

- Reese v New York City Public Schools
DUTY TO PLAN

Some tips

• Paper the Trail
• Develop Plans
• Use a teamwork approach to developing and executing the plan. Athletic Administrative Committee
DUTY TO SUPERVISE
A coach must be physically present, provide supervision and control of impulsive behavior.

• A coach must be:
  • Physically present
  • Provide competent instruction
  • Structure practices that are appropriate for the age and maturity of players
  • Prevent foreseeable injuries and respond to injury or trauma in an approved manner
DUTY TO SUPERVISE

A coach must be physically present, provide supervision and control of impulsive behavior

• This duty requires supervisors to ensure that facilities are locked and that students are denied access when a competent staff member cannot be physically present to supervise

• A coach must also supervise the condition, safe usage, maintenance and upkeep of equipment and facilities

• *Palestri v Wagner High School* (20)

• *Crotty v Buncombe County Board of Education* (21)

• *Yarber v Oakland Unified School District* (50)
DUTY TO SUPERVISE

Two Types Of Supervisory Duties Imposed By Courts:

• *Specific Supervision*: supervision of student-athletes while engaged in the athletic activity itself (practice, competition, and other activities directly-related to sports participation (workouts/conditioning/etc).

• *General Supervision*: supervision of student-athletes for a reasonable period before/after the athletics activity and supervision of sports environments at times outside of their use for athletic activities.
DUTY TO ASSESS AN ATHLETE’S READINESS FOR PRACTICE AND COMPETITION

A progression of skill development and conditioning improvement should be apparent from practice plans.

- Athletes must be medically screened in accordance with WIAA and school district regulations before participating in tryouts, practice, or competition.
- Coaches are required to access the health and physical or maturational readiness skills and physical condition of athletes.
- Injured athletes who require the services of a physician may not return to practice or competition without written permission of the athletic trainer or physician.
DUTY TO ASSESS AN ATHLETE’S READINESS FOR PRACTICE AND COMPETITION

Key: Incorporating into the athletic department’s plan (Duty #1) the requirements and evaluative methods that will be used to assess the athlete’s ongoing physical ability to continue to safely participate.

• McNamee v Hillsborough County School Board (19)
• Strough v Bedford School District (19)
• Eveland v San Marcos USD (24)
DUTY TO ASSESS AN ATHLETE’S READINESS FOR PRACTICE AND COMPETITION

Return to Play/Return to Learn

Issues Courts Focus On In Court Cases:

• Were athletics personnel trained and procedures in place to recognize signs (basic diagnosis) of *sports injuries or incapacitating conditions*?

• Has reasonable care been exercised (policies enacted and personnel trained) to prevent injured athletes from receiving *excessive coercion to participate*?

• Were athletics personnel trained and were policies and procedures in place for making decisions as to when student-athletes should be allowed to *return to action following an injury*?
DUTY TO MAINTAIN SAFE PLAYING CONDITIONS

• Coaches are considered trained professionals who possess a higher level of knowledge and skill that permits them to identify foreseeable causes of injury inherent in defective equipment or hazardous environments.

• Weather conditions must be considered and athletes should not be subjected to intense or prolonged conditioning during periods of extreme heat and humidity.

• A plan for monitoring and responding to dangerous weather conditions is necessary.
DUTY TO MAINTAIN SAFE PLAYING CONDITIONS

• Rodriguez v L.A. Fitness International (24)
• Gilpin v Jefferson Country Public Schools & Jason Stinson (27)
• Mei Kay Chan v City of Yonkers (28)

• Reporting of unsafe conditions – make sure it is unsafe, not just using as reason to complain.
DUTY TO PROVIDE PROPER EQUIPMENT

- Coaches must ensure that athletes are properly equipped with clean, durable and safe equipment.
- Protective equipment must carry a NOCSAE (National Operating Commission on Safety in Athletic Equipment) certification and must be checked for proper fit and wearing.
- Athletes must wear protective equipment any time they are exposed to the full rigors of contact in practice or competition.
DUTY TO PROVIDE PROPER EQUIPMENT

Six Issues That Consistently Arise In Court Cases:
• Appropriate type of equipment used for the activity?
• Adequate quality of equipment used for the activity?
• Criteria for distribution of equipment is safety-based?
• Appropriate instructions given for safe use of equip?
• Enforcement of consistent use of safety equipment?
• Regular inspections and repair of equipment?

Key – “Papering The Trail”:
• A common thread among the protective athletic cases is the need for written documentation of the plan for type, quality, distribution criteria, and use, along with inspection and reconditioning checklists.
DUTY TO PROVIDE PROPER EQUIPMENT

WHAT TO DO

- *Hubbard v East Meadows Unions Free SD* (57)
- *Stanley v Board of Education* (58)
- *Laboy v Walkill Central School District* (58)
DUTY TO INSTRUCT PROPERLY

- Athletic practices must be characterized by instruction that accounts for a logical sequence of fundamentals that lead to an enhanced progression of player knowledge, skill and capability. Instruction must demonstrate appropriate and safe technique and must include warning about unsafe technique and prohibited practices.
DUTY TO INSTRUCT PROPERLY

Judicial Focus
• Qualified instructors?
• Proper technique instruction?
• Adequate safety instructions?
• Thorough risk instructions?

Key: Was a reasonable “progression of skills” provided
Key: Courts will also focus on the “methods of communication” that were used to provide instruction.
• Multiple media & a high frequency of communication
• Younger the athlete, greater the required frequency
DUTY TO INSTRUCT PROPERLY

• **Ridolfi v Trinidad School District #1 and Riddell** (23)
• **Ohnstad v Omaha Public School District** (52)
• **Acosta v Los Angeles Unified School District** (61)

• Documenting what is covered in practice plans is important. Be able to prove when you demonstrated proper technique, risks, frequency.
DUTY TO MATCH ATHLETES DURING PRACTICE

• Athletes in practices should be matched with consideration for:
  • Maturity
  • Skill
  • Age
  • Size
  • Speed

• *Hunt v Public School Athletic League* (26)

• *Sciutto v Marple Newtown School District* (34)

• Team mis-matches?
• Practices must account for a progression of cardiovascular and musculoskeletal conditioning regimens that prepare athletes sequentially for more challenging practices and competitive activities
• Consideration must be given to weather, maturational and readiness factors
DUTY TO CONDITION PROPERLY

Issues Courts Focus On In Cases:

- Were student-athletes assessed to ensure that they possessed *adequate cardio and strength conditioning* to be able to safely participate in the sport/activity?
- Were student-athletes assessed to ensure that they possessed *adequate skill and experience* to be able to safely participate (progression of skills issues)?
- Were reasonable measures taken with regard to the hazards of *performance enhancing drugs and sports supplements* (education and prevention)?
- Were all *athletic personnel adequately trained* to evaluate initial physical readiness to participate?
DUTY TO WARN

• Coaches are required to warn parents and athletes of unsafe practices specific to a sport and the potential for injury or death.

• In most districts, a generic warning, signed by both athletes and parents, is included in the physical packet, but sport-specific warnings should be included at the parent meetings for specific sports.

• *Duffy v Suffolk County HS Hockey League* (46)

• *Mondelice v Valley Stream Central HS District* (68)

• *Reyes vs City of New York* (27)
DUTY TO WARN

• Courts have imposed the duty on athletics personnel to provide student-athletes with *warnings* regarding all of the risks related to participation in sports activities.

• One of the primary defenses available to schools and athletics personnel in sports injury cases is the doctrine of *assumption of risk*.

• Student-athletes assume only the risk of *inherent dangers* that are *fully comprehended*. Inherent dangers are those of which any reasonable person would be aware or those about which a person has been specifically warned.
DUTY TO WARN

• Judicial Focus: Were the warnings that were provided to the student-athlete *detailed, clear, & repeated*? (Multiple media? High frequency? Usefulness of written waivers?)

• Written Waivers: Although waivers are of limited effectiveness as automatic disclaimers of liability, waivers are highly useful as proof that clear, detailed, sport-specific warnings have been provided to student-athletes (assumption of risk).
DUTY TO ENSURE ATHLETES ARE COVERED BY INSURANCE

• Athletes must be cleared through the athletic office prior to participation and should not be allowed to participate without this clearance

• *Tri-Central High School v Mason* (69)
DUTY TO PROVIDE EMERGENCY CARE

Coaches are expected to be able to administer approved, prioritized, standard first aid procedures in response to a range of traumatic injuries.

Issues Courts Focus On In Medical Assistance Cases:
• Were athletics personnel trained to recognize the situations where it is needed or is likely to be needed - obvious/serious/minor?
• Were all athletics personnel trained/certified in first aid, CPR, and other sport-specific medical issues to be able to provide the necessary assistance to injured student-athletes?
• Was appropriate medical equipment on hand and readily accessible to be used by athletics personnel [first aid kits, AEDs, and so forth]?

• Halper v Richmond-Burton Community College (65)
• Jarreau v Orleans Parish School Board (64)
DUTY TO DEVELOP/FOLLOW AN EMERGENCY CARE PLAN

Parallel issue to providing medical assistance

Plans must be in place to:

- Ensure access to a stocked first aid kit, spine board and other emergency response equipment
- Access to a telephone and ensure a timely call to EMS
- Expedite rapid access by EMS to the injured athlete by stationing coaches or team members at driveways, parking lots, entry doors and remote hallways
- Manage uninjured team members while emergency care is being administered to an injured athlete
DUTY TO DEVELOP/FOLLOW AN EMERGENCY CARE PLAN

• *Sallinen v. Upper Lake Union High School District* (35)

• Communication, consent forms, medical history
• Communication with medical personnel
• Communication with family
• Communication with school/district admin
DUTY TO PROVIDE PROPER TRANSPORTATION

Look to your school board policy

- District provided transportation should be utilized as much as possible for travel to athletic events
- Ensure that all athletes are on the bus before it departs from an away contest
- Have a roster with emergency contact information in the event of an accident
- Coaches must follow district guidelines if driving students
- Coaches do not coordinate rides, put students in cars
- *Robinson v Diocese of Rochester and Downs* (28)
Athletic administrators will be expected to ensure coaches are capable of providing safe conditions and activities as outlined in the preceding list of 13 duties.

Reasonable care in the selection and training of all athletics personnel (coaches, non-teacher-coaches, volunteer coaches, student-teacher coaches, athletic trainers, etc.) is a threshold duty necessary for the fulfillment of other duties such as supervision, technique instruction, warnings, medical assistance, safe playing environment, and so forth.

Britt v Maury County Board of Education (31)
DUTY TO SELECT, TRAIN AND SUPERVISE COACHES

Courts tend to look at the following issues:

• Has the educational background of the personnel in question been carefully assessed before hiring?
• Has the relevant sport-specific background of the personnel in question been carefully assessed?
• Was reasonable care exercised in the initial process of orientation/training for new athletic personnel?
• Did the school confirm that all required certifications (first aid, CPR, concussion-management courses, etc.) had been completed by new athletic personnel?
• Was reasonable care exercised to encourage/require continuing sport-specific education for athletic personnel (NFHS coaching courses, ASEP courses, sport-specific conferences and clinics, etc)?
WRAP IT UP

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