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### Repository Citation

Janis K. Doleschal, *Managing Risk in Interscholastic Athletic Programs: 14 Legal Duties of Care*, 17 Marq. Sports L. Rev. 295 (2006)  
Available at: <http://scholarship.law.marquette.edu/sportslaw/vol17/iss1/11>

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# **MANAGING RISK IN INTERSCHOLASTIC ATHLETIC PROGRAMS: 14 LEGAL DUTIES OF CARE**

JANIS K. DOLESCHAL\*

## **I. INTRODUCTION**

The basis for this paper is the concept that there are fourteen legal duties of care used to determine negligence in sports-related injuries that have been formulated from legal proceedings taken from tort related cases involving coaches, schools and athletic programs. These duties should be viewed as obligations to be met or exceeded by the school and all athletic personnel. While no one can ever guarantee that a district or coach will not be sued, it is incumbent upon the district to take preventive steps to minimize situations that could cause possible liability for the school or coach.

Ongoing risk management programs, the preparation of written material to be disseminated to coaches, participants, and parents or guardians, signed informed consent forms, inspection of equipment, etc., are examples of proactive steps that can be taken by school districts and their athletic programs. What follows are the fourteen duties of care. These duties are explained and effective practice procedures are suggested to aid schools in complying with these duties. The article begins with a general introduction to the law and athletics.

This article, including the section regarding “The Law and Interscholastic Athletics” is written in a format that is intended to be easily understood by athletic administrators and coaches who have a minimal understanding of the law. It is intended to be an educational tool that can be used both by attorneys who are addressing risk management needs of middle or high school level educational institutions which conduct intramural, extramural or interscholastic athletic contests, and by parents, coaches and athletic administrators who wish to develop safer athletic programs for the students in their districts.

In some instances, elementary schools that are conducting extramural sports contests for their students will also find the information helpful because

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generally speaking, the standards of care regarding facilities and certain sports activities are more dependent on the construction of the facility, the components of the program, and the supervision of the activity than on the specific educational level of the students.

## II. THE LAW AND INTERSCHOLASTIC ATHLETICS

It is not unusual to find a sports related civil case being filed in the area of law known as "tort law." A tort is a "civil wrong, other than a breach of contract, for which the law provides a remedy."<sup>1</sup> That interest may be protected by local ordinance, state statute or federal law. Because a civil lawsuit is not a criminal matter, the aggrieved party may seek legal redress by filing a summons and complaint in a civil court. Further, there may be cases in which an aggrieved party is not satisfied with the criminal punishment that has been meted out and may choose to seek further retribution by filing a civil lawsuit.

Four elements must be met to prove negligence: duty, breach, causation (both cause in fact and proximate cause)<sup>2</sup> and harm. For example, a student breaks an ankle during soccer practice when her foot gets caught in a hole on the practice field owned by the school. The coach and the school have a duty to maintain safe playing conditions. That duty was breached by not properly filling the hole in the field. The athlete broke her ankle, which qualifies as the harm that occurred. The proximate cause of breaking her ankle was the twist that occurred when she stepped in the hole.

In court, the plaintiff will argue that the hole caused the harm. The coach and the school may argue, as a defense, that the athlete knew the hole was there and had been warned about it. The jury must decide whether all four elements have been met. If all of the elements are not satisfied, then the plaintiff has not proven the case and the defendant wins. If all four elements are satisfied, then the plaintiff wins, and the jury determines the level of

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1. VICTOR E. SCHWARTZ ET AL., TORTS 1 (10th ed. 2000).

2. See *Snyder v. LTG Lufttechnische GmbH*, 955 S.W.2d 252 (Tenn. 1997).

Cause in fact refers to the cause and effect relationship between the defendant's tortious conduct and the plaintiff's injury or loss. Thus, cause in fact deals with the "but for" consequences of an act. A defendant's conduct is a cause of the event if the event would not have occurred but for that conduct. In contrast, proximate cause, or legal cause, concerns a determination of whether legal liability should be imposed where cause in fact has been established. Proximate or legal cause is a policy decision made by the legislature or the courts to deny liability for otherwise actionable conduct based on considerations of logic, common sense, policy, precedent and more or less inadequately expressed ideas of what justice demands or of what is administratively possible and convenient.

*Id.* at 256 n.6 (citations omitted).

damages to be assessed.

Because athletics has so many areas that can expose a coach and a school to litigation, it is important that all coaches, athletic administrators and school administrators understand the need to manage the risks that are inherent in athletics, understand the steps that should be taken to minimize those risks, and understand that the law demands that coaches and schools act “reasonably.”

### III. THE FOURTEEN DUTIES OF CARE

#### 1. *Duty to Plan*

The duty to plan is a comprehensive duty encompassing steps that should be taken by the school district, the principal, the athletic administrator, the head coaches, the assistant coaches, the athletic trainer, the equipment manager, and any other supervisory personnel connected with the athletic program.

In *Keesee v. Board of Education*,<sup>3</sup> the school board and a physical education teacher learned the importance of planning.<sup>4</sup> In *Keesee*, a class of students was participating in a game of line soccer when a young girl was injured.<sup>5</sup> The instructor had deviated from his approved plan in several ways.<sup>6</sup> One important difference was that instead of having two students running for the ball when their number was called, he had eight run to gain possession at one time.<sup>7</sup> The original plan had been adequate and approved.<sup>8</sup> However, the court found the instructor negligent because he had deviated so much from that plan.<sup>9</sup>

School districts and athletic administrators must establish the rules and regulations under which the athletic program will be conducted, and inform all coaches, parents/guardians of athletes, and participants of the rules. This normally means the inclusion of pertinent material in a “Parent-Athlete Handbook” (PAH) written for parents/guardians, coaches and athletes.

The duty to plan also requires preparing parent/guardian permission and “informed consent” statements, preparing all other appropriate forms for the

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3. 235 N.Y.S. 2d 300 (Sup. Ct. 1962).

4. *Id.* at 300.

5. *Id.* at 301-02.

6. *Id.*

7. *Id.*

8. *Id.* at 302.

9. *Id.* at 306.

athletic program, planning the agenda, and preparing the materials to be presented at a preseason meeting of parents/guardians and athletes. It is also necessary that all athletic personnel have a thorough understanding of the necessary regulations and forms needed to comply with state association eligibility rules. These forms can be downloaded from most high school athletic association websites for use by athletic administrators and coaches.

It is recommended that all coaches, as well as parents/guardians and athletes, be required to sign a form indicating that they have received and understand all of the materials distributed to parents/guardians and athletes. In order to ensure as few challenges as possible to the information contained in the PAH, it is recommended that the signature statement also include a clause regarding clarification of any information contained within that is not understood. The following statement is one that I have written for Parent-Athlete Handbooks and that covers the necessary areas:

I certify that I have read, understand, and agree to abide by all of the information contained in the Parent-Athlete Handbook. I further certify that if I have not understood any information contained in this handbook, I have sought and received an explanation of the information prior to signing this statement.

Since the two excuses most often used when athletic administrators attempt to enforce athletic codes are "I didn't know" or "I didn't understand," this statement can lead to an effective defense and reply in that the athletic administrator has proof that the coach, the parent/guardian and the student have all certified that they have read, have agreed to comply with, and have understood the provisions as explained in the PAH, whether or not they later attempt to claim otherwise.

In addition, coaches should prepare all necessary safety rules, team rules, and awards requirements in writing for distribution to athletes and their parents/guardians. One area of frequent challenge to the actions of coaches and athletic administrators is in the area of awards distributed to team members. A thorough explanation in a PAH can serve to explain the process and awards available at the school. A written explanation from coaches distributed to athletes at the beginning of the season detailing specific requirements for awards in a specific sport and specific levels of the sport can serve to clarify the awards area and lessen the possibility of challenges.

Further, coaches must plan their practices in advance to include aerobic and weight conditioning, warm-up and flexibility exercises, skill training, game situations, and cool down exercises. While daily, comprehensive lesson plans similar to the comprehensive lesson plans that teachers often produce are not necessary, coaches should generate sufficiently written plans for daily

practices that could be used to document the areas covered and aid in recalling specific details should the need arise. Coaches should also keep accurate attendance records to verify which athletes were present on a day when a particular skill was taught or important information was distributed, and should make notes in their daily plans to indicate when such information was ultimately distributed to athletes who were absent on the initial day of distribution.

In those sports where weather can be an influential factor on practice sites, coaches should have alternate plans ready to conduct indoor practices in cases of inclement weather. Should indoor practice involve the use of areas within the building other than the gym, special instructions should be given to students regarding any hazards that might be present, such as slippery floors, observers, outsiders, uninvited guests, or other students in the area.

Specialized types of plans that are necessary in cases of accident, injury or other emergencies are covered later in these materials under duties of care requiring specialized types of planning.

The most important aspect of the duty to plan is the formation of a proactive mindset in athletic administrators and coaches, which is far superior to a reactive mindset. It requires asking the question “what if . . .” and responding to it before a negative situation arises or an accident, injury or death occurs. The duty to plan is simply that - PLANNING. When all parties have adequately planned prior to an activity or program commencing, much can be achieved to mitigate or reduce the risk of injury or loss and to curtail challenges to various aspects of the program before they occur.

### BEST PRACTICES

1. Athletic administrators and coaches should each prepare a yearly calendar of tasks that must be completed on a monthly basis. This can serve as a checklist of major duties to be completed throughout the year.
2. Prepare a ““Parent-Athlete Handbook” that includes major state association, conference and school rules for all participants in the athletic program, which should be as comprehensive as possible. Revise the handbook on a yearly basis. Distribute the handbook to all parents/guardians, athletes and coaches and require a signature to indicate that they have read and understand the rules, and agree to abide by them.
3. Maintain a file of all necessary forms and update it annually. Include revision dates on the forms to ensure that only current forms

are used, and destroy all outdated forms. Color-coding forms that are used annually by year on a five-year rotation can be a big help. Color-coding on a five-year rotation can also aid in determining if any students are in violation of medical, age or longevity rules simply by glancing at the appropriate colored forms that are in use for any particular year or years.

## 2. *Duty to Supervise*

Coaches must be present to supervise in locker rooms and practice areas, before, during, and after games, in transportation situations on buses and in bus-loading areas, during overnight stays necessitated by attendance at tournaments out of town, and any time that they are serving in an official capacity representing the school.

*Foster v. Houston General Insurance*<sup>10</sup> is an example of when a school breached its duty to supervise.<sup>11</sup> In *Foster*, a student who was a member of the school's Special Olympics Basketball Team was killed when he darted in front of a car on his way to the off-campus gymnasium.<sup>12</sup> Two teachers were supposed to be escorting the ten cognitively delayed students; however, only one teacher actually did so.<sup>13</sup> The court held that it was the teacher's duty to have an adequate number of supervisors accompanying the team.<sup>14</sup> The supervisors had the duty to maintain close supervision over the students at all times, especially when they were in the vicinity of traffic.<sup>15</sup> The teachers also had a duty to choose the safest route for the athletes.<sup>16</sup>

Supervision in locker rooms has become a touchy subject for many coaches, especially in view of the fact that there are an increasing number of coaches who are the opposite sex of the players. In situations like these, there are several alternatives that can be considered: one, the coach can use a member of his/her coaching staff that is the same sex as the players to supervise the locker room; two, the coach can recruit a coach of the same sex as the players from the coaching staff of another sport that practices at the same time; or three, the coach can use a senior member of the team to monitor the behavior in the locker room with instructions to get the coach the minute it

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10. 407 So. 2d 759 (La. Ct. App. 1981).

11. *Id.* at 761.

12. *Id.* at 762.

13. *Id.*

14. *Id.* at 763-64.

15. *Id.* at 764.

16. *Id.* at 764-65.

appears that something is wrong or is about to happen.

It should be noted that if the use of a senior student is necessary, all players should receive the behavior rules for the locker room from the coach on an ongoing basis, and the coach should constantly reinforce those rules, as well as advise the students that if it becomes necessary for the coach to enter the locker room during an emergency situation or because of a problem necessitating immediate intervention, students will be expected to cover the appropriate body areas as quickly as possible.

For those coaches who are coaching players of the same sex as them, sitting in the their office without a clear view of the locker room is not supervising. Many hazardous incidents have occurred while coaches are in their offices and are too occupied with other matters to check the locker room. Coaches must be alert to the behavior of their athletes before and after practice, and that means having an active presence and visible supervision of the locker room area.

An unsafe situation can occur in those sports where the junior varsity or freshman teams play at the same site prior to the varsity game. It is usual practice for the sub-varsity coaches to assist the head coach during the varsity contest. This poses two potential problem areas. One, the coach may leave his or her locker room after the sub-varsity game in order to be present for the warm-up period of the varsity game before his or her athletes have finished changing, leaving his or her athletes unsupervised. Two, the behavior of the sub-varsity team during the varsity game may not be supervised as closely as it should because the coach is concentrating on the play of the varsity contest.

To alleviate these problems, there should be an understanding that the sub-varsity coach will not leave the locker room until all of the athletes are finished changing. Second, the sub-varsity team members who are staying to watch the varsity contest must be aware of acceptable rules of conduct and be held accountable by facility supervisors and the coach should any problems begin to occur. Requiring that the sub-varsity teams sit in an assigned area in close proximity to the varsity team bench during the varsity game can be an aid in supervising the players for both their coaches and for the supervisory personnel on duty.

Another potential area where lack of supervision occurs is transportation. It is common practice for coaches to sit in the front of the bus while riding to practices and games. This practice does not allow the coach to determine if there is anything amiss behind the row in which the coach is sitting. A more acceptable approach would be sitting in the back of the bus in order to supervise what is happening on the entire bus.

In those cases where the coach is the driver, a reminder of the rules prior



to starting the trip and constant surveillance via the rear view mirror is necessary. An ideal situation would be requiring that two coaches be present on the bus so the coach-driver can concentrate on his or her driving while the other coach can be responsible for supervising the behavior on the bus.<sup>17</sup>

Another issue is the liability created by activity buses. Many school districts contract or arrange for activity buses to take students who do not live in the immediate vicinity of the school home following practices. Since most of these buses are available for students staying after school for all activities, students from various activities may all ride the same activity bus. As such, neither the athletic coaches nor the directors of the other activities may feel a responsibility to supervise the boarding of these buses. Yet, should a fight occur, or should an uninvited outsider come to the school to instigate an altercation, it is important that coaches or activity directors be assigned on a rotating basis to supervise the boarding of the activity buses, and to stay in the area until all activity buses have left.

In *Broward County School Board v. Ruiz*,<sup>18</sup> the court found that the school district was liable because athletes were not being supervised in the school cafeteria following practice while they were waiting for rides home.<sup>19</sup> A football player was attacked by three other students while waiting for a ride home.<sup>20</sup> Because student misconduct was foreseeable under the circumstances, the intervening negligence of another student did not relieve the school district or its employees of its negligence in failing to supervise since it was foreseeable that fighting among students might occur in the school cafeteria.<sup>21</sup>

Out of town games or tournaments requiring an overnight stay can create a myriad of problems. Where there is a prior agreement that students will be staying as guests at the homes of students from the out-of-town team, it is necessary that all welcoming parents or guardians understand the rules while the visiting students are staying at their homes.

However, if the team is staying at commercial accommodations, it is important that chaperones accompany the team in a ratio of one chaperone to every ten students and actively chaperone. Athletes must understand that all normal school and athletic code rules regarding the use of alcohol or drugs

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17. Another issue that arises is the question of a coach taking athletes home in a personal vehicle. While this issue will be covered under an additional duty, suffice it to say that coaches should strenuously avoid taking any student home in a personal vehicle.

18. 493 So. 2d 474 (Fla. Dist. Ct. App. 1986).

19. *Id.*

20. *Id.* at 476.

21. *Id.* at 478-79.

apply, and that no visitors will be allowed in rooms after a certain hour. Coaches should be cautioned by administration that athletes have been instructed to report any unusual behavior involving the coach directly to the athletic administrator.

The possibility for unreasonable behavior increases exponentially with overnight trips. However, pre-planning, clear expectations, and emergency response plans can effectively help to reduce the risk of improper behavior and thereby reduce the risk of possible litigation.

The duty to supervise requires being physically present in order to mitigate or reduce the risk of litigation due to injury or loss. In *Cirillo v. City of Milwaukee*,<sup>22</sup> an instructor left a class of almost fifty boys unattended for no apparent reason.<sup>23</sup> The boys began roughhousing and an injury occurred.<sup>24</sup> The court found that the defendant was negligent for failing to perform specific supervisory duties because had the teacher been present, the game would not have gotten so rough and the injury would not have occurred.<sup>25</sup>

When coaches or chaperones are not attentive or are absent, the risk of horseplay or foul play injuring athletes greatly increases. It is the responsibility of the school district to ensure that all student-athletes are adequately supervised and their behavior is adequately monitored at all times.

## BEST PRACTICES

1. Establish consistent supervisory practices that are used for all sports for supervision in all circumstances. If special conditions warrant special supervision, such as running on city streets for cross country or track practice, or traveling to a nearby facility for practice, athletic administrators and coaches must work together to establish the type of supervision that comprehensively meets the needs of the situation.
2. Establish a rotating schedule for supervision of the boarding area for activity buses.
3. Establish disciplinary actions that will be consistently enforced if athletic teams do not obey the facility rules or follow good sportsmanship practices when observing games at which their coach is assisting the varsity coach or vice-versa.

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22. 150 N.W.2d 460 (Wis. 1967).

23. *Id.* at 464.

24. *Id.* at 462.

25. *Id.* at 465-66.

4. Create a set of rules that will be used especially for teams traveling and staying overnight on out-of-town trips and share the rules with all parents/guardians. While these rules can be included in the "Parent-Athlete Handbook," a best practice includes also sending them home in writing prior to the team traveling out-of-town, and requiring a parent or guardian signature before the athlete can travel overnight with the team.

5. Never let a student stay alone in a hotel room, and never have a student room with a coach. If necessary, let the student pick a roommate to accompany the competing student to the competition. This situation can occur at individual sport state tournaments when only one student qualifies for the state tournament.

3. *The Duty to Assess an Athlete's Physical Readiness and Academic Eligibility for Practice and Competition*

The duty to assess an athlete's physical fitness for practice and competition is, for the most part, a requirement that students who wish to go out for athletics be properly screened regarding their physical health prior to participation of any type. In Wisconsin, as in other states, the state athletic association, the Wisconsin Interscholastic Athletic Association (WIAA) regulates that all students must be medically cleared through the administration of a medical exam by a physician or a properly licensed nurse practitioner prior to participation of any type.

In *Monaco v. Raymond*,<sup>26</sup> a high school student died on September 24, 1983 while playing football.<sup>27</sup>

Investigation revealed that the student had a long history of heart illness which was serious enough to preclude the playing of football. The student had been permitted to play without the required physical examination and without parental permission. The adopted policies and procedures were not followed either at the school where the deceased student was registered nor at other schools in the district.<sup>28</sup>

Most of the 300 football players had not submitted parental consent forms or medical history forms. Although the basis for the suit was the fact that the athletic administrator received a disciplinary letter in his file, and not a tort complaint from the parent of the student who died, the court commented on

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26. 471 N.Y.S.2d 225 (Sup. Ct. 1984).

27. *Id.* at 226.

28. *Id.*

the obvious legal imperative that physical exams should be utilized, and that athletic personnel have an affirmative duty to make reasonable efforts to determine if students are physically capable of performing a competitive sport.<sup>29</sup>

While most state athletic associations do not require an orthopedic screening, it is expected that the physician conducting the initial screening will refer any students with suspect conditions to an orthopedic specialist for further evaluation.

The WIAA specifies that the medical examination is good for a period of two years, but the WIAA also stipulates how the two-year period of time is determined. If the medical examination is dated after April 1 of a given school year, it is good for the next two school years. If the medical is dated prior to April 1, it is good for only the remainder of that school year and the following school year. Further, a physician or licensed nurse practitioner may shorten the period of time the medical examination covers. Therefore, it is incumbent upon the athletic administrator to keep accurate records so that ineligible students who have not been medically cleared are not allowed to participate.

Further, the medical clearance to compete also can become an issue during the season. For example, if an athlete is rendered unconscious during a contest, in most states, the state association regulations for each sport require written physician clearance to play prior to returning to competition on the same day.

Most state associations also have comprehensive eligibility regulations including age, longevity and transfer rules. The WIAA requires that students participating in athletic contests have no more than one failing grade in a mark period. In addition, many school districts may require athletes to maintain a minimum grade point average, usually 2.0 or better, in order to maintain eligibility. In *Thompson v. Fayette County Public Schools*,<sup>30</sup> the court upheld a school board policy requiring a student to maintain a 2.0 grade point average in five of six classes to remain eligible for extracurricular activities.<sup>31</sup> The court held that the school's interest in promoting academics was a reasonable basis for the policy.<sup>32</sup>

State association and school eligibility requirements should be included in the Parent-Athlete Handbook. While I am not suggesting that every state association rule should be included in the PAH, I am suggesting that in areas where frequent questions might arise, such as academic, age, longevity and

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29. *Id.*

30. 786 S.W.2d 879 (Ky. Ct. App. 1990).

31. *Id.* at 880.

32. *Id.* at 882.

basic transfer rules, those rules should be included so that parents receive as much information as possible.

In addition to the eligibility regulations stated above, most athletic associations, including the WIAA, also delineate the rules and procedures whereby a student can regain academic eligibility by going through a recertification process.

The duty to assess athlete readiness for practice and competition, more than any of the others, requires judicious monitoring of practices and games so that ineligible athletes are kept from practicing, where applicable, or competing. It requires that the athletic administrator keep accurate records and establish a process to notify coaches when students are cleared for athletics, and when their eligibility status changes.

The failure to accurately monitor the readiness and eligibility of students can lead to forfeiture of games, affecting not only the ineligible student, but the record of the team on which that student competed, the morale of his or her teammates, the rage and anger of parents/guardians of fellow team members and students for inept record-keeping by the athletic administrator or the coach, and a total lack of understanding on the part of the general public that ineligible players create team forfeits. While many may think this unfair, forfeits of team victories due to the use of ineligible players are unpleasant situations that are a fact of life in athletics, and can usually be avoided through judicious record-keeping practices.

### BEST PRACTICES

1. Prepare a packet that can be distributed to all prospective athletes. Include all forms that must be signed, such as the medical clearance examination form, "informed consent," proof of insurance, parent or guardian permission to participate, emergency medical contact card, and a copy of the "Parent-Athlete Handbook."
2. As much of the above information as possible should be included on an "Athlete Permission Form" coded by color on a five year rotating basis.
3. Athletic administrators should devise a medical "clearance card" that athletes must show to their coaches prior to being allowed to practice or compete.
4. In Wisconsin, use the WIAA Eligibility Form to check the eligibility of incoming out-of-district or out-of-state students. If in doubt, DO NOT DECLARE ELIGIBLE!

5. Establish a school-wide policy regarding the procedure by which grades can be changed. This should include a requirement that the Principal must approve all grade changes of athletes within a specific time period of the day on which report cards are distributed or the grade change will not affect eligibility status.

#### 4. *Duty to Maintain Safe Playing Conditions*

The duty to maintain safe playing conditions covers safety rules initiated by the coach, inspection of physical indoor facilities, inspection of outdoor playing facilities, assessment of weather conditions and their relation to safe playing conditions, and security provisions at athletic events.

*Laboy v. Wallkill Central School District*<sup>33</sup> is an example of a case during which a school district was found liable for not maintaining safe playing conditions.<sup>34</sup> Laboy was a pole-vaulter who was injured when he attempted an improper vault and then executed a defensive maneuver intended to avoid landing in the plant box area.<sup>35</sup> After sustaining a serious injury when he caught his ankle in a seam between two of the landing cushions, he successfully sued the school district for failure to identify a hidden risk or maintain the landing area by acquiring an appropriate surface cover.<sup>36</sup>

Safety rules should be in writing, distributed to athletes on the first day of practice, and explained and discussed with team members. New safety rules must be explained as new skills are taught, and all rules stringently and consistently enforced. Safety rules may be general in nature, such as "no one practices until a coach is present." Or the rules may be specific and intended for that particular sport, such as the rule prohibiting "spearing" in football.

Indoor facilities should be inspected on a daily basis for unsafe conditions such as warped boards on the playing floor, ceiling leaks, sharp wall protrusions, loosely anchored or mounted equipment, wood splinters, burnt out lights, etc. A written report should be prepared by the coach to notify the athletic administrator and the engineering staff that a repair is needed. If the item is not fixed, a subsequent report should be submitted until the coach is notified regarding when and what action will be taken. Often the physical education, athletic, recreation, and maintenance departments of a school will all cooperate to ensure that a safe facility is maintained.

Outdoor facilities must be checked on a regular basis for low spots, holes,

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33. 607 N.Y.S.2d 746 (App. Div. 1994).

34. *Id.* at 747.

35. *Id.*

36. *See id.*

large rocks, and lack of required safety barriers, such as proper retaining fences to protect the benches in baseball and softball. When the deficiency is noted on a facility owned by the school, the same process or notice as is used for indoor facilities can be followed.

The situation is different if a game or practice site is not owned by the school and is instead owned by a separate public or private entity. Notice must be given to the owner of the site regarding the deficiencies and the requested changes or modifications needed. If the deficiency is not addressed, then the school must make a decision regarding whether or not to discontinue use of the site. Depending on the severity of the problem, continued use of the site in spite of the noted condition could subject a school to liability if an injury or loss occurred due to that condition. At the very least, if a school must continue to use an alternate site facility, students should be warned on a daily basis regarding the condition, and safe practices should be reinforced by the coach to lessen the chances of accident or injury.

An occasional situation that can arise with the use of outdoor facilities is severe weather conditions that threaten the safety of the athletes. Coaches must develop and implement contingency plans for lightning, earthquakes, tornados, and for securing shelter for athletes when buses do not stay on site and when severe weather conditions develop during or immediately following a contest. Contingency plans should be discussed with other members of the coaching staff and practiced so that response is almost automatic.

Another area of responsibility for the athletic department is supervisory personnel who work athletic contests and the procedures established to maintain a safe environment during those contests. Supervisory and safety precautions that are established for athletic events will vary with the area of the facility and level of security to be maintained. However, whether or not security during athletic events is addressed by athletic personnel, volunteer personnel, teacher chaperones, paid security personnel, or on- or off-duty law enforcement officers, communication must be open, honest and cooperative among all entities involved in securing the facility.

There must be contingency plans established and practiced. The rules must be enforced equitably for all coaches, players, and spectators. The approach should be preventative and proactive, not reactive. Chains of command must be honored, and administrative school personnel notified immediately, in the event of any altercations, fights, arrests, or riots. Part of an effective contingency plan is mitigating the severity of the situation once it has occurred. This means that plans should also include who will be responsible for communication with the media.

Areas of special note include fire regulations and lighting. Supervisory or safety personnel on duty during contests cannot ignore fire regulations in order

to create a more secure environment for the contest. Doors cannot be chained. Certain areas of the building cannot be shut off through the use of locked gates if doing so will violate fire regulations. While a more difficult situation may exist if fire regulations are followed, a worse situation would exist if fire broke out and students were injured or killed because of lack of proper exits from the building.

Dimly lit corridors, staircases, playing areas or parking areas during night events can create hazardous situations for players and spectators alike. During the daily facility checks, coaches and athletic administrators should note areas of burnt out lights or dim lighting and should alert school maintenance and administration regarding the potential hazards.

In those facilities where basketball is played and where there is not at least ten feet between the end lines and the walls, protective padding of a sufficient thickness to protect athletes who run into the wall must be mounted on the walls during all hours of gym use.

In *Stackwick v. YMCA*,<sup>37</sup> the plaintiff fractured his wrist and dislocated his left elbow during a basketball game at the YMCA when he collided with an unpadded cement wall seven feet from the end line.<sup>38</sup> The YMCA was found negligent for failing to pad the wall in the gym in which the plaintiff was injured since walls in other gymnasiums, also operated by the YMCA, were padded.<sup>39</sup>

If glass windows are closer than ten feet from the end line, the window should be shatter-proof glass and/or padded during all hours of gym use. Further, if spectators are closer than ten (10) feet from the side lines, announcements should be made on a regular basis advising spectators that balls or players could unexpectedly enter the spectator area at any time and spectators should be vigilant.

The duty to maintain safe playing conditions is one of the duties that encompasses a far wider range of checks and balances than many of the others. Because of the inclusion of additional employed and volunteer personnel, off-site issues, and weather issues, it can be one of the most difficult areas of risk management for an athletic administrator. However, pre-planning and the use of written procedures to cover problem areas can ensure that this duty is achieved and keeps the program as risk-free as possible.

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37. 662 N.Y.S.2d 910 (App. Div. 1997).

38. *Id.* at 910-11.

39. *Id.* at 911.



## BEST PRACTICES

1. Require coaches to put all safety rules in writing, laminate them, and post them on the wall in the practice facilities.
2. Prepare indoor and outdoor facility checklists that coaches can use on a daily basis to check their practice and game areas.
3. Prepare pre-printed forms that coaches can use to report unsafe conditions.
4. Establish standard protocols to be used by all coaches in case of natural dangers such as lightning, tornadoes or other severe weather conditions.
5. If the athletic department is responsible for security during athletic events, prepare a "Procedure Manual for Security at Athletic Events," train workers, practice emergency contingency plans, use some sort of identifying garb for security or supervisory personnel, maintain consistent disciplinary practices, work closely with area law enforcement personnel, and monitor workers to ensure that all policies and practices are being followed.
6. Establish a communication plan to advise media regarding any special situations that might arise and designate ONE person as the spokesperson for the school.

*5. Duty to Provide Proper Equipment*

The duty to provide proper equipment necessitates that athletic administrators and coaches must provide equipment that is sanitary, clean, and meets all of the safety requirements of the sport.

In *Stanley v. Board of Education*,<sup>40</sup> an eight-year-old boy suffered severe head injuries during a summer recreation program when struck in the head by a bat that slipped out of another player's hands.<sup>41</sup> The bat had a worn-down handle, was not taped, and was virtually impossible to grip.<sup>42</sup> The school district had no plan of inspection and/or maintenance for any of the athletic equipment worn or used by its players.<sup>43</sup> The court held that the school was

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40. 293 N.E.2d 417 (Ill. App. Ct. 1973).

41. *Id.* at 418-19.

42. *See id.* at 419.

43. *Id.*

negligent in failing to carefully supervise the game.<sup>44</sup> The court also found that the school had a duty to inspect equipment and to not allow children to use dangerous equipment.<sup>45</sup>

Sports like football, baseball and softball require that helmets worn by student-athletes be certified by the National Operating Commission on Safety in Athletics (NOCSAE) and that all helmets used for those sports be recertified on a yearly basis. At the same time that helmets are sent out for recertification, they should be sanitized and any defective pads or straps repaired if it is possible to do so without compromising the safety of the helmet.

School-issued uniforms, school-issued pads worn in football and soccer, and school-issued shoes should all be cleaned, checked for defects, repaired where possible, and sanitized at the completion of the season. Upon their return from a reputable equipment cleaning and repair company, all items issued to students and worn for athletics should be inventoried and stored to ensure that they are ready for issue for the next season.

In addition to the obvious protective gear worn in certain sports, there are also specific requirements regarding the equipment that is used. For example, there is currently discussion regarding the exit speed of the ball off the bat in baseball and softball. Bats exceeding a safe exit speed should not be used. It should go without saying that coaches who knowingly try to slip a bat into the game that violates standards of exit speed, or a bat that has been weight-altered, are placing athletes and their school in a precarious and dangerous position regarding liability.

In some cases, safety equipment is required, but not certified. For example, helmets are required for pole vault, but there are no specific safety standards for the helmet. In cases such as these, it is important that the coach and the athletic administrator research what other schools are using and if any coaching organizations or state associations have made recommendations regarding the equipment.

In addition to checking that personal equipment is of the highest safety and sanitary standards, the issue of specifications for major playing equipment and playing surfaces can arise. Most National Federation of High Schools (NFHS) rule books have playing field, court size and marking specifications, as well as equipment specifications regarding padding on football goal posts, anchoring of soccer goals, padding on the ladders and standards for volleyball, and the size and padding depth specifications for high jump and pole vault

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44. *Id.* at 425.

45. *See id.* at 418-19.

pits. The coach and the athletic administrator must ensure that all equipment in use by the school meets all of the required safety standards.

In *Laboy*, the court found that the school was negligent for not maintaining a continuous cover over the landing pads.<sup>46</sup>

In those schools fortunate enough to have swimming pools and/or diving wells, additional issues must be taken into consideration. Is the pool or diving well deep enough to conduct a diving event? Is the shallow end deep enough for starting blocks or must the starting blocks be placed at the deep end? Must the school, if the depth specifications cannot be met in older pools, decide to cancel diving or competitive swimming because of safety factors? These are all safety issues that must be addressed by schools when deciding whether to conduct competitive swimming.

The duty to provide proper equipment is a comprehensive duty that encompasses not only an athlete's personal equipment, but also the size of the playing surfaces, major equipment used in the game and yearly recertification. In some cases, the best decision that can be made is the cancellation of an activity if the safety standards cannot be met.

## BEST PRACTICES

1. Contract with a reputable athletic equipment cleaning and repair service to clean, sanitize and repair equipment.
2. Designate one person to oversee all uniforms and equipment owned by the school. If this is not feasible, the athletic administrator must oversee the equipment and provide forms and procedures for coaches to utilize in assisting in this task.
3. Require coaches to check facilities and equipment on a daily basis, and report any irregularities in writing to the athletic administrator and maintenance staff.

### 6. *Duty to Instruct Properly*

The duty to instruct properly includes the elements of progression, complexity, athlete readiness, and safety. At a time when it is becoming increasingly difficult to hire coaches for all of the high school sports currently being offered, it becomes even more important that the hiring and supervision of coaches is addressed with as much seriousness as the hiring and supervision of classroom teachers. More will be covered regarding the hiring process in a

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46. See *Laboy v. Wallkill Cent. Sch. Dist.*, 607 N.Y.S.2d 746, 748 (N.Y. App. Dist. 1994).

discussion of the fourteenth duty.

The element of progression encompasses the ability of the coach to instruct each skill level using a progression that moves from simple to complex and from unknown to known. During the planning process, coaches should be researching successful lead-up techniques that can be used for their sport and adapting them, if necessary, to meet the needs of individual athletes. While I am not suggesting that it is necessary for coaches to prepare lengthy “lesson plans” for their practices, coaches should keep notes that are comprehensive enough to provide evidence in case something that has been taught is challenged, and comprehensive enough to provide recall for the coach should litigation subsequently occur.

Most sports contain complex techniques and moves that should be attempted only if an athlete has successfully mastered simpler techniques and is ready to progress. Teaching a complex technique involves ability on the part of the coach to break the movement into its simplest parts and then teach those parts to the athlete. Coaches who do not understand how to do this should not attempt complex moves beyond their understanding, nor should they teach athletes who are not ready to perform a more complex maneuver or skill. While some athletes are very enthusiastic about progressing quickly, coaches must assess the readiness of an individual to move to a more complex level.

In addition, while schools may have instructed parents/guardians and athletes prior to the start of the season regarding “informed consent,” coaches must continually teach and reinforce the safe way to perform a specific maneuver or skill, and should also instruct the athlete regarding possible injuries that could occur if the maneuver or skill is performed incorrectly or carelessly. In sports such as wrestling, gymnastics, diving, and football, performing a maneuver in an unsafe manner could cause serious injury, such as paralysis or even death.

In *Thompson v. Seattle Public School District*,<sup>47</sup> a high school football player was injured after lowering his head to ward off tacklers.<sup>48</sup> The court awarded damages after determining that the player was not warned of the dangers of lowering his head (a/k/a spearing) while carrying the football.<sup>49</sup>

Finally, the duty to instruct properly includes instructing athletes regarding moves that are unsafe and unsportsmanlike, are against the rules, and are used to potentially injure an opponent. While it is certainly possible that athletes

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47. See GLENN M. WONG, *ESSENTIALS OF SPORTS LAW* 110 (3d ed. 2002) (citing to the 1985 unpublished decision in *Thompson v. Seattle Public School District*).

48. *Id.*

49. *Id.*

will see such moves performed by other teams, coaches must be very clear about the level of safety and sportsmanship that is expected, and unsafe or unsportsmanlike practices must be stopped immediately.

In *Gasper v. Freidel*,<sup>50</sup> a high school student-athlete was injured while participating in a summer conditioning program, which consisted of weight training under the supervision of two high school coaches.<sup>51</sup> Both coaches were fully certified as teachers and athletic coaches by the State of South Dakota.<sup>52</sup> The court found the coaches and the school were not liable because the coaches had properly instructed and supervised the student-athletes during the conditioning program.<sup>53</sup>

The duty to instruct properly could potentially involve hours of preparation for coaches and extra time devoted to supervision by athletic administrators. However, proper instruction is of paramount importance to maintain a program in which athletes will find success, and will progress at rates commensurate with their abilities.

## BEST PRACTICES

1. Hire qualified coaches.
2. Observe practices on a regular basis.
3. Check coaching plans for appropriate lead-up activities.
4. Listen and investigate when students bring concerns regarding teaching and coaching practices to your attention or to the attention of school administrators.
5. Observe skills that are being utilized during games, and question the coach as soon as possible regarding any suspect practices.
6. Provide in-service opportunities and opportunities for coaches to attend coaching clinics in their sport(s).
7. Maintain an updated library of skill videos for the use of coaches.

### 7. *Duty to Match Athletes*

The duty to match athletes refers to a match regarding age, maturity, skill and speed. The most obvious situations where issues of mismatched athletes

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50. 450 N.W.2d 226 (S.D. 1990).

51. *Id.* at 226-27.

52. *Id.*

53. *Id.* at 232-33.

can arise are contact sports like football where physical contact is an integral part of the sport, and wrestling, where weight restrictions are established to ensure matching of athletes regarding physical size.

*Sciotto v. Marple Newtown School District*<sup>54</sup> involved an injury to a student-athlete that was the result of mismatched athletes.<sup>55</sup> During wrestling practice at Marple Newtown High School on January 10, 1997, Louis Sciotto was seriously injured when an alumni wrestler, invited back by the wrestling coaches, threw him to the floor.<sup>56</sup> When the alumni wrestler wrestled with Sciotto on January 10, 1997, the twenty-two-year-old alumni weighed approximately 145 to 150 pounds, and Sciotto was a sixteen-year-old sophomore wrestler who weighed 110 pounds.<sup>57</sup> The plaintiffs claimed that the school defendants had been warned against the use of adult wrestlers at the high school wrestling team practices prior to the incident on January 10, 1997.<sup>58</sup> As a result of being thrown to the floor by the alumni wrestler, Sciotto's spine was injured rendering him a quadriplegic.<sup>59</sup> The court denied summary judgment to the defendants, and ruled that the plaintiffs presented a genuine issue of material fact that the school district was liable because it knew of the dangers and allowed the invitation of alumni wrestlers to return and wrestle current students.<sup>60</sup>

In *City of Miami v. Cisneros*,<sup>61</sup> Ricky Cisneros, age eleven and weighing between seventy and seventy-five pounds, was a member of the city-sponsored Golden Knights football team during the 1989 football season.<sup>62</sup> The coach put Ricky in to play during an exhibition game, and Ricky broke his leg when he attempted to tackle an opposing Tiger player weighing approximately 128 pounds.<sup>63</sup> The Court ruled in favor of the player and disallowed the assumption of risk theory because the coach had promised the participant's parents that he would not play in any games against opponents over the weight of ninety pounds.<sup>64</sup>

In most high school interscholastic athletic settings, there are three to four

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54. 81 F. Supp. 2d 559 (E.D. Pa. 1999).

55. *Id.* at 562.

56. *Id.* at 561-62.

57. *Id.*

58. *Id.* at 564-65.

59. *Id.* at 562.

60. *Id.* at 579.

61. 662 So. 2d 1272 (Fla. Dist. Ct. App. 1997).

62. *Id.*

63. *Id.* at 1273.

64. *Id.* at 1275.

levels of competition to accommodate the skill levels and maturity of the athletes. These levels may be freshman (usually ninth graders), sophomore (usually open to freshmen and sophomores), junior varsity (usually open to freshmen through juniors), and varsity (usually open to freshmen through seniors). In most cases, an athlete progresses through the various levels. However, there can be situations where a ninth or tenth grader may possess extraordinary skills and may be "moved up" to the appropriate level of skill. This type of movement, however, usually occurs in sports where there is not as much physical contact as in football.

If a freshman, for example, is moved up to the varsity level, there could be concerns regarding social development raised because of a three to four year age gap with teammates. However, holding a student-athlete back from playing on the appropriate team commensurate with the athlete's skill level is not fair to the athlete. Athletes strive to reach the varsity level of play in high school. To unfairly restrict the athlete from playing on the varsity team because one is concerned regarding possible social development issues could, in my opinion, create more problems than it could solve.

While a school certainly cannot control or influence the skill levels or size of opponents, the coach at a given school can be careful when pitting students against each other during scrimmages and practice games. A state champion senior wrestler should not be scrimmaging against a freshman who has just come out for the sport. This does not mean that the senior cannot aid the freshman, but to wrestle the freshman in any type of competition would be dangerous for both of them.

In addition to the care that schools must exercise during practices and scrimmages, there are also age rules established by the state association. In Wisconsin, as in most states, the WIAA prohibits an athlete who has reached nineteen before August 1 of a given year from competing. In Wisconsin, longevity rules governing consecutive semesters of eligibility limit a student-athlete to eight consecutive semesters of eligibility from the time the student enters high school, whether or not the student has competed during all eight semesters. While in Wisconsin both the age and consecutive semester rules can be appealed to the WIAA Board of Control, the rules exist specifically to minimize the chances of a mismatch.

In the case of *Reaves v. Mills*,<sup>65</sup> a student-athlete sought a temporary restraining order to allow him to play in a November 11, 1995 football game.<sup>66</sup> Because he had been held back one year, he violated a New York state

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65. 904 F. Supp. 120 (W.D.N.Y. 1995).

66. *Id.* at 121.

regulation that prohibited students who reach the age of nineteen prior to September 1 from participating in high school interscholastic athletics.<sup>67</sup>

The mother alleged that the son was classified as “educable mentally retarded,” and as a result, he remained one year behind in grade level.<sup>68</sup> She sought a preliminary injunction directing defendants to waive the age requirement and allow the son to play in a football game.<sup>69</sup> The court held that the state’s limitation for participation in interscholastic sports was based on a student’s age, not mental abilities; and that the rule had been uniformly applied because of age since the son had participated until he turned age nineteen without suffering any discrimination because of his alleged mental capacity.<sup>70</sup>

The duty to match athletes must take into consideration the age, physical size, physical maturity, and skill level of all athletes in all sports. While the issue of a mismatch is more crucial in contact sports, it is a duty that must be met to ensure, as much as possible, the safety of all athletes in the school’s athletic program.

#### BEST PRACTICES

1. Check age and semester in school very carefully.
2. Match athletes by size and weight, rather than by grade, in contact sports such as football.

#### 8. *Duty to Provide and Supervise Proper Physical Conditioning*

The duty to provide physical conditioning must take into consideration the development of the musculoskeletal and cardiovascular systems of the athletes and the type of conditioning needed for a particular sport.

Musculoskeletal conditioning usually involves some type of weight training preceded and/or followed by stretching exercises to maximize the effect of the weight training.

Cardiovascular training involves some type of aerobic exercise that will elevate and maintain the heart rate at an elevated level for a specified period of time dictated by the particular training regimen. While running and cycling immediately come to mind, there are periodically innovative pieces of equipment and training techniques that become available and are intended to

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67. *Id.*

68. *Id.*

69. *Id.*

70. *Id.* at 125.



maximize cardiovascular exercise, such as step or water aerobics or pilates.

All regular practices should include warm-up exercises, flexibility exercises, aerobic exercises, skill training, and a cool-down period at the end of practice. Weight training is usually not conducted on a daily basis in order to give the musculature a chance to recuperate.

Meeting the duty to condition test is important because it helps to maintain the health of the athlete and reduces the risk of injury. It is certainly in the school's best interests to develop a weight room for its athletes and to require all coaches to attend specialized training in conditioning specific to their sport.

### BEST PRACTICES

1. Hire a weight room coach who devises an individualized weight training regime that suits the needs of each athlete.
2. Provide coaching clinics specifically geared to the prevention of injuries through musculoskeletal and flexibility conditioning.
3. Provide coaching clinics regarding the latest conditioning techniques that will not only be effective for the athletes, but also cost-effective for the school.
4. Check local fitness clubs that will often donate or sell perfectly acceptable conditioning or weight training equipment at a reduced cost, and check retailers that specialize in selling used conditioning equipment to reduce the cost of equipping a weight training and fitness center for the school.

### 9. *Duty to Warn*

The duty to warn is known also as "informed consent." Parents/guardians and athletes have a right to information regarding the possibility of injury, paralysis, and death that is inherent in all sports.

In *Ohnstad v. Omaha Public School District*,<sup>71</sup> the plaintiff's son was severely injured when he fell head first into a pole vault planting box.<sup>72</sup> He died six days later from his injuries.<sup>73</sup> The father filed suit alleging, among other things, that the coach failed to properly warn the plaintiff's son regarding the risks involved in pole vaulting.<sup>74</sup> Both the trial court and the appeals court

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71. 232 N.W.2d 859 (Neb. 1989).

72. *Id.* at 860.

73. *Id.*

74. *Id.*

found in favor of the plaintiff.<sup>75</sup>

And in *Baker v. Briarcliff School District*,<sup>76</sup> a field hockey player was injured during practice when another player struck her in the mouth with a field hockey stick.<sup>77</sup> Plaintiff was not wearing a mouth protector at the time.<sup>78</sup> Given the admission by the field hockey coach that she did not instruct the team before practice to wear their protectors and that she noticed a half hour before the accident that the injured party was not wearing her protector, and the affidavit of the injured party's expert witness opining that it was the coach's duty to ensure before the start of any practice that the players had on their protective equipment, the court found for the plaintiff.<sup>79</sup>

In addition to general information, coaches are expected to warn athletes regarding unsafe practices within their sport. Maneuvers that are unsafe cannot be tolerated. While each sport has its "dirty bag of tricks," athletes must be warned that these often dangerous and hurtful maneuvers will not be tolerated on the team and will be met with disciplinary action.

Information regarding "informed consent" should be given to parents/guardians and athletes in writing. Often schools require that a videotape be viewed prior to an athlete being declared eligible for participation. A signature should be obtained from both the parent/guardian and the athlete indicating that they understand the dangers inherent in participation in athletics, and if available, that they have viewed the video.

This duty, when breached, can make the school very vulnerable to legal liability. It is incumbent upon the school to have procedures in place that warn of dangers, to require signatures which prove that the athlete and his or her parents or guardians were warned, and to keep accurate records regarding the accomplishment of "informed consent" procedures with all of its athletes.

## BEST PRACTICES

1. Require all parents/guardians and athletes to view a videotape on "informed consent," prior to signing a statement indicating their understanding of the dangers inherent in athletics, and granting permission for a student to participate.
2. Emphasize safe coaching techniques on an ongoing basis with all

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75. *Id.* at 861.

76. 613 N.Y.S. 2d 660 (N.Y. App. Div. 1994).

77. *Id.* at 661.

78. *Id.* at 662.

79. *Id.* at 661-62.

members of the coaching staff.

#### *10. Duty to Ensure that Athletes are Covered by Injury Insurance*

In general, the duty to ensure that athletes are covered by injury insurance has not historically been a requirement of all state associations or of school districts. In Wisconsin, the WIAA does not require that athletes demonstrate that they have health insurance that will cover them in case of injury. Some school districts may offer a supplemental insurance package to students that includes sports coverage at an extra cost, or may elect to cover the entire student body with catastrophic accident insurance.

Some school districts require that students show actual physical evidence of insurance coverage prior to participating in the athletic program.

While the duty to ensure that athletes are covered by injury insurance continues to promote discussion and raise issues in school districts with indigent families, the fact is that requiring such coverage can help protect the district from being sued for medical costs in case of injury to an athlete. For example, in *Williams v. East Baton Rouge Parish School Board*,<sup>80</sup> the school board was found liable for damages the plaintiff sustained as a result of “[defendants’] failure to ensure that [plaintiff] had available insurance coverage.”<sup>81</sup> In *Williams*, the student was injured in a football game, which he was allowed to compete in despite telling the coach he did not have insurance.<sup>82</sup>

#### BEST PRACTICES

1. Require that all students provide proof of insurance prior to athletic participation.
2. Prepare a list of all social services agencies in your area that can assist in helping indigent families secure the needed insurance coverage.
3. Contract with a school insurance provider that also includes coverage for athletics at an additional cost.
4. Contract with a school insurance carrier for catastrophic insurance that will cover all students in the athletic program.

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80. 723 So. 2d 1093 (La. Ct. App. 1998).

81. *Id.*

82. *Id.* at 1098.

### *11. Duty to Develop an Emergency Response Plan*

The duty to develop an emergency response plan is really at the heart of risk management. This duty requires that for every site at which a team practices or competes, the coach must have an emergency response plan that can be put into action immediately.

A primary reason for an emergency response plan is the fulfillment of the duty to provide emergency medical care, as discussed in Duty Twelve, but also to require advance planning so that coaches will immediately respond and not waste valuable time trying to determine an appropriate course of action. An important part of providing an effective emergency response is to maintain accurate “emergency response cards.” These cards should be submitted to the athletic administrator prior to an athlete participating in any sport and should be part of the eligibility process. Each card should contain the following:

- Name and address of each athlete;
- Home telephone number of each athlete;
- Name of a primary and a secondary emergency contact person;
- Addresses for the emergency contact persons;
- Home, work and cellular telephone numbers for the emergency contact persons;
- Blood type of each athlete;
- Any allergies or special medical conditions;
- Current medications;
- Name and address of preferred hospital;
- Name and telephone number of the athlete’s personal physician or alternate health care provider;
- Name of insurance company, identification name and identification number of primary person covered by the policy.

Once the athletic administrator has declared that an individual is eligible, the emergency contact cards for each athlete participating in a particular sport should then be given to the coaches, and each coach should keep the cards for his or her student-athletes in a plastic bag in each first aid kit used for that sport. Because athletes may move between levels of a sport, i.e., varsity to junior varsity and vice versa, it is important that all of the coaches for that sport have the name of each athlete with them at all times.

A pre-printed form entitled “Emergency Response Plan” should be given to each coach prior to the beginning of his or her sport. The coach should

complete this form and use it to develop the emergency response plans for all of the sites visited within the season of the sport. Areas should include:

- Name and address of the site;
- Name of the coach in charge;
- Telephone numbers to be used to contact emergency personnel;
- Who will stay with the athlete and administer first aid;
- Who will monitor other athletes while the needs of the injured athlete are addressed;
- Who will call for help and where a telephone is located to contact help (It is recommended that all coaches, when away from the home school, should carry cellular telephones to enable them to call for help immediately);
- How and where emergency personnel and vehicles should enter the field or facility, and who will meet them to direct them;
- Who will accompany the athlete to the hospital if that is necessary;
- Who will notify the parents or guardians and give them accurate information regarding the injury and the hospital to which the athlete has been conveyed. If the injured athlete goes home with parents or guardians, urge them to have the injury checked by qualified medical personnel as soon as possible.

It should be noted that prior to the coach being able to obtain any medical information regarding an athlete's injury, the hospital or treatment facility will require that a release, in accord with current HIPPA regulations, be signed by the student's parent/guardian. The school should develop a form specifically for this purpose and either require it be signed prior to the start of the season, or have it readily available from coaches in case of accident or injury to a student-athlete.

When developing an emergency response plan for the school, the athletic administrator should ensure that all necessary first aid equipment and auxiliary equipment, such as spine boards and automatic electronic defibrillators (AEDs), is available and that there is at least one person on duty at all times who is trained to use the emergency equipment.

When particularly difficult coaching situations, such as long distance training for runners, must be conducted on city streets or in parks and woodlands, special measures must be taken to ensure the safety of the athletes. Instructions regarding the course of action to take in case of injury or emergency must be communicated to athletes and repeated often with athletes

and members of the coaching staff for reinforcement.

In *Mogabgab v. Orleans Parish School Board*,<sup>83</sup> a wrongful death action was brought by the parents of a high school football player who suffered from heat stroke and heat exhaustion at a high school football practice and subsequently died.<sup>84</sup> The plaintiffs alleged that the coaches were negligent in making arrangements for the proper care and treatment of sick or injured players.<sup>85</sup> The Louisiana Court of Appeals found the coaches liable because they actively denied access to treatment and failed to provide adequate safeguards to prevent accidents, injuries and sickness of their high school football players.<sup>86</sup>

The importance of developing an emergency response plan cannot be underestimated. It is important that coaches are very clear regarding their responsibilities for the development, practice, and implementation of an emergency response plan for their sport.

#### BEST PRACTICES

1. Provide "Emergency Contact Cards" for all student-athletes and require their submission prior to being declared eligible for athletics.
2. Provide carbonless duplicate "Emergency Response Plan" forms for coaches to complete and require that a copy be submitted to the athletic administrator for each practice and competition site.

#### 12. Duty to Provide Proper Emergency Care

The duty to provide emergency care simply requires that coaches are trained in first aid and cardio pulmonary resuscitation (CPR), and have some knowledge and skill in the area of athletic training.

In *Welch v. Dunsmuir Joint Union High School District*,<sup>87</sup> a high school football player was injured during a scrimmage between two high school teams and brought suit against the school district.<sup>88</sup> The player was lying on the ground unable to get to his feet.<sup>89</sup> One coach suspected the player might have a serious neck injury and had him take hold of his hands to see if there

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83. 239 So. 2d 456 (La. Ct. App. 1970).

84. *Id.*

85. *Id.* at 457-58.

86. *Id.* at 460-61.

87. 326 P.2d 633 (Cal. Dist. Ct. App. 1958).

88. *Id.*

89. *Id.* at 635.

was any grip in them.<sup>90</sup> The evidence was conflicting as to whether or not the team physician, who was present at the scrimmage, examined the player before he was moved to the sidelines.<sup>91</sup> Evidence indicated, however, that the plaintiff was carried from the field without the aid of a stretcher, spine board, or any other solid structure beneath him.<sup>92</sup> Medical testimony established that the plaintiff became a quadriplegic caused by damage to the spinal cord.<sup>93</sup>

The jury ruled for the plaintiff and the appeals court held that from the evidence presented, the jury could have reasonably inferred that both the physician and the coach were negligent in the removal of the plaintiff from the playing field.<sup>94</sup>

Coaching qualification determined by the school district should include first aid, CPR and athletic training. The district should provide some type of ongoing training or, at the very least, provide information regarding entities that conduct such training. Further, if a coach does not have the necessary training prior to being hired, the deficiencies should be noted and a time frame established for completing training.

In today's society, when many schools must transport athletes to an alternate site for practice, it is incumbent upon the school to ensure that all athletes will be properly administered to in case of accident or injury.

The duty to provide emergency care requires training of coaches that is extensive enough to prepare them for the types of injuries that can often occur in their sports. This requirement places a burden on the school district to ensure that all of its coaches maintain their emergency certification. Should an injury or accident occur during an athletic event or practice, and insufficient or incorrect aid is given to an injured athlete, the school could face costly litigation. On the other hand, if sufficient training is required of all coaches, the risk of possible litigation can be minimized and a safer environment for all of the athletes can be provided.

#### BEST PRACTICES

1. Provide ongoing opportunities for training in first aid, CPR, and athletic training.
2. Require that all swimming coaches possess current lifesaving certification.

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90. *Id.*

91. *Id.*

92. *Id.*

93. *Id.* at 635-36.

94. *Id.* at 639.

3. Provide fully stocked first aid kits and maintain supplies on an ongoing basis.

### *13. Duty to Provide Safe Transportation*

The means used to fulfill student transportation needs can vary greatly depending on the culture of the particular school or school district. In some schools or districts, owning the school buses or vans and contracting their own drivers seems to be the best way to address transportation needs. In others, school buses are contracted from a vendor, and the drivers are hired and paid by the bus company. In still other schools and districts, it may be the practice for parents to drive their own children and other students to and from school and athletic practices and events, or for the students to drive themselves.

Unfortunately, for many schools and districts, convenience and not risk management is the deciding factor when it comes to transportation. The simple fact is that when schools and districts use any means of transportation other than a contracted vendor, the chances of liability and litigation are greatly increased.

When coaches drive athletes to contests in their private vehicles, the coaches' insurance carriers are the primary carriers, and their insurance coverage will be exhausted prior to the school or district being asked to pay one cent.

If parents drive students other than their own children to and from athletic practices and events, the insurance of the person driving is the primary carrier. Even if written permission is on file with the school specifically permitting adults to drive students other than their own, the parents doing the driving and using their insurance policies are the primary insurers in the event of liability.

In addition, team members driving themselves to and from athletic contests should be discouraged, if not totally prohibited. And it goes without saying that the school should never sanction that student-athletes may transport other student-athletes to organized practices or events. In cases where students are driving other students, the school has not taken appropriate measures to provide safe transportation to and from an organized athletic activity.

In *Verhel v. Independent School District*,<sup>95</sup> a cheerleader brought suit against the school district after she was injured in an auto accident while riding in a car driven by another cheerleader.<sup>96</sup> Since the cheerleaders were

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95. 359 N.W.2d 579 (Minn. 1984).

96. *Id.* at 583.



"bannering" the homes of the football players, and since the activity was considered a normal activity of cheerleaders, the school was held liable for failure to supervise and for failure to provide safe transportation.<sup>97</sup>

For example, in *Hanson v. Reedley Joint Union High School District*,<sup>98</sup> a tennis coach allowed team members who had cars to take other team members home.<sup>99</sup> One of the cars taking players home got into an accident that resulted in the death of one student and serious injuries to another.<sup>100</sup> The court found the school district liable for the negligence of its employee.<sup>101</sup> The court determined that the coach had failed in his duties to exercise reasonable care and provide the students with transportation.<sup>102</sup>

In the final analysis, the safest means of transporting students is via contracted vendor. In Wisconsin, the liability shifts to the vendor in cases of accident or injury. In *Lofy v. Joint School District No. 2*,<sup>103</sup> the Supreme Court of Wisconsin held that a school district can, by contract, assign its duty of care to provide safe transportation over to a licensed common carrier and minimize any potential liability.<sup>104</sup> In those cases where particular situations arise, written permission should be secured prior to sanctioning any other type of transportation.

For example, there may be students who must drive to school and then to their jobs after practice. In these cases, it may be impossible for the student to attend practice and get to his or her job on time without permission to drive to practice, especially if the practice is off school grounds, or to drive to an away event. A signed, written permission slip containing an explanation of liability should be secured from the parent or guardian prior to permitting any student to drive to practices or games.

Second, the situation may arise where parents or guardians come to events on a regular basis. A child may have a close friend living nearby who is also on the team, and the parents of both children may share driving duties. Again, the school should have written permission from both sets of parents to grant the other parent permission to drive their child's friend home from practices and games. Put simply, this is an issue of liability for the school if the school grants permission for another adult to convey a student home from organized

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97. *Id.* at 593.

98. 111 P.2d 415 (Cal. Ct. App. 1941).

99. *Id.* at 417.

100. *Id.*

101. *Id.* at 419.

102. *Id.*

103. 166 N.W.2d 809 (Wis. 1969).

104. *Id.* at 814.

practice or an athletic event in which the students are participants without the parent's or guardian's permission.

The issue here is not whether students will normally drive other students to parties. The issue is not whether friends will normally transport their children and their friends' children in private vehicles. The issue is whether the school is sanctioning a particular form of transportation for its student-athletes to and from practices and games. It is in those situations that schools and districts must provide as safe a form of transportation as possible to avoid liability and to ensure the health and safety of their student-athletes.

### BEST PRACTICES

1. If school funding is available, use only contracted vendors to transport students.
2. If students must use their own vehicles, provide a pre-printed form that parents must sign indicating their understanding of the liability involved and waiving liability for the school.
3. Provide a "Parent Permission Slip" for students wishing to ride with adults other than their own parents.
4. Include all transportation rules in the 'Student-Athlete Handbook' for your school so that all parents or guardians are put on notice regarding the school district's athlete transportation policies.

#### *14. Duty to Select, Train, and Supervise Coaches*

The duty to select, train, and supervise coaches is one of the most important preventive risk management duties for any school or district, yet it is one that can often be the most neglected. The hiring, training, supervision, and evaluation of coaches is a step-by-step process that must be in place prior to the hiring of the coach.

First, there must be a job description and a set of qualifications for all coaching jobs in the district. The description and qualifications should be part of the employment advertisement of the position. As part of the initial screening process, the administrator in charge of hiring should carefully screen all candidates to ensure that they at least meet minimum qualifications for the job. Further, areas of deficiency should be noted for further reference.

Second, all applicants should go through the same hiring process – the same application, the same screening process, the same questions during the interview process, and the same appointment and procedural conference once the individual is hired for the position.

42 U.S.C. § 2000e-2(a) states:

It shall be an unlawful employment practice for an employer —

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or

(2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.<sup>105</sup>

To avoid the appearance of impropriety and to avoid future hiring challenges, a standard employment advertising process and application form should be used for all coaching positions. Most districts do not have separate application forms for coaching positions. While I suggest that the hiring process should be similar to that used for other open positions in the district, the coach's application form should include requests for historical information regarding past coaching positions held on the high school level. Further, there should also be questions regarding experience playing the sport for which the applicant is applying. A deadline date for applications should be established and used as part of the screening process.

Once individuals are initially screened for qualifications, a list of the top three to five candidates should be prepared. Candidates who will be interviewed must be notified in writing regarding the particulars of the interview: date, time, place, length, and materials required to be brought to the interview (if any). Candidates who have not made the final list should be so notified.

At the interview, questions should be available for the candidates to read, normally taped to the desk surface in front of the candidate, and interviewers should read and ask the questions as they appear on the list. Each interviewer on the panel should independently rate all of the applicants. Once everyone has been interviewed, the interview results must be compiled and the panel must rank candidates and recommend them to the hiring administrator.

It should be noted here that in some districts, the athletic director hires coaches. In others, the final hiring responsibility rests with the principal. In still others, it is conceivable that the Human Resources Department may hire

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105. 42 U.S.C. § 2000e-2(a) (2000).

coaches. However, the advertising, screening and interview process should remain consistent regardless of who is responsible for the final decision regarding hiring of coaches.

Once an individual is hired, a letter of appointment that specifically states the position to which the person is appointed, the supervisor, the starting date, the length of the appointment, and any contingencies upon which the hiring will be based, such as passing a drug or criminal background test, should be sent to the person hired. All other interviewees should be sent a letter informing them that another individual was chosen for the position and thanking them for their interest.

After the newly appointed coach has passed all of the tests, an intake conference should be held between the coach and the athletic administrator and/or the person who will be supervising the performance of the coach. That conference should include expectations of the job, conference and school rules, the employment evaluation process, the setting of individual goals for the season, identification of any deficiencies that must be addressed and a timeline for doing so.

Training opportunities should be offered by the district on an ongoing basis, and information regarding individual coaching clinics relayed to the coaches as the information is made available. Observations of the coach should be made during the season in both practice and game situations. If serious problems are identified during these observations, these problems should be addressed with the coach immediately.

At the end of each season, a meeting should be held between the entire coaching staff of a sport and the athletic administrator to discuss the season. Individual conferences should be held with each coach to review the season, the goals established prior to the season, and any other issues that might arise during the conference.

During the entire hiring, training and supervision process, all contractual requirements must be followed. Adherence to the rules of the contract is important since it immediately sets an example for the coaches that the district will follow its employment related rules, and, likewise, that the coaches are expected to follow the rules established by the district.

*Collins v. Royal School District No. 160*<sup>106</sup> is a situation very similar to those that can arise when hiring coaches.<sup>107</sup> Appellant school bus driver brought a suit in the Superior Court of Grant County, Washington appealing appellee-school district's denial of his grievance for failing to hire him for a

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106. No. 23970-5-III, 2006 Wash. App. LEXIS 810667 (App. Div. Mar. 30, 2006).

107. *Id.*

groundskeeper position.<sup>108</sup> The court found that the driver's qualifications were "significantly less" than those of the outside applicant who was hired and that the district had complied with the contractual requirements with regard to the hiring.<sup>109</sup> The driver appealed.<sup>110</sup> Because the trial court determined that the driver sought to leave his job in the transportation classification and acquire a position in the maintenance classification, his seniority was not considered when bidding for a new position.<sup>111</sup> Under the collective bargaining agreement (CBA), seniority rights were only recognized within classifications. A preference was given only if qualifications were "relatively equal."<sup>112</sup> The trial court properly applied the explicit language of the CBA when it found that the driver's qualifications were significantly less than the outside applicant. The judgment of the trial court was affirmed.<sup>113</sup>

A shortage of candidates for coaching positions should never be an excuse for shortcutting the hiring process. In cases of litigation, the hiring and supervisory process, as well as procedures followed by the district to monitor coaches, will come under scrutiny. A district which consistently maintains high standards in its hiring and supervision of coaches may eventually be challenged, but the consistency and transparency of the hiring and supervisory process for coaches can serve as a major defense for the district, especially in cases where coaches do not follow the procedures and have already been disciplined for procedural breaches.

## BEST PRACTICES

1. Establish a written job description for every coaching position.
2. Establish a list of qualifications for all coaching positions.
3. Consistently and conscientiously follow the same procedures for the hiring of all coaches.
4. Conduct criminal background checks and drug tests on all final applicants prior to hiring.
5. Supervise practices and games.
6. Conduct end-of-season debriefings with each coach.

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108. *Id.* at \*1.

109. *Id.*

110. *Id.*

111. *Id.* at \*3.

112. *Id.* (emphasis added).

113. *Id.* at \*7 (emphasis added).

#### IV. CONCLUSION

While the task of meeting the “14 Duties of Care” may initially seem overwhelming, strict adherence to these duties can be a tremendous benefit for any school district in conducting a safe athletics program for students that is firmly grounded in sound risk management principles.

No school district needs to experience the anguish and time needed to defend a lawsuit. Yet many school districts do not follow good risk management practices that can be effective aids in developing a safe program, and therefore, an effective defense, should litigation occur.

The duties and best practices set forth in these materials should not be construed as substitutes for legal counsel normally provided to school districts, but simply as issues to be considered in developing safe athletic programs for their student-athletes.

APPENDIX – SAMPLE FORMS<sup>114</sup>

Form 1: Accident Report

Form 2: Athletic Permission Form

Form 3: Authorization for Release of Medical Information

Form 4: Emergency Contact Card

Form 5: Emergency Response Plan

Form 6: Transportation Liability Waiver – 3 Items

Form 7: Transportation Liability Waiver – 4 Items

AUTHOR'S NOTE: I do not recommend the practice of students driving other students, but in conducting risk assessments at high schools, there are schools so situated that this is a necessity. As a result, the waiver with four (4) items was developed. The issue of bargaining, raised in *Atkins v. Swimwest*,<sup>115</sup> is, in my opinion, inherent in that students are electing to take other than school-provided transportation. Since the courts have not addressed the definition or explanation of bargaining in the context of exculpatory waivers, I suggest use of this form until the courts issue more definitive explanations.

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114. The sample forms provided in this appendix should be used only after consulting an attorney for the school district who can review and approve the forms for use within that particular school district.

115. 691 N.W.2d 334, 336 (Wis. 2005).

**FORM1: SCHOOLNAME HIGH SCHOOL STUDENT-ATHLETE ACCIDENT REPORT**

Name of student: \_\_\_\_\_ Date of accident: \_\_\_\_\_

Time of accident: \_\_\_\_\_ AM PM Activity engaged in: \_\_\_\_\_

Name of coach in charge: \_\_\_\_\_

Describe exact location where accident occurred:

\_\_\_\_\_  
\_\_\_\_\_

Describe briefly how the accident occurred: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Was first aid administered? \_\_\_\_\_ By whom? \_\_\_\_\_ Describe the first aid that was administered prior to the arrival of emergency personnel (if called): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

If emergency personnel were called, list the full names, badge or ID numbers, and company of individuals responding to the scene:

\_\_\_\_\_  
\_\_\_\_\_

Was athlete conveyed to a hospital? \_\_\_\_\_ Name of hospital: \_\_\_\_\_

When and by whom were parents/guardians notified of the accident? \_\_\_\_\_

\_\_\_\_\_  
Who obtained written witness statements? \_\_\_\_\_

List names, dates of birth, full addresses and at least one telephone contact number of all witnesses from whom written statements were obtained:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ATTACH ALL WITNESS STATEMENTS AND A FULL WRITTEN DESCRIPTION OF HOW THE ACCIDENT OCCURRED TO THIS REPORT. SUBMIT ALL REPORTS TO THE ATHLETIC DIRECTOR WITHIN 48 HOURS OF THE OCCURRENCE OF THE ACCIDENT.



**FORM 2:****SCHOOLNAME HIGH SCHOOL ATHLETIC PERMISSION FORM**

Student Name: \_\_\_\_\_ Year of Graduation: 20-\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Birth Date: \_\_\_\_\_ Telephone #: ( ) \_\_\_\_\_ Home Room : \_\_\_\_\_  
Mm/dd/yyyy

Health Insurance Carrier: \_\_\_\_\_ Policy Number: \_\_\_\_\_

**Permission to Participate**

I hereby give my permission for the above-named student to practice, compete, and represent the school in WIAA regulated interscholastic sports except any restrictions as noted on the current, effective physical examination card as completed by a licensed physician or advanced practice nurse prescriber.

**Responsibility to Return All School-Issued Uniforms/Equipment**

I agree to be financially responsible for the safe return of all athletic uniforms and equipment issued to him/her. I understand that my son/daughter is responsible for any uniform or equipment that is assigned specifically to him/her, and agree to reimburse the school the actual replacement value of the uniforms/equipment in the event that they are lost or stolen. I understand that failure to reimburse the school in a timely fashion could affect my son/daughter's athletic eligibility.

**Permission for Emergency Medical Care and Conveyance**

I further grant permission for my son/daughter, named above, in case of injury as a result of athletic participation, to be given emergency attention/care by the athletic trainer, the team physician or any other physician present, and to be conveyed to an emergency medical facility, if needed. I understand that all medical costs that could occur of such conveyance and subsequent treatment are the sole responsibility of the parents/guardians, and I understand that Schoolname High School will assume no liability for the cost of said conveyance or treatment.

**Informed Consent**

I understand that injuries could occur as a result of participation in athletics. I understand that these injuries could include minor injuries such as bruises or abrasions, muscle strains, sprains, or broken limbs. I understand that it is possible that a catastrophic injury could occur rendering my son/daughter paralyzed, and that death could also occur as a result of a catastrophic injury.

**Insurance Waiver**

I certify that I have adequate insurance coverage on the above-named student to cover medical expenses in the event of an athletic-related accident or injury, and that I also have the option of enrolling in a school-sponsored student accident insurance plan. I also understand that I have the right to waive enrollment in the school-sponsored plan if I believe that the above-named student is adequately covered by my current insurance carrier.

**Parent-Athlete Handbook**

I have read, understand, and agree to abide by the rules set forth in the Schoolname Parent-Athlete Handbook.

**Signature**

By signing this form I am attesting to the fact that I understand and agree to all conditions set forth on this form and in the Parent-Athlete Handbook, that if I have not understood any information, I have sought and received an explanation, and am fully aware that I am granting permission for the above-named student to participate in the Schoolname Athletic Program.

\_\_\_\_\_  
Parent/Guardian Signature\_\_\_\_\_  
Date\_\_\_\_\_  
Student-Athlete Signature\_\_\_\_\_  
Date

**FORM 3: AUTHORIZATION FOR RELEASE OF MEDICAL  
INFORMATION**

*Schoolname High School*

Pursuant to the requirements of the Health Insurance Portability and Accountability Act of 1996 and the regulations promulgated thereunder (collectively known as "HIPAA"), I authorize health care providers of **ATHLETE NAME:** \_\_\_\_\_, **DATE OF BIRTH:** \_\_\_\_\_, to disclose medical information regarding the injury and treatment of named individual to the following representatives of Schoolname High School: Athletic Director, Athletic Trainer, Team Physician, and Team Coach for the purposes of treatment, emergency care and injury record-keeping.

Medical Information, in this context, pertains only to patient health care records regarding a specific injury and the treatment thereof. The request for medical information includes all patient health care records regarding the care, evaluation, referral or treatment including, but not limited to, any and all records, reports, correspondence, radiographic films pertaining to the care and treatment of an injury sustained by the above-named student-athlete on \_\_\_\_\_. **(SCHOOL WILL INSERT DATE OF INJURY.)** This includes all portions of my medical records which my physicians, or other health care providers, or I have specifically designated as "confidential."

I understand that my signed authorization will be kept in a locked cabinet along with all medical information received and that said information will be available only to the individuals named above.

Treatment, payment, enrollment or eligibility of benefits may not be conditioned on obtaining patient's authorization.

The purpose of disclosure of medical records is to facilitate treatment of injured student-athletes. I understand that the information obtained by the use of this authorization may be subject to re-disclosure and the information obtained is therefore no longer protected by HIPAA.

This consent is revocable by the patient at any time except to the extent that the provider listed above has taken action upon it. A revocation is effective by the Health Care Provider listed above upon receipt of a written request to revoke, and a copy of the executed authorization form. A photocopy of this authorization shall be considered as valid as the original. This authorization shall remain in effect for one year from date of signing.

**This authorization specifically authorizes the health care provider named above to disclose records created at any time after the signing, regarding the specific injury, until the authorization expires one year from the date of signing.**

\_\_\_\_\_  
Athlete's (Patient) Signature

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Parent/Guardian's Signature

\_\_\_\_\_  
Date Signed

**FORM 4: SCHOOLNAME H.S. EMERGENCY CONTACT CARD**

Name: \_\_\_\_\_ Address: \_\_\_\_\_ City: \_\_\_\_\_

Zip code: \_\_\_\_\_ Home telephone: \_\_\_\_\_ Cellular phone: \_\_\_\_\_

**Primary Contact Person:**

Name: \_\_\_\_\_ Address: \_\_\_\_\_ City: \_\_\_\_\_

Home phone #: \_\_\_\_\_ Work phone #: \_\_\_\_\_ Cellular phone #: \_\_\_\_\_

**Secondary Contact Person:**

Name: \_\_\_\_\_ Address: \_\_\_\_\_ City: \_\_\_\_\_

Home phone #: \_\_\_\_\_ Work phone #: \_\_\_\_\_ Cellular phone #: \_\_\_\_\_

**Medical information for Athlete:**

Blood Type: \_\_\_\_\_ List any allergies: \_\_\_\_\_

List any special medical conditions: \_\_\_\_\_

List current medications: \_\_\_\_\_

Name of athlete's personal physician: \_\_\_\_\_ Phone #: \_\_\_\_\_

Preferred hospital: \_\_\_\_\_ Name of insurance carrier: \_\_\_\_\_

Insurance ID#: \_\_\_\_\_ Name on insurance card: \_\_\_\_\_

Comments: \_\_\_\_\_

**SCHOOLNAME H.S. EMERGENCY CONTACT CARD**

Name: \_\_\_\_\_ Address: \_\_\_\_\_ City: \_\_\_\_\_

Zip code: \_\_\_\_\_ Home telephone: \_\_\_\_\_ Cellular phone: \_\_\_\_\_

**Primary Contact Person:**

Name: \_\_\_\_\_ Address: \_\_\_\_\_ City: \_\_\_\_\_

Home phone #: \_\_\_\_\_ Work phone #: \_\_\_\_\_ Cellular phone #: \_\_\_\_\_

**Secondary Contact Person:**

Name: \_\_\_\_\_ Address: \_\_\_\_\_ City: \_\_\_\_\_

Home phone #: \_\_\_\_\_ Work phone #: \_\_\_\_\_ Cellular phone #: \_\_\_\_\_

**Medical information for Athlete:**

Blood Type: \_\_\_\_\_ List any allergies: \_\_\_\_\_

List any special medical conditions: \_\_\_\_\_

List current medications: \_\_\_\_\_

Name of athlete's personal physician: \_\_\_\_\_ Phone #: \_\_\_\_\_

Preferred hospital: \_\_\_\_\_ Name of insurance carrier: \_\_\_\_\_

Insurance ID#: \_\_\_\_\_ Name on insurance card: \_\_\_\_\_

Comments: \_\_\_\_\_

**FORM 5: EMERGENCY RESPONSE PLAN****Sport:** \_\_\_\_\_

Site or Situation: \_\_\_\_\_

Coach in charge: \_\_\_\_\_

Who will call for help? \_\_\_\_\_

*(Normally the coach in charge is responsible for calling.)*

Number to call for emergency personnel: \_\_\_\_\_

*(Normally this is 911; however, in certain circumstances, an alternate telephone number for police, fire or EMT's is needed.)*

Where should emergency personnel be directed to go? \_\_\_\_\_

*(What is the address? To which door or gate should they come? Where will they meet school personnel?)*

Who will stay with the athlete? \_\_\_\_\_

*(Normally, this is a coach who has first aid training, an athletic trainer, a physician who is a spectator, or a parent/guardian, if present.)*

Who will render emergency first aid until emergency personnel arrive? \_\_\_\_\_

*(Same as above.)*

Who will meet arriving emergency personnel and direct them to the injured athlete?

*(This could be a site manager, an athlete, a security person, or a coach.)*

Who will call parents/guardians to inform them regarding the accident or injury?

*(This should be the primary coach of the injured athlete.)*

Who will be riding to the hospital with the injured athlete? \_\_\_\_\_

*(If the event is still in progress, at least one coach must stay and continue coaching. If an additional coach is available, s/he could ride. If no one is available, and parents/guardians are not in attendance, the injured athlete may have to ride to the hospital alone – not a good idea, especially if the injury is life-threatening.)*

Who will complete the "Accident Report?" \_\_\_\_\_

*(Normally the primary coach in charge of the team.)*

Who will be responsible for obtaining witness statements, in writing, from individuals who observed the accident or injury as it occurred?

*(Normally a coach. These statements should be written statements. On the statement, the witness should include full name, date of birth, address, telephone number, cell phone number, what they saw, where they were situated in reference to the area where the accident or injury occurred, date and time of occurrence, any special conditions observed such as water on the floor, lightning, and any other information the witness feels might be relevant.)*

**FORM 6: SCHOOLNAME HIGH SCHOOL  
ATHLETIC TRANSPORTATION POLICY**

Schoolname High School shall provide transportation for teams, clubs, and other groups who are required to participate in activities that take place outside the metropolitan area during non-school hours. In instances where activities take place in the city or the surrounding area, parents may provide transportation for their children. (Archdiocesan Policy 3541R/6153R). Athletes may return home from an away contest with parents/guardians providing **prior** approval has been obtained from the Athletic Director and this waiver form has been signed.

If parents/guardians provide transportation home from interscholastic athletic events, or allow their son/daughter to provide transportation to practices, they must be aware of the following:

- Where parents/guardians provide transportation for their son/daughter to or from a scheduled event, the parents/guardians shall assume all resulting liability, and the school shall assume no liability.
- Where a parent/guardian, or another adult designated by the parents/guardians, transports students other than their own to or from a scheduled event, the parents/guardians or designated adult transporting the students shall assume all resulting liability and the school shall assume no liability.
- Where a student transports himself/herself to or from a scheduled event, the parents/guardians of that student shall assume all resulting liability, and the school shall assume no liability.

**SCHOOLNAME HIGH SCHOOL  
TRANSPORTATION LIABILITY WAIVER**

*I have read the Athletic Transportation Policy and agree that I shall assume all liability for negligently caused injuries resulting from the following situations:*

- *Where I transport my son/daughter home from a scheduled event;*
- *Where I transport other students to or from a scheduled event, or I, as a parent/guardian, give permission to another adult to transport my son/daughter home from a scheduled event;*
- *Where my son/daughter transports himself/herself to or from a practice.*

*I also agree that Schoolname High School shall assume no liability whatsoever for negligently caused injuries resulting from the above situations or any other situation where contracted transportation is not being used to transport athletes.*

*Parent/Guardian Signature* \_\_\_\_\_ *Date* \_\_\_\_\_

**REQUEST FOR ALTERNATE ATHLETIC TRANSPORTATION**

Sport: \_\_\_\_\_ Student-Athlete's Name: \_\_\_\_\_

My child, named above, will not be riding the team bus/van on \_\_\_\_\_ because my child will be: \_\_\_\_\_  
(date)

- \_\_\_\_\_ 1. Riding home with his/her parent/guardian. \_\_\_\_\_ 3. Riding with a designated adult other than his/her parent guardian.
- \_\_\_\_\_ 2. Driving to and from practice. Indicate name of designated adult: \_\_\_\_\_

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Athletic Director

\_\_\_\_\_  
Date

This form must be submitted to the Athletic Director prior to the beginning of the season, or **NO LATER THAN 1 DAY** prior to the event.

**FORM 7: ATHLETIC TRANSPORTATION POLICY**

If parents/guardians provide transportation to these events or allow their son/daughter to provide transportation to these events, they must be aware of the following:

- Where a parent/guardian provides transportation to their son/daughter to or from a scheduled event, the parent/guardian shall assume all resulting liability, and the school shall assume no liability.
- Where a parent/guardian, or another adult designated by a parent/guardian transports students other than their own to or from a scheduled event, the parent/guardian or designated adult transporting the students shall assume all resulting liability, and the school shall assume no liability.
- Where a student transports himself/herself to or from a scheduled event, the parents/guardians of that student shall assume all resulting liability, and the school shall assume no liability.
- Where a student transports other students to or from a scheduled event, the parents/guardians of the transporting student shall assume all resulting liability, and the school shall assume no liability.

**TRANSPORTATION LIABILITY WAIVER**

*I have read the Athletic Transportation Policy and agree that I shall assume all liability for negligently caused injuries resulting from the following situations:*

- *Where I transport my son/daughter to or from a scheduled event;*
- *Where I transport other students to or from a scheduled event, or I, as a parent/guardian, give permission to another adult to transport my son/daughter home from a scheduled event;*
- *Where my son/daughter transports himself/herself to or from a scheduled event; or*
- *Where my son/daughter transports other students to or from a practice or scheduled event.*

*I also agree that \_\_\_\_\_ shall assume no liability whatsoever for negligently caused injuries resulting from the above situations or any other situation where contracted transportation is not being used to transport athletes.*

\_\_\_\_\_  
Parent/Guardian Signature Date

**REQUEST FOR ALTERNATE ATHLETIC TRANSPORTATION**

Sport: \_\_\_\_\_ Student-Athlete's Name: \_\_\_\_\_

My child, named above, will not be riding the team bus/van on \_\_\_\_\_ because my child will be:  
(date)

- \_\_\_\_\_ 1. Riding with his/her parent/guardian. \_\_\_\_\_ 3. Riding with a designated adult other than his/her parent/guardian.  
\_\_\_\_\_ 2. Driving. \_\_\_\_\_ 4. Riding with a designated minor.

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Athletic Director/Head Coach Signature

\_\_\_\_\_  
Date

This form must be returned to the Athletic Director or Head Coach **NO LATER THAN 1 DAY** prior to the event.

