

Summer 1997

A School Law Resource Manual for Coaches in the South Kitsap School District

Brian V. Carlson

Follow this and additional works at: https://digitalcommons.cwu.edu/graduate_projects



Part of the [Educational Assessment, Evaluation, and Research Commons](#), [Education Law Commons](#),
and the [Health and Physical Education Commons](#)

80473

A SCHOOL LAW RESOURCE MANUAL FOR COACHES
IN THE
SOUTH KITSAP SCHOOL DISTRICT

A Project Report
Presented to
The Graduate Faculty
Central Washington University

In Partial Fulfillment
of the Requirements for the Degree
Master of Education

by
Brian V. Carlson
July, 1997

A SCHOOL LAW RESOURCE MANUAL
FOR ATHLETIC COACHES

by

Brian V. Carlson

July, 1997

The purpose of this project was to develop a school law resource manual for athletic coaches employed in the South Kitsap School District in the state of Washington. To accomplish this purpose, a review of current literature regarding selected law and legal issues related to athletics was conducted.

ACKNOWLEDGEMENTS

This work is dedicated to the love of my life, Susan, my family, friends and colleagues for their continued support, encouragement and sacrifices.

The writer would also like to express his deepest appreciation and gratitude to Dr. Jack McPherson for his constant support and guidance in preparing this project, and throughout my course of study. In addition, I would also like to thank Dr. Gregory Chan for chairing my committee, and Dr. Joe Schomer for his participation as a member of my committee.

Finally, I would like to thank my teaching partner Ms. Suzanne Loya for her tireless editing of this paper and the personal sacrifices she made that enabled me to succeed.

TABLE OF CONTENTS

CHAPTER	PAGE
1. Background of the Project	1
Introduction	1
Purpose of the Project	2
Limitations of the Project	2
Definition of Terms	3
2. Review of Related Literature	6
Introduction	6
The Need for a School Law Resource Manual for Athletic Coaches	6
Negligence in Athletics	10
The Duties of Coaching	12
Title IX and the ADA in Athletics	22
Summary	26
3. Procedures of the Project	28
Need for the Project	28
Development of Support for the Project	29
Procedures	30
Planned Implementation and Assessment of the Project	30
4. The Project	32
Introduction	P-1
Table of Contents	P-2
Checklist 1 - A Coach's Supervisory Duties	P-3
Sample Documentation Form - Supervision	P-4
Checklist 2 - Proper Planning and Instruction	P-5

Sample Documentation Form - Planning	P-6
Checklist 3 - A Coach's Evaluation Duties	P-7
Sample Documentation Form - Inspection	P-8
Checklist 4 - Proper First Aid	P-9
Sample Documentation Form - Emergency	P-10
Checklist 5 - Equal Participation and Access	P-11
Sample Documentation Forms -	
An Athlete's Evaluation	P-12
Accommodation Plan	P-13
Checklist 6 - A Coach's Transportation Duties	P-14
Sample Documentation Form - Transportation	P-15
5. Summary, Conclusions, and Recommendations	33
Summary	33
Conclusions	33
Recommendations	34
References	35
Appendix A - Checklist - Athletic Administrator	38

CHAPTER 1

BACKGROUND OF THE PROJECT

Introduction

If physical educators and coaches understand the specific types of issues commonly addressed by expert witnesses in negligence cases related to physical education, recreation, and athletics, then they can prepare their lesson and practice plans to deal with the areas of concern (Gray, 1995, p. 19).

Mr. Gray's statement above has serious implications for athletics in general. Gray contended that if properly educated, people involved in planning athletic programs can avoid becoming famous through litigation. Coaching is a profession with pressure coming from all sides: players, parents, and administrators. Compliance with the law is a new area for coaching. Gray has suggested that it is not enough just to treat injuries properly, negligence can involve a lack of planning. People responsible for planning athletic programs must anticipate and evaluate the likelihood of injuries, and use that information to restructure their programs.

The federal government has become increasingly involved in legal issues related to athletics during the past decade. "Community sports programs, coaches, and parents need to know the implications of the ADA (The

Americans with Disabilities Act) on youth sports” (Block, 1995, p. 29).

Additionally, athletic programs must deal with the equal access issues brought into the open by Title IX, as noted in the following statement from Goldman (1991):

37 Words That Changed Athletics: ‘No person in the United States shall on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance. . . .’ (p. 25).

Purpose of the Project

The purpose of this project was to develop a school law resource manual for athletic coaches employed in the South Kitsap School District in the state of Washington. To accomplish this purpose, a review of current literature regarding selected law and legal issues related to athletics was conducted.

Limitations of the Project

For purposes of this project it was necessary to set the following limitations:

1. Research: The preponderance of research and literature reviewed for the purpose of designing this study was limited to the past eight (8) years.
2. Scope: The school law resource manual has been designed for use in the South Kitsap School District, Port Orchard, Washington.
3. Target Population: The resource manual was specifically designed for use by school district athletic coaches.

Definition of Terms

Significant terms used in the context of this project have been defined as follows:

1. Accommodation - "An arrangement or engagement made as a favor to another, not upon a consideration received" (Black, 1990, p. 16).
2. Access - "Freedom of approach or communication; or the means, power, opportunity of approaching, communicating, or passing to and from" (p. 13).
3. ADA - "Finding that discrimination against individuals with disabilities existed in American society in the critical areas of employment, housing , public accommodations, education, transportation, communication, recreation, institutionalization, health services, voting and access to public services, Congress enacted the Americans with Disabilities act of 1990 (ADA)" (American Jurisprudence, 1992, P. 31-32).
4. Checklist - "A list of items for comparison, verification, or other checking purposing" (Costello, 1996, p. 231).
5. Coach - "A person who trains an athlete or team: a football coach [italics added]" (p. 259).
6. CPR - "Cardiopulmonary resuscitation" (p. 315).

7. Expert Witness - "One who by reason of education or specialized experience possesses superior knowledge respecting a subject about which persons having no particular training are incapable of forming an accurate opinion or deducing correct conclusions" (Black, 1990, p. 578).
8. Foreseeability - "The ability to see or know in advance; e.g. the reasonable anticipation that harm or injury is a likely result from certain acts or omissions" (p. 649).
9. Foresight - "Heedful thought for the future; reasonable anticipation of result of certain acts or omissions" (p. 649).
10. Liable - "Bound or obliged in law or equity; responsible; chargeable; answerable; compellable to make satisfaction, compensation, or restitution" (p. 915).
11. Litigation - "A lawsuit. Legal action, including all proceedings therein. Contest in a court of law for the purpose of enforcing a right or seeking a remedy" (p. 934).
12. Negligence - ". . . is the failure to use such care as a reasonably prudent person would use under similar circumstances; it is the doing of some act which a person of ordinary prudence would not have done under similar circumstances or failure to do what a person of ordinary prudence would have done under similar circumstances" (p. 1032).
13. Prudent - "Sagacious in adapting means to end; circumspect in action, or in determining any line of conduct. Practically wise, judicious, careful, discreet, circumspect, sensible. In defining negligence, practically synonymous with cautious" (p. 1226).

14. Reasonable - "Fair, proper, just, moderate, suitable under the circumstances" (p. 1265).
15. Reasonable standard - "The standard which one must observe to avoid liability for negligence is the standard of the reasonable man under all the circumstances, including the foreseeability of harm to one such as the plaintiff" (p. 1266).
16. Title XI - ". . . of the Education Amendments Act of 1972 prohibits sex discrimination in any program or activity receiving federal financial assistance . . ." (Smolla, 1996, p. 8-14).
17. Tort - "A private or civil wrong or injury, including action for bad faith breach of contract, for which the court will provide a remedy in the form of an action for damages" (Black, 1990, p. 1489).

CHAPTER 2

REVIEW OF RELATED LITERATURE

Introduction

The review of research and literature summarized in Chapter 2 has been organized to address:

1. The Need for a School Law Resource Manual for Athletic Coaches
2. Negligence in Athletics
3. The Duties of Coaching
4. Title IX and the ADA in Athletics
5. Summary

Data current primarily within the past eight (8) years was identified through an Educational Resources Information Center (ERIC) computer search. A hand search of various other sources was also conducted.

The Need for a School Law Resource Manual for Athletic Coaches

Gray (1995) suggested, "If physical educators and coaches understand the specific types of issues commonly addressed by expert witnesses in negligence cases" (p.19), many of the problems related to negligent coaching practice could be avoided. With this in mind, a general focus should have been placed on coaches' education directly related to legal issues in athletics. Gray

continued his statement by referring to the importance of coaches using this knowledge to "prepare their lesson and practice plans to deal with the areas of concern" (p.19). The author's focus on preparation is the key, and should have sent a clear message to those who have made decisions concerning athletics: the sound decisions were made by coaches and physical educators who had a basic knowledge of legal issues. Gray concluded, "Although every case is unique, physical educators and coaches can learn from issues commonly addressed by expert witnesses" (p. 19). Gray's idea was for coaches to learn from past mistakes made by coaches to stop history from repeating itself. The writer finds it ironic that we have required our students to learn about history for several years in several different formats, but, until recently, have required coaches to only become CPR and First Aid certified. Lincoln (1992) outlined the simple link between coaching and the courts when he asked: "Do you remember when injuries were called accidents? Today, they are called lawsuits" (p. 40).

According to Lincoln, every time a team stepped out to practice people have taken risks, and hopefully the risks taken by the people involved in the school's athletic program were taken with calculation. For example,

'The best defense is a good offense' is one of the most widely known adages used by coaches of all competitive sports. A good offense begins with research, preparation, education and lots of hard practice--days, weeks even months before the actual game day. Since our legal system is an adversarial system, coaches and sports administrators should begin building an offensive game strategy to minimize the risk of becoming involved in a lawsuit (Lincoln, pp. 40-41).

Again the writer emphasized the importance of research and preparation. The

greater the knowledge base for coaches, the lower the likelihood of coaches becoming famous through litigation. As Johnson (1992) concluded, "The focus of coaching preparation must be on the safety of the student-athletes, the reduction of injuries, and on decreasing litigation against coaches and school districts" (p. 55).

Research conducted by Figone (1989) found that "for coaches and administrators of athletic programs, the fear of being involved in a lawsuit is now as common as the fear of losing the big game" (p. 71). Coaches need to be prepared for every eventuality on and off the field. Lack of preparation could cost a coach the game, and quite possibly his or her career. Next, Figone contended that coaches and athletic administrators can help reduce their legal vulnerability by finding a method to ensure all coaches are well-informed, act as reasonable and prudent professionals, and know how to execute their legal responsibilities. This writer concluded that regardless of the chosen strategy or method, "The athletic director or administrator in charge of the athletic program should train all coaches to ensure they know their legal duties" (p.71).

As Pinnell and Pinnell (1990) pointed out, "The reality of liability lawsuits has made an understanding and appreciation of the law of negligence essential for all physical education teachers" (p. 4). This pair of authors continued by addressing the necessity of legal knowledge for teachers and coaches in the following statement:

There was a time when teachers and coaches held a special place in the hearts and minds of the American public, and it was unthinkable to even consider suing a teacher. But, things have definitely changed! Students are quick to question authority and parents are more willing to retain the services of an attorney in order to seek solutions to their problems (p. 4).

Coaches and teachers should realize that they need to prepare for the worst case scenario. Pinnell and Pinnell expressed this need simply when they stated: "Today, elementary and secondary school physical education teachers are finding they are especially vulnerable targets of legal liability lawsuits"

(p. 4). These writers explained, "Physical educators can protect themselves from the threat of liability lawsuits by familiarizing themselves with their legal status and taking appropriate action to maximize the health and safety of students" (p. 4). In fact Pinnell and Pinnell solidified their position on the need for legal knowledge in coaching when they concluded:

Knowledge, understanding, and appreciation of how negligence is determined should help sensitize physical educators as to what their legal posture is when carrying out their duties and help them avoid becoming embroiled in a negligence lawsuit. More importantly, this new awareness will ultimately translate into a healthier and safer environment for children to enjoy the development of their mind and bodies while at play (p. 13).

Ballard (1996) concluded in his study that "all coaches should make every effort possible to have a complete understanding of local laws and the extent to which they might be held liable for negligence" (p. 111). Bishop, Wright, and Anderson (1990) went beyond the knowledge level and stressed the importance of drafting "carefully written policies that ensure school personnel exercise a proper standard of care regarding athletes" (p. 17). Because, as Conn (1990) pointed out, negligent "physical educators and coaches are vulnerable to huge financial losses" (p. 28).

Negligence in Athletics

Horine (as cited in Figone, 1989) defined negligence as "a coach failing to act as a reasonable and prudent coach would act in a similar situation" (p. 71). As Pinnell and Pinnell (1990) stated in their study, negligent coaches or physical educators failed "to act as a reasonable and prudent person" (p. 5) in a situation which caused harm to someone. The authors explained, "Negligence, a type of tort or civil wrong, is the legal yardstick most frequently used to determine the liability of physical educators" (p. 5). Hopefully, coaches and physical educators can use the information reported by authors to help them avoid potential liability.

A key in determining whether a teacher or coach's specific action or inaction will be considered negligent is the concept of the "reasonable person" (Gray, 1995, p.18). Nygaard and Boone (as cited in Gray) concluded a coach or teacher "is expected to behave as reasonably and prudently as possible under the circumstances that existed at the time of the injury" (p. 18). This means to determine negligence a coach's behavior in a situation will be compared to the actions of others in similar situations.

Gray suggested that expert witnesses involved in negligence actions address "foreseeability" (p. 18) as a key component in their arguments. The author explained "experts" (p. 18) will look at the actions or inactions of the coach or physical educator and compare them with the actions of other reasonable and prudent professionals to determine liability. According to Pinnell and Pinnell (1990), the courts have focused "on the actions of the teacher prior to the occurrence of the student's injury" (p. 5).

Gray (1995) further suggested, "Teachers and coaches should assess the critical issues that are relevant to their various situations and use this information to develop reasonable and prudent program plans" (p. 21). Conn (1990) elaborated on this need for planning by arguing, "As a consequence of changing societal expectations, a clear rationale must be provided for physical education and athletic policies, procedures, and actions, rather than a blind subjective acceptance of what an authority states is right or just" (p. 28). Simply put, coaches and educators must have demonstrated and documented foresight in both the planning of, and the participation in all athletic activities.

In order to properly demonstrate foresight, coaches and physical educators need to know what the "critical issues" are, or what is "relevant" in athletics. Rabinoff (as cited in Gray) stated that expert witnesses usually have testified about such relevant factors as:

- (1) defects (e.g., equipment, facilities, programs, etc.);
 - (2) standards of care (e.g., staffing, progression of skill development, etc.);
 - (3) policies and procedures (e.g., manuals, guides, records kept);
 - (4) opinions as to the injury (e.g., facts, causal relationships, etc.);
 - (5) conclusions (e.g., causes, responsibilities of parties involved, etc.)
- (p.19).

All five of the factors above are directly related to the expectations the courts place on coaches and teachers involved in athletics. Coaches and teachers who are unaware of these relevant factors are gambling with the future. As Pinnell and Pinnell (1990) urged, people in charge of athletic programs "can ill afford to ignore the fact that they are at risk of being the target of negligence lawsuits" (p. 13). These "targets" should know what may be

considered a “bullseye” in a negligence lawsuit. Conn (1990) supported this assertion by emphasizing how important it has been for coaches to “legally equip themselves with a sufficient knowledge of sport law” (p. 29). Clearly, this “legal equipment” could assist in preventing future negligence actions in athletics.

According to Hart and Ritson (1993), in order to seek damages in a negligence action “the plaintiff must show that the defendant, as a matter of law, owed a duty of care to the plaintiff” (p. 2). Which brings up an interesting question: What legal duties are reasonable and prudent coaches and physical educators expected to perform?

The Duties of Coaching

Pinnell and Pinnell (1990) explained a simplistic measure of coaching duties in the following statement: “The greater the inherent danger of an activity, the greater the duty of care is owed for the protection of the health and safety of students” (p. 8). Simply put, the danger level of the activity should be directly related to the level of duty expected.

Nygaard and Boone (as cited in Figone, 1989) studied the duty issue and concluded, “The courts expect coaches to carry out the following seven major legal duties for athletes who compete under their direction” (p. 71). The writers reported the legal duties of coaching as:

1. Adequate general and specific supervision.
2. Sound planning
3. Clear warnings of the risks of an activity.
4. A safe environment for practice and play.

5. Evaluation of players for injuries and incapacities and determination of any limitations caused by injuries or incapacities.
6. Fairly matching or equating players for practice and competitive conditions.
7. The use of appropriate first aid and emergency medical procedures that can be implemented immediately (p. 71).

This author continued by emphasizing that neglecting these duties or standards of behavior can lead to legal problems and/or "breach of duty" (p. 71).

The duties reported above mirror the following coaching duties reported by Hart and Ritson (1993): "Statutory law, together with common law, requires that physical education and sport staff provide adequate and proper instruction, supervision, inspection of equipment, grounds and facilities, transportation, and the offering of first aid when necessary" (p. 21).

The only significant difference between the duties reported by the two sets of authors was transportation. Hart and Ritson explained, "While transportation is not, in most cases, a formal duty of physical educators or coaches, it is often one they voluntarily assume as they transport students to and from special events and activities" (p. 161). If individuals involved in athletics are going to assume the duty to transport, then it is important to explore the expectations that come along with the assumption of this duty.

A summary of the issues raised by coaches and teachers transporting students, as reported by Hart and Ritson, includes that they ensure proper maintenance, loading, safety equipment, and supervision within the vehicle. In order to ensure that everything is proper, coaches and teachers must plan with foresight. Part of this planning, as Hart and Ritson reported, includes coaches having "a medical treatment authorization card in their possession whenever

traveling out of town for games” (p. 160). These authors concluded that the reasonably prudent coach “refrains from using anything other than district vehicles to transport students and athletes” (p. 170). Obviously, volunteering to transport athletes should not include volunteering personal vehicles for transportation.

According to Hart and Ritson, “More claims are filed against teachers and coaches for improper supervision than for any other single reason” (p. 51). These writers delivered a clear message to coaches in their statement: The duty to supervise is a vital part of being a reasonably prudent coach or physical educator. Hart and Ritson continued by reporting that the “courts have pretty much agreed that it is reasonable to expect teachers and coaches to be present in classes and practice sessions which they have been entrusted to teach or coach” (p. 51). In addition, they found that supervisory duties include: “Passage to and from the activity, locker room and hall supervision” (p. 51). The writers continued by stating the importance the courts have placed on coaches and teachers being “where assigned on time and providing active rather than passive supervision” (p. 51). Hart and Ritson elaborated on this concept of active supervision by stating:

Sport personnel are expected to monitor and keep activities within the skill level of individual students and athletes; keep them from participating in dangerous and unsafe activities; enforce class, team and school rules; keep records and be aware of the health status of individual students and athletes; make accommodations for size, age and skill differences when matching students for participation or competition; and provide spotting and other specific supervision in activities of elevated risk such as gymnastics, wrestling and football (p. 51).

Thus, different activities require different levels of supervision, and the reasonably prudent individual provides, documents, and keeps records of these different levels of supervision.

Nygaard and Boone (as cited in Figone, 1989) described a similar split in supervision by stating: "General supervision is the supervision of all the areas and activities related to the activity, while specific supervision is the actual supervision of the activity itself" (p. 71). Therefore, athletic supervision is more than physical presence, and coaches must be involved to ensure the safety of the participants.

Gray (1995) identified two additional supervisory concerns that arose when coaches participated in activities with their students: first, "The teacher or coach must still be able to perform supervisory duties, unless another teacher or coach is present to supervise" (p. 21); second, "Teachers and coaches should be careful . . . to ensure that any differences in size, weight, maturity, or expertise . . . do not pose an unreasonable risk of injury to the students" (p. 21). It is both reasonable and prudent for coaches to provide proper supervision, but it is just one of the many legal duties of coaching.

The provision of sound planning or adequate and proper instruction is also critical to becoming a reasonable and prudent coach. Figone (1989) stated, "Sound planning is the foundation of all athletic programs" (p. 72). Hart and Ritson (1993) stressed the importance of building this foundation by reporting: "Aside from complaints of improper supervision, physical education and sport staff are most commonly pulled into court over claims of negligent instruction" (p. 22). In addition, these authors also found that the courts paid special attention to the "skill instructions, including instructor and/or student demonstrations, as well as safety instructions" (p. 23). This means that in a

negligence action the courts will compare a coach's or teacher's instructions to those given by individuals that meet the "reasonable and prudent person" standard in the coaching profession.

According to Figone (1989) sound "planning ensures that athletes have had proper instruction, drills, and progression for any skill they are asked to execute" (p. 72). In addition, Gray (1995) contended that well planned activities do not require participants "to attempt activities which they are not physically and mentally prepared to perform successfully" (pp. 19-20). He explained that sound planners ask if the activity or drill is appropriate for the "readiness level" (p. 19) of the participants. Gray also stressed the importance of coaches considering if "all necessary physical skills" (p. 20), were taught prior to participation. He explained, "Merely to describe an activity and then require students to participate before they have had an opportunity to practice the skills needed to perform the activity safely is unreasonable" (p. 20). Next, Gray reported that sound planning and proper instruction in athletics must include all of the "necessary progressions from simple to complex skills" (p. 20). He also suggested how important it was for coaches to consider "the potential likelihood or severity of injury considered before conducting the activity or drill" (p. 21). Sound planning or instruction includes the consideration of necessary skills, practice, and proper progression from easy to difficult.

Gray stressed the importance of teachers and coaches being knowledgeable and remaining current with the "state of the art" (p. 20) techniques, methods and procedures within their field. Which means that only qualified individuals should plan and instruct in athletic programs. In order to remain qualified, Hart and Ritson (1993) argued that a coach should analyze "his/her teaching or coaching methods not only for their effectiveness but for

their attention to student and athlete safety" (p. 49). Clearly, reasonable and prudent coaches plan soundly, instruct properly, remain current, and self-reflect about ways to improve the safety of their programs.

A qualified reasonable and prudent coach also performs the duty to warn. Figone (1989) reported, "Coaches have a legal duty to warn athletes of the risks of a skill, drill, or game (p. 72). In addition, McGreevy (as cited in Figone) stated, "Players also should be informed and warned of the risks in using improper, dangerous, and unethical techniques" (p. 72). Gray (1995) summarized this duty and recommended a course of action in the following statement:

Risks that are obvious to a teacher or coach might not be at all obvious to a beginner. Teachers and coaches might find it difficult to prove that a participant knew, understood, and appreciated the risks inherent in an activity if there is no documentation that the participants were informed about the risks (p. 20).

Finally, Hart and Ritson (1993) concluded that the reasonably prudent coach "provides clear warnings to students and athletes as to the specific risks involved in any activity or in the use of equipment, facilities or grounds" (p. 49). In drawing their conclusion, these writers provided a direct link between the duty to warn and the next legal duty expected of coaches.

Dennison (as cited in Figone, 1989) reported this next duty by stating: "Coaches are legally required to provide their athletes with a safe facility and properly-fitted equipment in good condition" (p. 73). Hart and Ritson (1993) contended that part of providing safe facilities and equipment includes the giving of "adequate safety instructions prior to any activity" concerning facility and equipment use (p. 49). In order to ensure facility safety, Gray (1995)

reported that coaches and teachers must “identify unreasonable hazards” and stop them from “causing unreasonable injuries” (p. 21). He continued by suggesting that students can help coaches improve facility safety by identifying “potentially hazardous situations” and recommending “how activities can be made safer” (p. 21).

Coaches should scrutinize both the facilities and the equipment in order to meet the expectations of this legal duty. As Figone (1989) reported, “Equipment should not only be the best which can be afforded; it also must be used properly” (p. 74). Next, Gray (1995) explained, “Equipment must be inspected regularly so that unreasonable hazards can be identified” (Gray 1995, p. 21). In addition, Hart and Ritson (1993) concluded that the smart coach “keeps all inspection reports on file” (p. 148). Thus, the regular inspection of facilities and equipment is not enough for a coach to have fulfilled this duty, he or she must document and file all the inspections in order to be both reasonable and prudent.

The reasonable and prudent coach also performs the duty to evaluate his or her players. One way to evaluate players, according to Ward (1992), is to collect information during practice to “help coach an athlete, create a new plan, or modify an existing one based on the athlete’s condition and readiness” (p. 20). He elaborated by stating:

The advantages of collecting data depend on how the information is used. For example, if an athlete appears to be getting a cold, an injury is getting worse, or the athlete is repeatedly tired, the coach may want to consider easing the training load, or if necessary requiring rest from practice for a day or two (p. 21).

If coaches consider, as Ward pointed out, "Recording data will take no more than three minutes a day . . ." (p. 20), it seems like a small price to pay to prevent unreasonable injuries. This author continued by explaining: "Some data, such as success rates, training loads, and fitness measures, are best collected during the practice session. Other data such as moods and health information are best collected just prior to the start of the practice session" (p. 21). Ward focused on the importance of one type of health information easily collected at the beginning of practice when he stated, "Young athletes, especially as they progress through puberty, will gain weight over time, but prolonged changes in either direction may be cause for closer investigation" (p. 22). He followed up with an explanation of the sleep factor by reporting: "Of all the indices of general health, the amount of sleep, and the stability of the sleep pattern continue to be the most consistent indicators of good or bad health, and thus the ones which influence the training program the most" (p. 22). Finally, Ward concluded by stating that it is important to ask questions like, "How generally healthy do you feel?", and "Do you have any symptoms of illness?" (p. 23). Therefore, coaches must constantly evaluate the health of their athletes in order to identify any possible limitations that could cause unreasonable injuries.

Taft (1991) addressed how coaches ignore the limitations of athletes since, "The most common sports-related problems now seen in children are the overuse or abuse syndromes"(p. 431). According to Taft, "These tend to develop when overanxious adults cajole children to exercise, train, and compete at a level beyond their bodies' ability to cope" (pp. 431-432). Ward (1992) reported that coaches can avoid these unreasonable injuries by following a rule that states, "Increases in training loads should be gradual; sudden increases can lead to injuries or overtraining" (p. 22). In order to be

"reasonable" and "prudent" coaches should collect information and consider limitations to properly evaluate the health and safety of their athletes.

The duty to match athletes fairly also has focused on the safety on athletes. As Gray (1995) reported, "Participants should be matched by using the criteria most closely related to safe and proper execution of the skills. This might include age, height, weight, skill, experience, strength, maturity, or various combinations of these criteria" (p. 19). According to Jeffries (as cited in Figone, 1989), reasonably prudent coaches consider mismatching concerns beyond individual athletes to include even the "scheduling of a game" (p. 74). For example, "In 1983, a Chicago high school was so concerned about mismatches it forfeited its entire schedule before the season began" (p. 74).

Safety of the athletes has been the common denominator for all of the legal duties of coaching, and providing proper first aid fits perfectly with the rest of the duties. Hart and Ritson (1993) reported, "While charges of improper first aid are not nearly as frequent as those for improper instruction and supervision" (p. 150), they are still a cause for concern in athletics. In order to avoid negligence in this area, Ballard (1996) suggested that "where coaches are responsible for all athletic training duties, instruction should be provided so these individuals are as competent as possible in dealing with athletic injuries" (p. 111). On the subject of injuries Gray (1993) added, "Although not every injury can be prevented, appropriate planning should eliminate unreasonable, and therefore negligent, injuries to participants" (p. 21). He continued by arguing that coaches should plan to use safer activities instead of extremely dangerous activities, even if they are intended to fulfill the objective of "physical fitness/conditioning" (p. 19).

If an injury was to occur, Hart and Ritson (1993), emphasized how important it was for coaches to provide "an adequately equipped first aid kit available at all activity, practice, and game sessions" (p. 160). In addition, this pair of writers contended that coaches should keep "an accurate record of all accidents and actions taken as well as a file of all medical information provided by parents or doctors" (p. 160). According to Hart and Ritson, coaches should also have an "emergency contact information card in their possession at all practices and games" (p. 160). The authors concluded that the reasonably prudent coach prepares for the worst case scenario and "together with the administration develops a building plan for dealing with serious injuries" (p. 160).

Elfers (as cited in Sutliff and Bomgardner, 1994) reported the need for preparing for the worst by stating: "The number of HIV cases are so great all physical education instructors and coaches could assume each class or team has HIV positive students" (p. 53). This author pointed out how important it is for coaches to consider HIV before they become involved in an activity or drill. According to Hamel (as cited in Sutliff and Bomgardner), "No studies have addressed the number of athletes infected with HIV or documented a case of athlete-to-athlete transmission during sport participation or physical activity" (p. 53); but, that does not mean the athlete to athlete transmission is impossible. According to Sutliff and Bomgardner, every "institution, school administration, or health care environment should have a policy regarding HIV/AIDS" (p. 54).

In addition these writers stated that, proper first aid should also include "the use of universal precaution procedures" since, it "reduces HIV transmission" (p. 55). However, according to Sutliff and Bomgardner, "Most coaches and physical educators do not routinely use the universal precaution

procedures" (p. 54). These universal precautions include the wearing of gloves "when in contact with blood, other potentially infectious materials, mucous membranes, non intact skin and when touching or handling contaminated items" (Sutliff and Bomgardner, p. 54). Next, Sutliff and Bomgardner reported, "All surfaces exposed to blood should be wiped clean with a solution of 1:10 dilution of household bleach" (p. 54). They continued by stating, "Chlorine bleach solution . . . should be prepared daily, as the solution loses its efficacy within 24 hours" (p. 55). In addition, this pair of authors contended that towels contaminated with body fluids "should be bagged and washed separately from other laundry" (p. 55). Finally, Sutliff and Bomgardner concluded, "All materials that have become contaminated . . . should be placed in properly marked containers and not in normal trash receptacles" (p. 55). If coaches take proper care and utilize the universal precautions, they could avoid making a fatal mistake and fulfill their duty of offering proper first aid to athletes.

Title IX and the ADA in Athletics

Wolohan (1995) reported that because of the growing number of sexual harassment cases in athletics and the "control and power coaches have over athletes, athletic administrators must be particularly aware of the potential for sexual harassment and the federal requirements of Title IX" (p. 52). If the potential for sexual harassment in athletics is so great, it is logical to conclude that coaches need to develop an awareness of the issues that can cause this problem in order to avoid making an expensive mistake.

The two types of sexual harassment recognized by the courts are: "quid pro quo or hostile environment" (Wolohan, 1995, p. 53). According to the

Women's Sport Foundation (as cited in Wolohan, 1995), "Quid pro quo sexual harassment in athletics exists when a coach grants or withholds benefits . . . as a result of an athlete's willingness or refusal to submit to the coach's sexual demands" (p. 53). The same research group explained that hostile environment sexual harassment occurs in athletics "when a coach's conduct is so severe that it creates an environment that interferes with the athlete's ability to perform" (p. 53). These writers went on to emphasize that "whether the harasser's behavior is deliberate, purposeful, or simply creates an offensive atmosphere does not matter; only the outcome counts" (p. 53). So, coaches or teachers can not use the excuse that they did not know that they had made anyone uncomfortable to escape a sexual harassment claim. According to Dziech and Weiner (as cited in Wolohan, 1995) schools should take the following four steps to prevent sexual harassment and help ensure the safety and comfort of their athletes: First, "Establish a clear policy statement on sexual harassment" (p. 53). Second, "Before hiring new coaches athletic administrators should . . . ask past employers and other professionals in the field about the coach's character" (pp. 53-54). Third, "Once a coach is on the job athletic administrator must investigate any rumors of sexual harassment" (p. 54). Fourth, school administrators can take a simple step in preventing sexual harassment by allowing "athletes the opportunity to evaluate their coaches each year" (p. 54). Wolohan (1995) continued by stating: "Athletic administrators and schools must take a more proactive role and stop sexual harassment on the campus and in the locker room" (p. 55).

Priest and Summerfield (1994) reported that Title IX promotes gender equity in sports by looking at: funding, equipment and supplies, scheduling practices and contests, travel, coaching, locker rooms and other facilities,

medical and training facilities, and sports opportunities. One way to help ensure this equality according to Priest and Summerfield (1994) is for schools to "conduct a self study, considering the areas outlined above and involving school personnel, parents and students" (p. 5). In addition, Goldman (1991) reported, "The most commonly cited complaints deal, first with scheduling of games and practice sessions and second with the failure of a school or district to accommodate the interests and abilities of their students" (p. 23). With this in mind, athletic coaches and administrators can plan to avoid Title IX problems by becoming aware of the definition of sexual harassment, and eliminating gender inequities within their programs.

Equal opportunity in athletics does not end with Title IX, according to the Thompson Publishing Group (as cited in Block, 1995), "ADA assures equal opportunity for participation in all aspects of life to otherwise qualified individuals" (p. 29). Block continued by reporting that the "law excludes individuals whose participation poses a direct threat to the health or safety of others because of a disability that cannot be corrected by appropriate modifications or aids" (p. 30). But, he continued, three factors must be satisfied to use threats to health or safety for excluding a person with disabilities: "1. The threat must be real not speculative, 2. The threat must be based on objective information, and 3. Consideration must be given as to whether accommodations would eliminate the threat" (p. 32).

For example, a threat that is speculative and not based on objective information, according to Block, is the threat of an HIV positive participant. The author contended that an HIV positive athlete may not be considered a threat to the safety of others since, "Objective medical information does not support such a threat if proper 'universal precautions' are taken" (p. 30). In addition, Block

reported that the "ADA does not allow the exclusion of persons with disabilities because of perceived or real threat to their own personal health and safety" (p. 30). He pointed out that "physician recommendations should be carefully considered; however, ultimately the decision to participate is made by athletes and their parents" (p. 30). Block elaborated on the idea of accommodations in the following statement: "According to ADA, 'readily accessible' and 'readily achievable' refer to adaptations to programs, facilities, or work places that allow individuals with disabilities to participate in the program or service or perform a job" (Block, 1995, p. 30). Block continued by listing the following examples of readily accessible accommodations:

Qualified interpreters for persons who are deaf, qualified readers or taped texts for persons who are blind, acquisition of modification equipment or devices (i.e., beep baseballs for a child who is blind or a bowling ramp for a child who uses a wheelchair) (p. 30).

This writer also pointed out that "special accommodations are not needed to make an unqualified person qualified", but it would be a violation not to let a blind player try out or to make a "blanket statement that all players who are blind are not allowed to play volleyball" (p. 30). Block continued by explaining: "Determining if a program is readily accessible should be made on an individual basis and should not impose an undue burden on the operation of the the program or agency (p. 30). Block (1995) also stated, "A player with a disability can be cut when there are specific skill criteria for participation" (p. 31). However, the author warned that,

When there are no specific criteria (e.g., skill criteria) other than age, gender, or living within a particular jurisdiction, then any player with a disability who meets these minimum criteria must be given an opportunity

to participate in a league (p. 31).

In addition, this writer also stressed that skill criteria must be worded in “nondiscriminatory language”, such as “fastest and most agile players”, or “players who do the best job at finding the open player and delivering the ball to that player” (p. 31).

Block (1995) concluded by stating, “Programs must be readily accessible to players and coaches with disabilities during tryouts, practice and games” (p. 32). He suggested when considering accommodations for accessibility, “The key question is, How does the change affect the game for the majority of players? Accommodations that affect only the player with a disability seem to work best” (p. 32). According to Block the goal of the ADA was to “provide greater access to all aspects of life including recreational programs such as youth sports” (p. 32). Coaches need to carefully consider what the ADA means for their programs, and how they can best accommodate disabled athletes in order to provide greater access.

Summary

The research and literature summarized in Chapter 2 supported the following themes:

1. Coaches and physical educators need to understand current legal issues that influence athletics and can use that understanding to avoid future litigation.
2. A general awareness among coaches of how negligence in athletics has been determined would enable coaches to act as a “reasonable and prudent person”.

3. The areas frequently addressed in negligence actions are the duties to:
 - a. Supervise
 - b. Correct planning and instruction
 - c. Warn
 - d. Provide safe facilities and equipment
 - e. Evaluate limitations
 - f. Match
 - g. Provide appropriate first aid
 - h. Transport (if assumed)
4. Awareness of the influence that Title IX and the ADA have on athletics can help coaches ensure equal access to their programs by providing all athletes with a comfortable environment and appropriate accommodations.

CHAPTER 3

PROCEDURES OF THE PROJECT

The purpose of this project was to develop a school law resource manual for athletic coaches employed in the South Kitsap School District in the state of Washington. To accomplish this purpose, a review of current literature regarding selected law and legal issues related to athletics was conducted.

Chapter 3 contains background information describing:

1. Need for the Project
2. Development of Support for the Project
3. Procedures
4. Planned Implementation and Assessment of the Project

Need for the Project

The decision to develop a school law resource manual for athletic coaches was influenced by the following considerations:

1. The writer (Brian V. Carlson), has been coaching Junior High and High School athletics since 1990 and searching for information to help him exercise reasonable foresight to guide his teaching and coaching, thus preventing unreasonable injuries and avoiding expensive lawsuits (Gray, 1995, p. 19).

2. Athletic administrators and coaches must know that with the compensatory damages available to a plaintiff, Title IX has turned "from a purely protective statute into an offensive weapon" (Wolohan, 1995, p. 52).
3. "The tendency for administrators to employ unprepared coaches has intensified, causing increased litigation and personal difficulties for coaches" (Stewart & Sweet, 1992, p.75).
4. The writer has determined that due to the growth in the body of knowledge that athletic coaches must know, people involved in athletics must become educated about and aware of the body of law that governs the proper operation of athletic programs in public education.
5. Undertaking the project coincided with the writer's graduate studies in educational administration at Central Washington University.

Development of Support for the Project

During the 1996-97 school year, the writer began discussing plans for developing a school law resource manual to be used by coaches in the South Kitsap School District with the following individuals:

1. Bill Lahman - Superintendent, South Kitsap School District
2. Doug Green - Athletic Director, South Kitsap School District
3. David Colombini - Dean of Students/Athletic Director/Head Football Coach, Marcus Whitman Junior High School

These individuals encouraged and supported the idea of developing and designing a school law resource manual to be used by coaches. Through their recommendations, a school law resource manual with checklists for coaches was developed and will be incorporated into the South Kitsap School District's coaching handbook during the 1997-98 school year. Input from the above named individuals influenced the writer's decision to proceed with the development of a school law resource manual to be used by coaches in the South Kitsap School District.

Procedures

To obtain background information regarding legal issues in athletics, an Educational Resources Information Center (ERIC) computer search was conducted. Additionally, information regarding legal issues and coaching was obtained from the following sources:

- a. Pierce County Law Library, Tacoma, Washington.
- b. Washington Interscholastic Activities Association (WIAA),
Seattle, Washington.
- c. University of Washington Law Library, Seattle, Washington.
- d. CD Law, an internet resource, Seattle, Washington.

Planned Implementation and Assessment of the Project

The school law resource manual for athletic coaches will be presented by the writer for review by South Kitsap School District's athletic director, and

coaches, for implementation during the 1997-1998 school year. The project presented in Chapter 4 will be incorporated by the school district into the new coaching handbook produced for the 1997-1998 school year. The project will be evaluated annually by the administration and the coaches, and recommendations and improvements will be considered at that time.

CHAPTER 4

THE PROJECT

As a result of this study, a school law resource manual with checklists for coaches was produced for use in the South Kitsap School District. The resource manual has been organized around six (6) checklists with sample documentation forms which are intended to assist coaches and athletic directors in avoiding litigation. The checklists include:

Checklist 1: A Coach's Supervisory Duties

Checklist 2: Proper Planning and Instruction

Checklist 3: A Coach's Evaluation Duties

Checklist 4: Proper First Aid

Checklist 5: Equal Participation and Access

Checklist 6: A Coach's Transportation Duties

**A SCHOOL LAW RESOURCE
MANUAL FOR ATHLETIC
COACHES**

by
Brian V. Carlson
July, 1997

**South Kitsap School District
Port Orchard, Washington**

TABLE OF CONTENTS

Checklist 1 - A Coach's Supervisory Duties	P-3
Sample Documentation Form - Supervision	P-4
Checklist 2 - Proper Planning and Instruction	P-5
Sample Documentation Form - Planning	P-6
Checklist 3 - A Coach's Evaluation Duties	P-7
Sample Documentation Form - Inspection	P-8
Checklist 4 - Proper First Aid	P-9
Sample Documentation Form - Emergency	P-10
Checklist 5 - Equal Participation and Access	P-11
Sample Documentation Forms - An Athlete's Evaluation	P-12
Accommodation Plan	P-13
Checklist 6 - A Coach's Transportation Duties	P-14
Sample Documentation Form - Transportation	P-15

CHECKLIST 1: A Coach's Supervisory Duties:

The reasonably prudent coach or physical educator uses the following checklist to ensure that he/she practices both general and specific supervision of activities or drills. (See sample documentation form P-4)

I _____ understand that a reasonable and prudent coach/coaching staff:

- ____ 1.1 Supervises passage in the hallway to and from the activity.
- ____ 1.2 Supervises any student in the locker room area, and locks the locker room when unattended.
- ____ 1.3 Attends/coaches each practice/game with which he/she is entrusted.
- ____ 1.4 Keeps students from participating in dangerous activities.
- ____ 1.5 Enforces team and school rules.
- ____ 1.6 Provides different levels of specific supervision for activities of different levels of risk.
- ____ 1.7 Refrains from participating in activities with his/her athletes unless he/she can still perform supervisory duties or another teacher or coach is still present.
- ____ 1.8 Ensures that differences in size, weight, maturity, or expertise does not pose unreasonable risks to athletes when he/she is participating with the athletes in the drill/activity.

Signed: _____ Date: _____

Sample Documentation Form: Supervision for the Week of: _____

General/Passive Supervision:

Area:	Time Period(s)	Coach Responsible:
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Specific/Active Supervision:

Activity/Drill:	Plan for Safe Execution:	Coach Responsible:
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Comments/Suggestions for Improvement: _____

CHECKLIST 2: Proper Planning and Instruction:

The reasonably prudent coach or physical educator uses the following checklist to ensure that he/she demonstrates proper planning and instruction when conducting an activity/drill. (See sample documentation form P-6)

I _____ understand that a reasonable and prudent coach/coaching staff:

_____ 2.1 Provides students with skill specific and safety instructions for every activity/drill.

_____ 2.2 Uses instructor and/or student demonstrations to help ensure the participants understand what is required to participate in the activity/drill.

_____ 2.3 Considers if the readiness level of the participants is appropriate before he/she requires participation.

_____ 2.4 Ensures that athletes have been taught all necessary skills in a simple to complex progression before conducting an activity/drill.

_____ 2.5 Considers the probability for injury before conducting an activity/drill.

_____ 2.6 Remains up to date with the 'state of the art' techniques within his/her field.

_____ 2.7 Warns athletes of the obvious and inherent risks involved in any activity or in the use of equipment and facilities.

_____ 2.8 Informs athletes of the risks in using improper, dangerous, and unethical techniques.

Signed: _____ Date: _____

Sample Documentation Form: Sound Planning, Proper Instruction, and Warning

Activity/Drill:

Instructions to be given:

Coach Responsible:

Video Tape Y / N

Date Given/Initial

Activity/Drill:

Warning(s)/Risk(s) of Participating:

Coach Responsible:

Video Tape Y / N

Date Given/Initial

Activity/Drill:

Progressive skills necessary for safe participation

1. _____
2. _____
3. _____
4. _____
5. _____

Date Taught:

Coach(es) Initial:

Comments/Suggestions for Improvement:

CHECKLIST 3: Evaluation of Facilities, Equipment, and Athletes:

The reasonably prudent coach or physical educator uses the following checklist to ensure that he/she evaluates the safety of facilities, equipment, and athletes and prevents unreasonable injuries. (See sample documentation form P-8)

I _____ understand that a reasonable and prudent coach/coaching staff:

- _____ 3.1 Conducts regular inspections of facilities and equipment to identify unreasonable hazards.
- _____ 3.2 Improves facility safety and equipment by asking students to help identify hazards and recommending safety improvements for activities/drills.
- _____ 3.3 Provides the best equipment that can be afforded.
- _____ 3.4 Keeps all inspection reports on file.
- _____ 3.5 Collects health information like weight, sleep patterns, and/or asks athletes 'how generally do you feel?' to help determine their condition or readiness level.
- _____ 3.6 Increases training loads gradually to avoid unreasonable injuries related to overtraining.
- _____ 3.7 Fairly matches athletes by considering all or various combinations of the following: height, weight, skill, experience, strength, and/or maturity.
- _____ 3.8 Considers mismatching concerns beyond individual athletes to include scheduling of games.

Signed: _____ Date: _____

Sample Documentation Form: Facility and Equipment Inspection

Facility/Equipment

Person(s) responsible for inspection

Date of Inspection:

Time of Inspection:

Plan for inspection:

General conditions of facility/equipment:

Unreasonable hazards indentified:

Plan for avoiding/addressing hazard(s):

CHECKLIST 4: Proper First Aid:

The reasonably prudent coach or physical educator uses the following checklist to ensure that he/she offers proper first aid to his/her athletes. (See sample documentation form P-10)

I _____ understand that a reasonable and prudent coach/coaching staff:

- _____ 4.1 Demonstrates competence in dealing with athletic injuries by seeking out training and instruction in first aid and carries a medical treatment authorization card.
- _____ 4.2 Has an adequately equipped a first aid kit including emergency contact information for each athlete at all practices and games.
- _____ 4.3 Keeps and files accurate records of all accidents, actions taken, and medical information provided by parents or doctors.
- _____ 4.4 Develops a written plan for dealing with serious injuries with the administration.
- _____ 4.5 Wears gloves when in contact with potentially infectious materials: blood, mucous membranes, broken skin, and contaminated items.
- _____ 4.6 Wipes all contaminated surfaces with a solution of 1 part bleach and 10 parts water, and prepares the solution daily.
- _____ 4.7 Ensures contaminated towels are washed separately by bagging them separately from other laundry.
- _____ 4.8 Places all disposable contaminated materials in properly marked containers, and not in normal trash receptacles.

Signed: _____ Date: _____

Sample Documentation Form: Emergency Plan for Dealing with Serious Injuries

Activity/Sport

Coach(es) and building administrator creating the plan:

Date: _____

Procedures to be followed in the event of a serious injury:

Executed by:

- 1 _____

- 2 _____

- 3 _____

- 4 _____

- 5 _____

Special considerations:

Signed:

Date:

Signed:

Date:

Date Practiced/Initial:

CHECKLIST 5: Equal Participation and Access:

The reasonably prudent coach or physical educator uses the following checklist to ensure that he/she provides equal participation and access to his/her program. (See sample documentation forms P-12 and P-13)

I _____ understand that a reasonable and prudent coach/coaching staff:

- _____ 5.1 Understands the two types of sexual harassment recognized by the courts: quid pro quo and/or hostile environment.
- _____ 5.2 Asks for, and files his/her athlete's evaluation concerning the type of environment in his/her program.
- _____ 5.3 Promotes gender equity by considering scheduling of games and practice sessions.
- _____ 5.4 Excludes a player with a disability from participating only when his/her disability is a real threat to the health of other participants.
- _____ 5.5 Uses objective, not speculative, information to determine if a participant is a threat to the health of others.
- _____ 5.6 Does not exclude a participant based on a threat to his/her own personal safety and leaves the decision up to the parents and the athlete.
- _____ 5.7 Cuts a player with a disability by using specific skill criteria for participation worded in nondiscriminatory language like: 'fastest most agile players' or 'players who do the best at finding the open player and delivering the ball'.
- _____ 5.8 Ensures that his/her program is readily accessible to players with disabilities during tryouts and games by providing reasonable accommodations.

Signed: _____ Date: _____

Sample Documentation Form: An Athlete's Evaluation Of Coaching.

Coach being evaluated: _____ Date: _____

Grade and gender (M or F) of evaluator: _____

1. Describe how this coach helped you feel comfortable.

2. Describe how this coach caused you to feel uncomfortable.

3. Describe the atmosphere or environment during practice/games.

4. Did this coach treat players fairly? Why or Why not?

5. Your suggestion(s) for improvement for this coach is/are . . .

Sample Documentation Form: Accommodation Plan for A Disabled Athlete

Activity/Sport

Person(s) responsible for creating the plan:

Date: _____

Reasonable accommodation(s) to be made for this athlete:

Executed by:

- 1 _____

- 2 _____

- 3 _____

Acquisition of or modification equipment or devices necessary:

Acquired or
Modified by:

- 1 _____

- 2 _____

- 3 _____

CHECKLIST 6: A Coach's Transportation Duties:

The reasonably prudent coach or physical educator uses the following checklist to ensure that he/she fulfilled the court's expectations of transportation, if that duty has been assumed. (See sample documentation form P-15)

I _____ understand that a reasonable and prudent coach/coaching staff:

- _____ 6.1 Directs the proper and safe loading of the vehicle.
- _____ 6.2 Provides for necessary safety equipment and supervision within the vehicle.
- _____ 6.3 Carries emergency contact information cards for all his/her athletes whenever traveling.
- _____ 6.4 Refrains from using anything other than district vehicles to transport athletes.

Signed: _____ Date: _____

Sample Documentation Form: Transportation Plan

Activity/Sport

Person(s) responsible for creating the plan:

Date: _____

Procedures to ensure the proper loading of the vehicle:

Executed by:

Necessary safety equipment to be loaded:

Plan to ensure proper supervision within the vehicle:

CHAPTER 5

SUMMARY, CONCLUSIONS, AND RECOMMENDATIONS

Summary

The purpose of this project was to develop a school law resource manual for athletic coaches employed in the South Kitsap School District in the state of Washington. To accomplish this purpose, a review of current literature regarding selected law and legal issues related to athletics was conducted.

Conclusions

Conclusions reached as a result of this project were:

1. Coaches and physical educators need to develop an understanding of legal issues that influence athletics in order to avoid future litigation.
2. If a coach or physical educator understands how negligence in athletics is determined, he or she can become a "reasonable and prudent person" by properly performing his or her duties.
3. Developing an awareness of the influence that Title IX and the ADA will assist coaches in ensuring that they provide a comfortable, safe, and readily accessible athletic program.

Recommendations

As a result of developing this project, the following recommendations have been suggested:

1. School districts should help coaches and physical educators understand current legal issues by providing information that will help them avoid future litigation.
2. To enable coaches and physical educators to act as 'reasonable and prudent' persons they should be educated about how negligence in athletics is determined.
3. A focus should be placed on developing an awareness of how coaches and physical educators need to provide a comfortable and readily accessible athletic environment.
4. Other schools seeking to develop a school law resource manual for coaches may wish to adapt the manual developed for purposes of this project for their use or conduct a more detailed study related to the legal issues and concerns of athletic coaches to meet their unique needs.

REFERENCES

American jurisprudence: New topic service: Americans with disabilities act: Analysis and implications. (1992). (2nd ed.). Rochester, NY: Lawyers Cooperative.

Ballard, P. A. (1996). Athletic care and injury prevention services provided to high school student athletes in North Carolina: opinions of athletic directors. NASSP Bulletin, 80 (582), 106 - 112.

Bishop, H. L., Wright, K., & Anderson, C. (1990). For Safer Sports. The American School Board Journal, 177 (8), 17, 30.

Black, H. (1990). Deluxe black's law dictionary centennial edition (1891-1991) (6th ed.). St. Paul, Mn: West.

Block, M. E. (1995). American with disabilities act: Its impact on youth sports. Journal of Physical Education, Recreation and Dance, 66 (3), 52-55.

Conn, J. (1990). A critical need in the professional preparation of physical educators and coaches: A course in sport law. Physical Educator, 47 (2), 27-33.

Costello, R. B. (Ed.) . (1996). Random House Webster's College Dictionary. New York, NY: Random House.

Figone, A. J. (1989). Seven legal duties of a coach. Journal of Physical Education, Recreation and Dance, 60 (7), 71-75.

Goldman, J. P. (1991). Leveling the playing field for female athletes. School Administrator, 48 (10), 20-25.

Gray, G. R. (1995). Safety tips from the expert witness. Journal of Physical Education, Recreation and Dance, 66 (1), 18-21.

Hart, J. E., & Ritson R. J. (1993) Liability and safety in physical education and sport: A practitioner's guide to the legal aspects of teaching and coaching in elementary and secondary schools. American Alliance for Health, Physical Education, Recreation and Dance, 1-201.

Johnson, D. (1992). Indiana PACE - a state's response to a coaching education crisis. Journal of Physical Education, Recreation and Dance, 63 (7), 55-57.

Lincoln, S. M. (1992). Coalition of Americans to protect sports (CAPS). Journal of Physical Education, Recreation and Dance 63 (7), 40-42, & 63.

Pinnell, R. L., & Pinnell, J. M. (1990). An overview of the basic principles of negligence: What the courts expect and demand of physical educators. Resources in Education (RIE) (ERIC Document Reproduction Service No. ED 324 813), 1-14.

Priest, L., & Summerfield, L. M. (1994). Promoting gender equity in middle and secondary school sports programs. ERIC Clearinghouse on Teaching and Teacher Education, 1-4.

Smolla, R. A. (1996). Federal civil rights acts, (3rd ed.), Rochester, NY: Clark, Boardman, and Callaghan.

Stewart, C. C., & Sweet, L. (1992). Professional preparation of high school coaches: The problem continues. Journal of Physical Education, Recreation and Dance, 63 (6), 75-79.

Sutliff, M. A., & Bomgardner, R. (1994). HIV/AIDS - how to maintain a safe environment. Journal of Physical Education, Recreation and Dance, 65 (5), 53-56.

Taft T. N. (1991). Sports injuries in children. Elementary School Journal, 91 (5), 429-435.

Ward, P. (1992, September). Monitoring performance: Its all in the data. Strategies, 6 (1), 20-24.

Wolohan, J. T. (1995). Title IX and sexual harassment of student athletes. Journal of Physical Education, Recreation and Dance, 66 (3), 52-55.

APPENDIX A
CHECKLIST - ATHLETIC ADMINISTRATOR

Checklist: Athletic Administrator

I _____ understand that athletic administrators and schools must take a more proactive role in the locker room by:

- _____ 1. Helping coaches develop an understanding of legal issues that influence athletics.
- _____ 2. Ensuring his/her coaches perform the duties that will enable them to become "reasonable and prudent" professionals.
- _____ 3. Ensuring that coaches provide a comfortable, safe, and readily accessible athletic program.
- _____ 4. Asking past employers and other professionals in the field about the coach's character before hiring takes place.
- _____ 5. Investigating any rumors of sexual harassment of athletes.
- _____ 6. Taking a key step in preventing sexual harassment by allowing athletes the opportunity to evaluate their coaches each year.
- _____ 7. Promoting gender equity in sports by looking at: funding, equipment and supplies, scheduling practices and contests, travel, coaching, locker rooms and other facilities, medical and training facilities, and sports opportunities.
- _____ 8. Conducting a self study, considering the areas outlined above and involving school personnel, parents, and students.

Signature _____

Date _____