

When assessing potential liability exposure following an athletic injury, the reasonableness and foreseeability of the school district's actions will be evaluated. Reasonableness and foreseeability are measures our legal system uses to help determine if there was negligence. The questions a district should expect to answer include:

- Can the school district prove that it took appropriate actions?
- Could a reasonable person have predicted this injury?

For example, if a student-athlete injured themselves due to a defect in a school jumping pit, can the school district prove that it took all reasonable steps to inspect, maintain, and repair it before the injury? Did someone at the school know about the defect, or should they have known?

The other measures used in determining negligence are whether:

- The school owed a specific duty.
- The duty was breached.
- Damages resulted.
- The damages can be reasonably linked to that breach.

A school district has a duty to provide students with a safe environment to participate in athletic activities. Examples of situations that could result in a finding of negligence include but are not limited to:

- Failure to maintain facilities.
- Failure to give adequate instruction.
- Failure to give adequate warning of specific dangers of injuries involved in athletics.
- Failure to enforce rules, procedures, and safety measures.
- Failure to supply proper equipment.
- Failure to provide competent coaching personnel and adequate supervision.
- Negligent instruction in the use and maintenance of athletic equipment.
- Failure to reasonably select or match participants.
- Failure to provide adequate post-injury medical care.

After an athletic injury, one of the first considerations is whether the athletic program met its duty and operated within the accepted standard of care established by the [Washington Interscholastic Activities Association \(WIAA\)](#). The website is an excellent resource for standards of care for Washington K-12 school sports.

Documentation

Districts should consider, "Can we demonstrate that we are making the right choices?" Records should include:

- Completed sport-specific guardian informed consent form signed by the athlete and guardian for each activity/sport.
- A signed concussion and head injury information sheet from the athlete and their guardian.
- A sports physical completed by a physician which authorizes participation in the specific activity or sport.
- Any incident/injury reports.

- Medical professional's report(s) regarding return-to-play after an injury.
- Records of equipment and facility maintenance and inspections.
- A training curriculum that outlines a plan for progression and includes safety drills.
- Records of Individual Healthcare Plans (IHP), if applicable.
- Emergency plans tailored for specific venues.
- Coach and volunteer training records.

Remember – if it wasn't recorded and documented, it didn't happen.

Supervision

Negligent supervision is the most common allegation in claims against school districts and staff. Most of these incidents occur when a teacher or coach is away from an area, has attention directed away from the incident, or fails to see a situation developing that compromises student safety. Supervision is as necessary for the locker room as it is on the field. Consider ahead-of-time supervision needs for away games, transportation, overnight trips, and unstructured time before or after practice.

Post-Injury Procedures

Districts have a duty to recognize and provide proper emergency medical intervention and care for an injured student.

- When in doubt call 911.
- Do not move any student suspected of having a head, spinal, or internal injury or fracture
- Immediately contact the parent or guardian.
- Contact the district Athletic Director and/or building administrator.
- Maintain confidentiality. Refer all media or public inquiries to your school district's designated Public Information Officer.
- Have a member of the coaching staff accompany the ambulance or meet it at the emergency room.
- Secure any equipment involved in the injury.
- Contact the WSRMP Claims Department as soon as possible at 206-394-9737.

Please cooperate fully with the WSRMP Claims Department and the designated defense counsel regarding these matters. If there is a high-severity or catastrophic injury, the WSRMP Risk Services Department may reach out to your Athletic Department and the individual responsible for risk management to help mitigate risks.

Heat Illness and Heatstroke

Heat illness refers to the health risks and complications that athletes can face when exercising and exerting themselves in hot weather conditions. Heat illness ranges from mild symptoms to life-threatening heatstroke, a leading cause of preventable death in high school athletics. Severe heat can occur at different times every year between spring and fall, so it is crucial for districts to have mitigation plans for each of their athletic programs. School districts can create heat acclimatization and safety plans for athletes to reduce the risk of severe heat illness. An outline of steps to create a prevention plan can be found through the National Federation of State High School Associations (NFHS) [here](#).

You can find additional resources for heat illness here:

- [WIAA Heat Index Calculator](#)
- [CDC Heat and Athletes](#)
- [The Sports Institute Training in the Heat Resources](#)
- [USA Football Heat and Hydration](#)

Catastrophic Injuries

Catastrophic injuries include fatalities, injuries leading to permanent functional disability, and serious injuries that cause temporary functional disability but allow for full recovery. The financial implications for all parties affected by a catastrophic athletic injury are far-reaching. Guardians of severely injured student-athletes face significant medical expenses, which, combined with limited health insurance availability and restrictions on existing coverage, often compel them to pursue litigation against the school district and its staff. Damages commonly include pain and suffering, incurred and future medical costs, life care plans, and loss of future earnings. Settlements and verdicts for these types of injuries commonly cost millions.

Football Programs

Football presents the highest exposure for school athletic programs and requires a tightly structured environment. This includes documented staffing adequacy, training and conditioning, field maintenance, equipment maintenance, and emergency preparation.

Fatalities in football are rare but tragic events. A majority of catastrophic spinal cord injuries usually occur in games. Consider the data gathered by the National Center for Catastrophic Sports Injury Research: <https://nccsir.unc.edu/>.

Conclusion

Coaching staff are invited to view the webinar “What Every Coach Must Know” through the VectorSolutions e-learning program. We encourage districts to require all volunteer and staff coaches to view this program.

For questions about recommendations or issues addressed in this article, please feel free to contact our Risk Services Department at riskservices@wsrmp.com.