



NIAAA LEADERSHIP
TRAINING COURSE 504

LEGAL ISSUES IN ATHLETICS ADMINISTRATION

PRESENTERS:

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**National Interscholastic
Athletic Administrators Association**

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THE OIAAA

Offers a number of Professional Development opportunities including the Summer Institute. Last year alone we were able to work with more than 200 AD's from around the State.

OIAAA Conference

Including breakout sessions, we offer 6 Leadership Training Courses (North Central Accredited).

Involvement is the Key

Local, State and National Associations



REGISTERED ATHLETIC ADMINISTRATOR (RAA)

- Bachelor's Degree or higher from an accredited institution
- Approval of Personal Data Form (PDF)
- Completion of LPC 501 & LPC 502
- Obtain the verifying signature of a sponsor (athletic administrator, principal, superintendent, state athletic/activities association staff)
- Read the NIAAA Code of Ethical and Professional Standards



CERTIFIED ATHLETIC ADMINISTRATOR (CAA)

- Bachelor's Degree, or higher, from an accredited institution
- Approval of Personal Data Form
- Two (2) or more years of experience as an athletic administrator
- Employed by (or retired from) a school, school district or state high school athletic activities association in such capacity that the administration of interscholastic athletics is (was) among job responsibilities
- Completion of LTC 501, LTC 502, LTC 504 and LTC 506
- Successful completion of the CAA examination
- Read the NAIA Code of Ethical and Professional Standards



CERTIFIED MASTER ATHLETIC ADMINISTRATOR (CMAA)

- Attained CAA designation
- Approval of Personal Data Form
- Submission of supporting documentation
- Completion of LTC 501, LTC 502, LTC 504, LTC 506 and LTC 508
- Completion of minimum of six (6) LTC electives, three (3) each from 500 level and 500 level Courses
- Employed so that administration of interscholastic athletics is/was one's primary responsibility
- All requirements and points earned since CAA designation
- Complete a practical written exercise
- Optional program implementation
- Read the NAIA Code of Ethical and Professional Standards



SPORTS RISK MANAGEMENT

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

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

- ① minimize the chance of injury to student-athletes, coaches, spectators, officials, and other third parties, &
- ② minimize the legal exposure of the school and all of the school's athletics personnel.

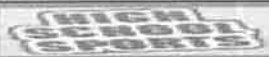


NEGLIGENCE [AS DEFINED IN SPORTS CASES]

A Failure By Schools/Athletics Personnel To Exercise Reasonable Care Which Acts As Both The Actual Cause & The Proximate Cause Of An Injury To A Student-Athlete, Coach, Spectator, Official, Or Other Party.

Note The Four Elements Requisite To Proving Negligence:

- ① **Duty:** what were the legal obligations of the school & its athletics personnel under the circumstances?
- ② **Breach:** was reasonable care exercised to fulfill those legal duties?
- ③ **Causation:** was a breach of legal duties the actual & proximate (foreseeable) cause of the injury?
- ④ **Damages:** adequate proof of financial damages related to the injury?



FOURTEEN LEGAL DUTIES

- | | |
|---------------------------|----------------------------|
| 1. PLANNING | 8. EVALUATING CONDITIONING |
| 2. SUPERVISION | 9. EVALUATING INJURY |
| 3. SELECTING COACHES | 10. MATCHING & EQUATING |
| 4. TECHNIQUE INSTRUCTION | 11. MEDICAL ASSISTANCE |
| 5. WARNINGS | 12. EMERGENCY RESPONSE |
| 6. SAFE PLAYING ENVIRONM. | 13. SAFE TRANSPORTATION |
| 7. PROTECTIVE EQUIPMENT | 14. INSURANCE DISCLOSURE |





FOURTEEN LEGAL DUTIES

DUTY #1: PLANNING

- Planning is the *threshold duty* that encompasses all of the other duties. Only through planning can the duties of supervision, technique instruction, warnings, safe playing environment, etc. be fulfilled.
- ♦ Courts will rarely find that a school and its athletics personnel have acted with *reasonable care* unless a *written plan* is in place for fulfilling all of the legal duties to protect student-athletes from harm.
- 3 common types of liability related to lack of planning:
 - ① A complete absence of planning
 - ② Poor or inadequate planning
 - ③ Plans created but not implemented or followed



FOURTEEN LEGAL DUTIES

DUTY #1: PLANNING [continued]

- Key Issue Related To The Duty Of Planning:
"Papering The Trail" – Creating An Evidentiary Trail Of Documentation That Reasonable Care Was Exercised With Regard To All 14 Duties.
- Tip: Use A Teamwork Approach To Creating And Executing The Plan And Its Component Parts. Courts Tend Rule Favorably Where Some Form Of "Athletics Administration Committee" Is Used To Create And Implementation The Plan.
- Planning-Related Court Cases:
Gill v. Tamalpais Union High School District
Hawaiian Isle Adventures v. North American Casualty



FOURTEEN LEGAL DUTIES

DUTY #2: SUPERVISION

- Two Types Of Supervisory Duties Imposed By Courts:
- ① *Specific Supervision*: supervision of student-athletes while engaged in the athletic activity itself (practice, competition, and other activities directly-related to sports participation (workouts/conditioning/etc).
 - ② *General Supervision*: supervision of student-athletes for a reasonable period before/after the athletics activity and supervision of sports environments at times outside of their use for athletic activities.
- Court Cases Dealing With Supervision:
Yarber v. Oakland Unified School District
Barretto v. City of New York & NY City Board of Educ.



FOURTEEN LEGAL DUTIES

DUTY #2: SUPERVISION [continued]

- Court Cases Dealing With Supervision:
Repede v. Community Unified School District #300
Chan v. City of New York & NY City Board of Educ.
Castillo v. Bishop Garcia Diego High School
Molina v. Christensen & Wichita State University
Brokaw v. McSorley & Winfield Mt. Union CSD
Harvey v. Louisiana High School Athletic Association
Karus v. Strevell
Goss v. Glenbrook North High School



FOURTEEN LEGAL DUTIES

DUTY #3: SELECTING/TRAINING COACHES

- ◆ Reasonable care in the selection and training of all athletics personnel (coaches, non-teacher-coaches, volunteer coaches, student-teacher coaches, athletic trainers, etc.) is a threshold duty necessary for the fulfillment of other duties such as supervision, technique instruction, warnings, medical assistance, safe playing environment, and so forth.
- ◆ Courts tend to look at the following issues:
 - Has the educational background of the personnel in question been carefully assessed before hiring?
 - Has the relevant sport-specific background of the personnel in question been carefully assessed?



FOURTEEN LEGAL DUTIES

DUTY #3: SELECTING/TRAINING COACHES [cont]

- ◆ Courts tend to look at the following issues [continued]:
 - Was reasonable care exercised in the initial process of orientation/training for new athletic personnel?
 - Did the school confirm that all required certifications (first aid, CPR, concussion-management courses, etc.) had been completed by new athletic personnel?
 - Was reasonable care exercised to encourage/require continuing sport-specific education for athletic personnel (NFHS coaching courses, ASEP courses, sport-specific conferences and clinics, etc)?

Court Case Dealing With Selection/Training:
Britt v. Maury County Board of Education



FOURTEEN LEGAL DUTIES

DUTY #4: TECHNIQUE INSTRUCTION [continued]

Key: Another issue courts will focus on is the *methods of communication* that were used to provide the instructions. Courts tend to rule that reasonable care requires *multiple media and a high frequency of communication* (and the younger the athlete, the greater the required frequency).

Court Cases Dealing With Technique Instruction:
Acosta v. Los Angeles Unified School District
Ohnstad v. Omaha Public School District
Kraszewski v. Mohawk Central School District
Moore v. Willis Independent School District
Gorthy v. Clovis Unified School District
Berman v. Rolling River Association
Feagins v. Waddy



FOURTEEN LEGAL DUTIES

DUTY #5: WARNINGS

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

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

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

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



FOURTEEN LEGAL DUTIES

DUTY #5: WARNINGS [continued]

Written Waivers: Although waivers are of limited effectiveness as automatic disclaimers of liability, waivers are highly useful as proof that clear, detailed, sport-specific warnings have been provided to student-athletes (assumption of risk).

Court Cases Dealing With Warnings/Assumption Of Risk:

Sharon v. City of Newton

Mondeliece v. Valley Stream Central High School DL

Wheelock v. Kualoa Ranch & Sports Aviation Hawaii

Duffy v. Suffolk County High School Hockey League

Vitzhum v. Hicksville Public Schools

Thurmond v. Prince William Professional Baseball Club

Gifford v. Vail Ski Resorts



FOURTEEN LEGAL DUTIES

DUTY #6: SAFE PLAYING ENVIRONMENT

Six Issues That Consistently Arise In Court Cases:

- ◆ Selection & setup of the environment
- ◆ Inspection of the environment
- ◆ Maintenance/repairs of defects in the environment
- ◆ Compliance with local safe building codes
- ◆ Protection of non-participant third parties in the environment (spectators, officials, coaches, etc.)
- ◆ Planning & implementation of event security measures (prep for emergencies and contingencies)

Key – "Papering The Trail":

- ◆ A common thread among the court cases is the need for inspection checklists, maintenance request and response forms, and other written documentation evidencing the exercise of reasonable precautions.



FOURTEEN LEGAL DUTIES

DUTY #6: SAFE PLAYING ENVIRONMENT *[continued]*

Court Cases Involving Safe Playing Environment Issues:
Leung v. City of New York & NY City Board of Education
Sidwell v. Griggsville Community School District
Farber v. Havenscourt School District
Carter v. New Trier East High School
Walther v. Wimbledon Health & Racquet Club
Mora v. Board of Education
Eisenberg v. East Meadows Union Free School District
Murtha v. HLV School District
Hallett v. Stowe-Munroe School District



FOURTEEN LEGAL DUTIES

DUTY #7: PROTECTIVE EQUIPMENT

Six Issues That Consistently Arise In Court Cases:

- ◆ Appropriate type of equipment used for the activity?
- ◆ Adequate quality of equipment used for the activity?
- ◆ Criteria for distribution of equipment is safety-based?
- ◆ Appropriate instructions given for safe use of equip?
- ◆ Enforcement of consistent use of safety equipment?
- ◆ Regular inspections and repair of equipment?

Key – "Papering The Trail":

- ◆ A common thread among the protective athletic cases is the need for written documentation of the plan for type, quality, distribution criteria, and use, along with inspection and reconditioning checklists.



FOURTEEN LEGAL DUTIES

DUTY #7: PROTECTIVE EQUIPMENT *[continued]*

Court Cases Involving Protective Athletic Equipment Issues:
DiGiose v. Bellmore-Merrick Central High School District
Stanley v. Board of Education
Laboy v. Walkill
Stevens v. West Virginia Institute of Technology
Muniz v. Warwick School District
Hubbard v. East Meadows Union Free School District
USA Baseball v. City of New York



FOURTEEN LEGAL DUTIES

DUTY #11: MEDICAL ASSISTANCE [continued]

Issues Courts Focus On In Medical Cases [continued]:

- ◆ Were all athletics personnel *trained/certified in first aid, CPR, and other sport-specific medical issues* to be able to provide the necessary assistance to injured student-athletes?
- ◆ Was appropriate *medical equipment on hand and readily accessible* to be used by athletics personnel [first aid kits, AEDs, and so forth]?

Court Cases Involving Medical Assistance Issues:

*In Re Rashidi Wheeler v. Northwestern U, Cytodine Technologies, Incorporated & GNC Corporation
Jarreau v. Orleans Parish School Board
Halper v. Richmond-Burton Schools*



FOURTEEN LEGAL DUTIES

DUTY #11: MEDICAL ASSISTANCE

This duty deals with the responsibility of athletics personnel to provide *immediate medical assistance* in the event of an injury or participation-related medical crisis.

Issues Courts Focus On In Medical Assistance Cases:

- ◆ Were athletics personnel trained to recognize the situations where is needed or is likely to be needed [not just situations involving *obvious/serious injuries* but also the variety of situations involving *minor injuries* that could be aggravated by a lack of proper and immediate medical assistance]?



FOURTEEN LEGAL DUTIES

DUTY #12: EMERGENCY RESPONSE PLAN

This duty deals an issue parallel to providing immediate medical assistance to an injured student-athlete – the responsibility to *have ready & activate an effective emergency medical response plan* that will transition the care of the injured party from school personnel to EMTs, doctors, hospitals, and so forth.

Issues Courts Focus On In Response Plan Cases:

- ◆ Does the plan address *communication issues* – given the nature of the injury, who should be contacted and how is that contact to be made?
- ◆ Does the plan address approaches for dealing not just with *obvious/serious injuries*, but also for the wide variety of “*minor*” injuries that may occur?



FOURTEEN LEGAL DUTIES

DUTY #12: EMERGENCY RESPONSE PLAN *(continued)*

Issues Courts Focus On In Response Plan Cases (continued):

- ◆ Does the plan address *medical information issues* – the written documents that coaches should have on hand that may be needed in the event of an injury?
 - *Medical treatment consent forms?*
 - *Medical history questionnaires?*

Court Cases Involving Emergency Response Plan Issues:
Sallinen v. Upper Lake Union High School District
Kleinknect v. Gettysburg College



FOURTEEN LEGAL DUTIES

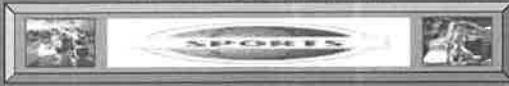
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Documenting Your Risk Management Program

- ◆ **SPORTS PARTICIPATION AGREEMENTS**
 - Student/Parent Info & Emergency Contact Info
 - Waiver Of Liability Which Include Sport-Specific Warnings
 - Medical Treatment Consent Forms
 - Medical History Questionnaires
 - Information Release: FERPA & Academic Information
 - Information Release: HIPAA & Health Information
- ◆ **INSPECTION CHECKLISTS**
 - Comprehensive Inspection Plan: What/When/Who
 - Facilities Inspection Checklists
 - Equipment Inspection Checklists
 - Maintenance Request/Response Forms & Reconditioning Forms



Documenting Your Risk Management Program

◆ PARENT/ATHLETE HANDBOOK

- Mission Statement: Philosophy & Objectives
- Eligibility Information: Academic/Residency Requirements
- Eligibility Information: Behavioral & Discipline Policy
- Procedural Issues Regarding Due Process & Appeals
- Rules/Regulations Regarding Locker Rooms/Equipment
- Rules/Regulations Regarding Transportation
- Policies Regarding Student-Athlete Awards & Lettering
- Waiver Of Liability & Sport-Specific Cautionary Statements
- Policy Regarding Hazing
- Policy Regarding Sexual Harassment
- Policy Regarding Student-Athletes With A Disability

A SAMPLING OF COURT CASES

SUPERVISION

Broward County School Board v. Ruiz (FL, 1986)—A school district was sued by a student who was attacked and beaten by three fellow students while waiting in the high school cafeteria for a ride afterschool. The high school was “U” shaped. Students often went to the cafeteria and the area inside the “U” to wait on their rides after practice or other after school activities. The student was attacked by members of a gang. The coaches knew student-athletes waited in this area for rides but did not supervise the area. The courts assigned liability to the coaches noting a tort of negligent supervision which was breached by the lack of adequate security (supervision). There was no immunity for the school district or the coaches.

Castillo v. Bishop Garcia Diego High School (2002)—A high school freshman suffered severe and permanent eye damage when hit by a paintball fired from a paintball gun. Students were working on a homecoming float for the parade when they were raided by members of another class. Faculty members were assigned to supervise, were aware of the possession of paintball guns by some of the students, and failed to take any measures to stop something from happening. The California Court of Appeals upheld a lower court ruling awarding over \$300,000 in damages with 50% of the fault assigned to the school and 50% assigned to the student who fired the gun. The ruling emphasized that the key distinction is not whether the activity in question took place on or off campus, but whether the activity was school-sponsored. Avoidance or ignorance is not an excuse in these situations.

Wallmouth v. Rapides Parish School Board (2002)—A student filed a lawsuit after being attacked in the PE locker room following a dispute during a physical education class volleyball game. A coach entered the locker room after the altercation and discovered the injured party. The courts found against the attackers but in a separate suit against the school and the coach, a Louisiana Supreme Court held that vicarious liability for student-athletes injuries would only be imposed when negligent supervision had caused the accident or assault, but the supervisory responsibility of athletic personnel extends only to those situations where the risk of injury is foreseeable. As a standard of practice the ruling of this case should not be relied upon. Most courts would find that the risk of injury occurring in an unsupervised locker room is foreseeable. Courts nationwide have been consistent in recognizing not just a duty of specific supervision but also a duty of general supervision.

Chan v. Board of Education of New York City (1990)—Chan, a fourth grader, was severely injured playing touch football on the school playground before school. Teachers were not assigned to supervise until 15 minutes after the injuries occurred. Chan alleged his injuries were because of poor and defective playground conditions which could have been addressed by maintenance or supervision. A lower court found the district negligent for failure to maintain

the field in a safe condition. An Appeals Court lowered the damages from \$4 million to \$1 million because Chan assumed part of the risk by playing unsupervised on a rough field. The standard of practice is that most courts expect greater supervision the younger the student and do not allow for the use of assumption of risk as a defense except in older more experienced and educated student athletes.

TECHNIQUE INSTRUCTION

Moore v. Willis Independent School District (2000)—A middle school student was disciplined during PE class and forced to do one hundred squat thrusts and one hour of weight training, resulting in injuries that required hospitalization and a month long absence from school. The student and parent brought suit based on alleged deprivation of the student’s constitutional rights. One aspect of the due process guarantees in the 5th and 14th Amendments is that a citizen is to receive fair and equitable treatment by government entities, a doctrine referred to as substantive due process. The United States Fifth Circuit Court of Appeals concluded that deprivation of substantive due process rights was not the appropriate claim in a corporal punishment case. The court implied that criminal prosecution or civil liability in tort law were the appropriate remedy in such a case. As a standard of practice, most courts across the country have permitted substantive due process claims along with the tort law claims and criminal charges. Most every court in every jurisdiction would impose liability on the school and the athletic personnel in a situation like this.

Kraszewski v. Mohawk Central School District (2000)—This case illustrates that schools may owe a duty of care to participants in non-school sports organizations using school facilities and that the level of duty regarding supervision and technique instruction is inversely proportional to the age of the student athlete. The case involves an eight year old wrestler who was injured during practice for a non-school-sponsored pee-wee wrestling program. The New York Court of Appeals refused to dismiss the case and allowed the negligence lawsuit to continue. As a standard of practice, this ruling is consistent with many prior cases which have held that schools are required to exercise reasonable care to protect non-school participants using school athletic facilities. The ruling is also consistent with extensive case precedents that have held that the level of care that will be deemed reasonable will be greater for younger students-athletes.

WARNINGS

Sharon v. City of Newton (2002)—A seventeen year old cheerleader in Massachusetts was injured during a fall while performing a stunt. She was able to continue cheering after recovery but filed a lawsuit just before she turned 20 years old challenging the “waiver of liability” form both she and her father had signed. (The two year tort law statute of limitations does not start until the student-athlete reaches the age of eighteen.) Their argument was that neither the student-athlete nor the parent fully understood the waiver. The court disagreed and upheld the waiver for several reasons. The waiver was clear, detailed and sport specific, it was clearly explained by the athletic director and was signed by both the parent and student-athlete at the

meeting, it provided other insurance options that could be purchased through the school (which they had signed to decline), and a release form does not violate public policy because participation is voluntary. Another note of concern, keep paper work on file at the school for at least two years after a student has turned 18. Paper the trail with documentation.

Vizhum v. Hicksville Public Schools (2001)—An eighth grade student was injured sliding into a base during a PE class softball game. The classes had been repeatedly warned not to slide at any time. The warning had taken place all three years the student had attended the school. The student and the parents contended the field was not properly maintained and was unsafe. The court found in favor of the school and teacher because there was evidence that clear, detailed, repeated warnings had been given to the classes for several years and thus the class members assumed the risk of injury by violating the teacher's instructions not to slide. Again the standard of care is that school personnel should be sure to provide clear, detailed, repeated warnings regarding dangers associated with sports activities and that providing such instructions may allow for the assumption of risk defense.

SAFE PLAYING ENVIRONMENT

Walther v. Wimbledon Health and Tennis Club—Three year old Gary Walther was electrocuted while his mother watched a tennis match involving her older son. Testimony pointed to a long history of exposed wiring within a plug mounted on the tennis court fence. The tennis club was found negligent for failure to maintain the wiring in a safe condition. The standard of conduct is to perform regular inspections of equipment, wiring, and electrical outlets used for pitching machines and other appliances and equipment. Repairs should be performed immediately or the area should be shut down, marked as hazardous, and made inaccessible to athletes and spectators.

Sidwell v. Griggsville Community School—Sidwell was participating in a physical education class when he injured his leg by stepping into a rut on the playing field. His parents sued the District for failure to maintain the field in a safe condition over an extended period. The school district owed a duty to its students to maintain the playing fields in a safe condition. The court awarded Sidwell damages for his injury and suffering. The standard of conduct is to perform regular inspections of fields for holes, ruts, elevated sprinkler heads, vandalism, broken glass or other debris that could harm players or spectators.

PROTECTIVE EQUIPMENT

Muniz v. Warwick School District (2002)—During a PE class softball game a student waiting on deck to bat was hit in the head by a bat tossed by another student who had just got a hit and began to run to first base. The New York Court of Appeals ruled that the school was vicariously liable for negligence because the teacher had violated both his duty to provide protective equipment and his duty to supervise. Students batting, waiting to bat, and running the bases should have been required to wear helmets. Students waiting to bat should have been closer to the team dugouts and not the batters box. The assumption of risk doctrine was not a valid

defense because of the age and experience level of the students involved. The teacher/coach is responsible for the education regarding inherent safety risks and supervision of the activity.

Stanley v. Board of Education (1973)—A player suffered severe head injuries when struck in the head by a bat that slipped out of another player’s hand. The bat had a worn-down handle, was not taped and was virtually impossible to grip. The school had no plan of inspection and maintenance for the athletic equipment worn or used by its athletes. Liability was imposed on the school and the athletic supervisor for breaching the duty of reasonable care as it relates to an organized plan for inspection, reconditioning and repair of athletic equipment used or worn by its athletes. Schools should have an ongoing plan of equipment inspection, maintenance, repair or replacement.

MATCHING AND EQUATING

Park City Utah Parents v. Utah High School Activities Association—Parents of four injured football players brought suit claiming the association’s classification system created an unsafe situation by allowing Park City High School with an enrollment of 750 to play Uintah High School with an enrollment of 1200. The plaintiffs pointed out that 8 of their 10 injuries suffered during the season occurred during that game. An Appeals Court judge dismissed the case stating that the school administration did not join the parents in the suit. As a standard of conduct, “matching or pairing is a consideration that entails more than physical size or weight. Experience, skill knowledge, size and quickness are all considerations that may enter into deliberation and decisions of who to play.

MEDICAL ASSISTANCE

Rashidi Wheeler’s Mother (Linda Will) v. Northwestern University & Northwestern University v. Next Proteins, Inc., Cytodyne Technologies, Inc., & General Nutrition Corporation (not yet litigated)—Rashidi Wheeler’s mother filed a wrongful death suit against Northwestern University and its athletic administration, football coaches, and athletic trainers after her son died after suffering an asthma attack during practice. The university then filed suit against the manufacturers of a dietary supplement the student-athlete was taking. Mrs. Wheeler contends that even though the University knew her son and several others suffered from asthma, they were not properly trained to handle the situation and that they did not call for emergency medical help until more than 40 minutes after the attack began. The university contends that the dietary supplement was the cause of death. Recent findings show that the cause of death noted by the medical examiners from the autopsy was the asthma attack. The standard of care in this case is that emergency medical help should have been called much sooner and a plan of action should have been in place to deal with these types of medical emergencies.

EMERGENCY RESPONSE PLAN

Jarreau v. Orleans Parish School Board—Jarreau suffered a severe wrist injury during the second game of his senior year. His coaches taped and braced the injury for the rest of the year

without other medical attention. At the conclusion of the season, he sought medical attention and discovered that he had suffered a fracture causing permanent damage. He and his family brought suit claiming failure to exercise appropriate medical care. The courts assigned one third of the blame to the plaintiff and two-thirds to the school district. The standard of care in this case is that the coaches and trainers should not have exceeded the scope of their training and authority. The Red Cross standard of treating any possible fracture to a skeletal component as a fracture should have been followed.

SAFE TRANSPORTATION

Howell v. Kansas Newman College (2000)—Howell, a college student, was killed when struck by a truck while participating in a required run as part of a conditioning program. Howell's family filed suit stating the college owed their daughter a special duty of supervision. The college stated in their defense it owed only general supervision. On appeal, the Kansas Supreme Court found the college only owed general supervision and the damages were vacated. Had the family filed the suit against the coaches the verdict may have been different. The standard of practice for this case again points to the age of the student-athlete involved in the situation. The younger the student-athlete involved in the activity, the more supervision and instruction that will be required to educate the student-athlete.

INSURANCE DISCLOSURE

Tri-Central High School v. Mason (2001)—An eighteen year old senior football player sued the school to recover \$22,000 of medical expenses from a broken leg. The school's catastrophic insurance coverage had a \$25,000 deductible. The exculpatory clause in the waiver form was signed only by the player because of his age, and his parents were not aware of the waiver of coverage. A lower court found in favor of the athlete, but it was reversed by the Indiana Court of Appeals who said the parents should have signed the form, and thus they had no claim. The standard of care in this case would warn that most courts across the country would have found in favor of the student-athlete because the forms were not clear and were not clearly explained to both the athlete and the parents.