

Are Schools Legally Responsible for Your Child's Sports Injuries?

Parents love watching their child compete in a school sports uniform, but when their baby goes down with an injury on the playing field, pride can turn to panic and even anger at the coach or school. Are schools ever legally responsible for a student's injuries playing sports?

Q: Our child was injured while playing soccer at school and we've got huge medical bills. Can we sue the school?

A: Parents sometimes bring legal actions against their child's school, alleging that the school is engaging in negligence, recklessness or intentional wrongdoing by pushing children to compete too hard, failing to remove some dangerous condition present at the athletic facility, or allowing a dangerous player to participate in a school sports program. Recklessness and intentional wrongdoing by a school are difficult to prove and rarely exist in the context of school sports programs. Parents who decide to bring suit against a school frequently allege negligence, but the Ohio Legislature and the Supreme Court of Ohio have immunized individuals and entities involved with sports and similar recreational activities from liability for negligence. The Supreme Court has held in these types of cases that the relevant issue is whether the risk the student took that resulted in the injury was an "inherent risk" of that particular activity.

Q: What are some examples of inherent risks?

A: Inherent risks are the kind of risk you would expect out of a certain recreational activity. For example, in football, the risk that being tackled will produce an injury is inherent to football. Generally, damages suffered due to ordinary negligence in football—such as a tackle made after the whistle was blown that injured another player—will not be recovered in a lawsuit. Similarly, a basketball player with a weak heart or lungs who collapses on the basketball court when his coach directs the team to run sprints cannot recover against the coach or the school running the sports program. Finally, a baseball player who is struck by a foul ball in the dugout will probably be unsuccessful if he claims that the school should have equipped the facilities with a safeguard against this injury, since being hit by a foul ball in the dugout is a risk inherent to the sport of baseball.

Q: Why do inherent risks exempt schools from liability?

A: The law assumes that an individual participating in any particular sport is aware of the risks inherent to that sport. By participating in the sport, the student is showing that he or she understands and has assumed all of the risks inherent to that sport and the potential for injury.

Q: Does this mean there's no way anyone can successfully sue a school for a sports-related injury?

A: No. Schools are not exempt from all risks sustained by student-athletes. Some injuries while

playing sports are caused by risks that are not inherent to that sport. For example, if a school has been put on notice about a dangerous stone on the football field and a player later injures himself on that stone, then the school could be held liable for his injuries because they failed to remove a dangerous condition that should not be present on a football field. Similarly, if a school fails to repair a leak in the ceiling of the gymnasium, and this causes a basketball player to slip and fall during practice or a game, the school could be held liable for the player's damages because slipping on water on a basketball court is not a risk inherent to basketball. Essentially, participants can assume risks inherent to the sport simply by participating, but they do not assume risks that are not inherent to the sport.

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