Legal Issues In
High School Athletics
Hackney Publications

Inside This Issue

Court Dismisses Lawsuit Over Sideline Injury in High School Football Game, Citing Assumption of Risk Among Other Things

Takeaways

- Assumption of risk can be a strong defense—but only for inherent risks

  Volunteers and participants who understand and accept the obvious risks of football (like sideline collisions) may be barred from recovery. However, this protection depends on the risk being inherent to the activity—not something created by poor supervision or unsafe conditions.

- Proper role definition and documentation reduce liability exposure

  Clearly defining roles (e.g., volunteers, officials as independent contractors) and maintaining consistent procedures can help limit liability. Courts will look closely at who had a duty of care—and whether that duty was already resolved in prior litigation.

See COURT DISMISSES on page 10

Missouri Court Addresses School District Putting The Kibosh On Quarterback's Transfer To Rival High School

Takeaways

- Accuracy and integrity in eligibility decisions are critical

  Misrepresenting facts in transfer or eligibility paperwork—even unintentionally—can expose schools and administrators to serious legal risk, including fraud claims and injunctions. Decisions must be well-documented, transparent, and defensible.

- Legal strategy matters as much as the facts

  Even when circumstances appear favorable, lawsuits can fail if claims are not properly framed under the correct legal theory (e.g., discrimination vs. access to public accommodations). Schools should expect that procedural and technical legal issues can determine outcomes, not just the underlying facts.

See MISSOURI COURT on page 11

Copyright © 2026 Hackney Publications (hackneypublications.com)

Humble ISD Agrees to $750,000 Settlement in Title IX Complaint

Humble Independent School District in Texas has agreed to pay $750,000 to settle a Title IX complaint filed by a former employee who alleged a toxic work environment tied to the district's athletic leadership.

The complaint was brought against Troy Kite, who served as athletic director and is the husband of former superintendent Elizabeth Fagen. The former employee alleged that Kite fostered a workplace environment that violated federal protections under Title IX, which prohibits sex-based discrimination in federally funded education programs.

District officials agreed to the financial settlement without admitting wrongdoing. The resolution brings an end to the employee's claims against the district related to the alleged conduct.

Title IX complaints involving school employees typically center on whether an institution failed to prevent or respond appropriately to alleged discrimination or harassment. In this case, the former employee alleged that the environment within the athletic department rose to the level of a violation under federal law.

The settlement reflects the district's decision to resolve the matter without further litigation. Financial settlements in Title IX-related disputes can vary widely depending on the nature of the allegations and the procedural posture of the case.

Neither Humble ISD nor representatives for Kite and Fagen have publicly detailed the terms beyond the settlement amount. It is also unclear whether any additional administrative or personnel actions were taken as a result of the complaint.

Humble ISD is one of the largest school districts in the Houston area, serving tens of thousands of students. The settlement closes one chapter in a dispute involving district leadership and workplace conditions within its athletic programs.

Legal Issues in HIGH SCHOOL ATHLETICS

HOLT HACKNEY
Editor and Publisher

JEFF BIRREN, ESQ.
Senior Writer

GARY CHESTER, ESQ.
Senior Writer

ROBERT J. ROMANO, ESQ.
Senior Writer

HANNAH ANDERSON
Design Editor

Please direct editorial or subscription inquiries to Hackney Publications at:
P.O. Box 684611
Austin, TX 78768
info@hackneypublications.com

Hackney Publications Legal Issues in High School is published every other month by Hackney Publications, P.O. Box 684611, Austin, TX 78768.

Postmaster send changes to Legal Issues in High School Athletics. Hackney Publications, P.O. Box 684611, Austin, TX 78768.

Copyright © 2026 Hackney Publications. Please Respect our copyright. Reproduction of this material is prohibited without prior permission. All rights reserved in all countries.

"This publication is designed to provide accurate and authoritative information in regard to the subject matter covered. It is sold with the understanding that the publisher is not engaged in rendering legal, accounting or other professional services. If legal advice or other expert assistance is required, the service of a competent professional should be sought" — from a Declaration of Principles jointly adopted by a Committee of the American Bar Association and a Committee of Publishers and Associations.

ISSN: 1527-4551

Hackney Publications

Copyright © 2026 Hackney Publications (hackneypublications.com)

Court Rejects First Amendment Claim but Allows Religious Discrimination Suit by Fired School Administrator to Proceed

Takeaways

- Internal communications are not protected "free speech"

  When administrators speak in their official roles—especially via school email about school activities—their speech is typically not protected under the First Amendment. Decisions tied to those communications can still lead to discipline or termination.
- Religious expression must be handled carefully in school settings

  While employees can raise religious viewpoints, those expressions cannot be perceived as discriminatory or exclusionary toward students or staff. Schools must balance respecting religious beliefs with maintaining an inclusive environment.
- Documented, non-discriminatory reasons are key to defending decisions

  The school ultimately prevailed because it showed the termination was based on conduct and professional impact—not religious bias. Clear documentation, consistent enforcement, and evidence of legitimate concerns are critical in defending employment decisions.

By Robert J. Romano, JD, LLM, St. John's University, Senior Writer

Corey McNellis, a longtime educator within the state of Colorado school system, served as Ponderosa High School in the Douglas County School District ("DCSD") Athletic Director and Assistant Principal from 2018 up until his termination in 2022. The reason McNellis's tenure ended was predicated on his objections to the High School's planned staging of "*The Laramie Project*," a play about the murder of gay college student Matthew Shepard and anti LGBTQ+ hatred, as an extracurricular activity.

By way of background, Kayla Diaz, the theater teacher at Ponderosa, in an announcement forwarded to all the faculty and staff before the play's run, stated that the production "covered heavier topics" and was not intended "to push any kind of agenda"[1]. McNellis responded to Ms. Diaz's announcement by sending several emails to school faculty and staff which expressed his concerns about the production, objecting that it was divisive, while also offering to add a "Christian perspective" to the play. Following Mr. McNellis's series of emails, the school district received multiple complaints from Ponderosa employees who perceived McNellis's emails as "bullying", "threatening", "discriminatory toward the LGBTQ community", while also "demonstrating bigotry toward a marginalized group"[2]. Shortly thereafter, McNellis was placed on paid administrative leave as the school district proceeded with an investigation into the matter.

Upon completion of the investigation, the district determined that McNellis's emails "were unprofessional and displayed discriminatory bias against staff and students who represent and/or support the LGBTQ community" and, in addition, that McNellis "had made sexist and racist comments in the past, had attempted to change student grades, failed to follow mandatory district safety practices with regard to COVID-19 and promoted . . . an educational environment that favored some students and staff over others."[3] As a result of the findings, McNellis was terminated from his various roles within the high school.

In July of 2022, McNellis, not happy with being fired, filed a lawsuit against the Douglas County School District in the U.S. District Court for the District of Colorado claiming that his termination was in violation of his First Amendment rights under 42 U.S.C. Section 1983, while also constituted religious discrimination under Title VII of the Civil Rights Act of 1964, and the Colorado Anti-Discrimination Act (CADA), and was retaliation under Title VII and CADA[4].

As routine, the Douglas County School District moved to dismiss McNellis's complaint under Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim on all presented theories. The district court granted the motion and dismissed all claims. McNellis, not happy with the lower court's decision, appealed and on appeal, the U.S. Court of Appeals for the Tenth Circuit reversed in part and affirmed in part: it affirmed the dismissal of the First Amendment and

1 Case No. 1:22-cv-01636-RM-STV Document 103 filed 12/22/25 USDC Colorado.

2 Id.

3 Id.

4 McNellis v. Douglas County School District (Case No. 1:22-cv-01636, D. Colo.)

Copyright © 2026 Hackney Publications (hackneypublications.com)

retaliation claims but reversed the dismissal of the religious discrimination claims under Title VII and CADA, finding McNellis had plausibly alleged discrimination and remanded for further proceedings.

In analyzing McNellis's claims, he first argued that the school district retaliated against him for exercising his free speech when it terminated his employment after he voiced objections to the school play. McNellis's First Amendment claim turns on whether his emails constituted protected speech as a private citizen on a matter of public concern or speech made pursuant to his official duties as a public employee.

A public employee asserting First Amendment retaliation must show his speech was on a matter of public concern, made as a private citizen, and that the speech was a substantial or motivating factor in adverse employment action. The Tenth Circuit agreed with the district court that McNellis's speech was made pursuant to his official duties and not as a private citizen. The court took into account that McNellis's comments occurred in workplace channels, addressed colleagues, and touched on how the school should structure an official school production, matters within the scope of his job duties rather than an external citizen's commentary. Therefore, because McNellis was communicating with colleagues about a school activity in his capacity as an administrator, the court held his emails were not protected speech.

McNellis also claimed that the school district retaliated against him for complaining about the investigation and defending his religious expression, invoking Title VII and CADA's anti retaliation provisions. To state a retaliation claim, he had to plausibly allege that he engaged in protected activity, suffered a materially adverse action, and that a causal connection linked the two. While the adverse action was clear, that being termination, the Tenth Circuit agreed with the district court that the complaint did not plausibly allege causation between any protected opposition activity and the adverse actions. The appellate court noted the lack of nonconclusory factual allegations showing timing or statements tying his complaints about the process to the decision makers' choices, as opposed to their response to the underlying emails themselves.

The most consequential part of the Tenth Circuit's decision, however, addressed whether McNellis plausibly alleged religious discrimination under Title VII and CADA. The district court rejected his argument that he had "direct evidence" of discrimination but concluded that he adequately pled circumstantial evidence supporting a prima facie case. On the alleged direct evidence, McNellis relied heavily on a later letter by the principal, who opined that firing McNellis had "gone too far" and that he had been "railroaded" based on his political and religious views. The Tenth Circuit held this letter was not direct evidence because it still required the inference that decision makers were motivated by religious bias, especially given the principal's view that some discipline would have been appropriate. Direct evidence requires a statement that clearly ties an adverse action to religion without inferential steps, which the letter did not do.

Nonetheless, the court found an adequate inference of discrimination at the pleading stage. It emphasized these allegations: McNellis is a Christian, was qualified and consistently well reviewed, expressed disagreement with the play in a staff email and suggested Christianity could "help" the play, was repeatedly told the investigation and leave were because of his "religious comments," and was ultimately terminated for the emails concerning "*The Laramie Project*". The district's repeated invocation of "religious comments" as the justification for investigation, leave, and termination plausibly linked his faith based expression to the adverse actions, satisfying the low prima facie bar. The Tenth Circuit therefore reversed dismissal of his Title VII and CADA religious discrimination claims and remanded for discovery and further proceedings.

On remand though, the Douglas County School District again moved for judgment and this time prevailed. The district court concluded that the undisputed evidence showed the school disciplined McNellis because his emails created an appearance that he was intolerant of the LGBTQ community, impairing his ability to serve as an administrator, not because of animus toward Christianity. As a result, the court found no genuine dispute that the school district honestly believed his conduct, not his religious status, drove the decision, and that there was no evidence the school district would have ignored similar complaints if his emails had omitted religious references. Without evidence of pretext, such as inconsistent explanations, differential treatment of similarly situated non Christian employees, or overt anti Christian remarks, the discrimination claim could not go to a jury.

Legally, the case illustrates that public school administrators' internal emails about school programming are highly likely to be viewed as speech pursuant to official duties, limiting First Amendment retaliation protections, even when the content is religious. In other words, you cannot use religion as a shield when you are discriminating against a certain segment of the population.

Copyright © 2026 Hackney Publications (hackneypublications.com)

Feds Settle with IMG Academy Over Violations of U.S. Counternarcotics Sanctions

Takeaways

- Sanctions compliance applies to schools and athletic programs

  Educational and athletic institutions are subject to U.S. sanctions laws. Enrolling international students or accepting foreign payments without proper screening can lead to significant financial penalties and regulatory action.
- Basic screening procedures are essential

  The violations occurred largely because the institution failed to screen names against the SDN list. Even minimal due diligence could have prevented the issue, making routine background and payment-source checks a critical risk-management step.
- Third-party payments do not eliminate liability

  Using intermediaries, wire transfers, or indirect payment structures does not shield schools from responsibility. If a sanctioned individual ultimately benefits, the institution can still be liable, underscoring the need for clear policies on international payments and sponsorships.

By Holt Hackney

The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) has reached a $1.72 million settlement with IMG Academy following an investigation into violations of U.S. counternarcotics sanctions involving individuals linked to a Mexican drug trafficking organization.

The enforcement action covers conduct between 2018 and 2022, during which IMG Academy entered into tuition agreements and processed payments connected to two individuals listed under the Foreign Narcotics Kingpin Designation Act, which authorizes sanctions against major narcotics traffickers and their associates.

According to OFAC, the individuals were included on the agency's Specially Designated Nationals (SDN) list because of their connections to a sanctioned Mexican drug trafficking organization. Transactions with SDNs are generally prohibited under U.S. law.

Violations Involved Tuition Agreements and Financial Transactions

OFAC determined that IMG Academy committed 89 apparent sanctions violations, including:

- Six tuition enrollment agreements, and
- 83 related financial transactions with the sanctioned individuals.

The Bradenton, Florida–based institution agreed to pay $1,720,000 to settle potential civil liability.

Although OFAC categorized the violations as "non-egregious," the agency noted that the conduct was not voluntarily self-disclosed by IMG Academy.

The penalty amount was calculated under federal sanctions enforcement guidelines and reflects several mitigating factors, including the institution's cooperation with investigators and corrective actions taken after the conduct was identified by management.

Sanctioned Individuals Enrolled Children at the Academy

The matter centers on IMG Academy's enrollment of two student-athletes whose parents or guardians were later identified as sanctioned individuals.

Beginning in January 2018, one sanctioned individual signed annual tuition agreements for their child to attend the academy. The student remained enrolled through graduation in 2023. Tuition and associated costs ranged from approximately $47,000 per semester to nearly $99,000 annually.

A second sanctioned individual enrolled their child in 2020, entering similar agreements that covered two academic years before the student withdrew in mid-2022. Payments in that case ranged from roughly $100,000 to more than $102,000 per year.

Under the enrollment agreements, the sanctioned individuals were responsible for tuition, housing, and other fees. Payments were typically made through third-party wire transfers from Mexico, while credit cards were sometimes used for additional charges. In certain instances, unused funds from prior academic terms were applied to future tuition payments.

OFAC concluded that these arrangements constituted transactions involving the property or interests of sanctioned persons, which are prohibited under federal sanctions regulations.

"Even indirect or third-party payment structures do not exempt institutions from compliance obligations when the underlying transaction benefits a designated individual," the agency stated.

Copyright © 2026 Hackney Publications (hackneypublications.com)

Lack of Basic Screening Led to Violations

In its enforcement release, OFAC said IMG Academy failed to conduct basic sanctions screening during the application and enrollment process.

The sanctioned individuals had provided their legal names during admissions and contract execution, and those names matched entries on the SDN list.

According to OFAC, minimal due diligence at any stage of the enrollment process would likely have identified the sanctions risk, but the lack of screening allowed the violations to continue over multiple years.

The agency characterized the conduct as showing "reckless disregard" for U.S. sanctions requirements, although it did not conclude that IMG Academy knowingly engaged with sanctioned individuals.

OFAC also emphasized the seriousness of the violations, noting that the transactions provided members of a drug trafficking organization access to U.S. educational services and the financial system.

Mitigating Factors Reduced the Penalty

Despite the violations, OFAC cited several mitigating factors when determining the penalty.

The agency noted that IMG Academy:

- Had no prior sanctions enforcement actions in the previous five years,
- Cooperated extensively with investigators, and
- Implemented significant remedial measures after discovering the issue.

Following a change in ownership in June 2023, IMG Academy introduced new leadership, including a chief legal officer, and conducted an internal compliance review.

The institution subsequently established a risk-based sanctions compliance program designed to prevent similar issues in the future.

OFAC also noted that IMG Academy agreed to toll the statute of limitations during the investigation and provided detailed responses to agency inquiries.

Warning for International Institutions

The case highlights the expanding reach of U.S. sanctions enforcement beyond traditional financial institutions and into sectors such as education and athletics.

OFAC officials stressed that organizations operating internationally—including schools that enroll foreign students—must account for sanctions risks.

"Academic institutions are not immune," the agency said, noting that international tuition payments, third-party funding structures, and cross-border transactions can expose schools to sanctions violations if proper screening procedures are not in place.

OFAC recommends that institutions:

- Screen students, parents, sponsors, and payors against sanctions lists,
- Conduct risk assessments of international transactions,
- Implement internal controls and staff training, and
- Regularly audit compliance programs.

The settlement also reflects OFAC's broader enforcement approach under its 2019 "Framework for OFAC Compliance Commitments," which emphasizes risk-based compliance systems, voluntary disclosure, cooperation, and remediation when determining penalties.

Enforcement and Whistleblower Incentives

Federal authorities also encourage reporting of potential sanctions violations. The Treasury Department's Financial Crimes Enforcement Network (FinCEN) operates a whistleblower program under which individuals may receive awards if information they provide leads to enforcement actions resulting in penalties exceeding $1 million.

The IMG Academy settlement underscores the complexity of sanctions compliance for organizations engaged in international activities. It also signals continued scrutiny by federal regulators of institutions that may inadvertently provide sanctioned individuals access to U.S. services or financial systems.

Although the violations were deemed non-egregious, the financial penalty and public enforcement action highlight the legal and reputational risks of sanctions failures, particularly for organizations operating at the intersection of education, athletics, and global commerce.

Copyright © 2026 Hackney Publications (hackneypublications.com)

Lawsuit Alleges Sequoia Union School District Failed to Act on Complaints About Volleyball Coach

A former Woodside High School student has filed a lawsuit alleging that a Northern California school district and a private volleyball club ignored repeated warnings about a coach's alleged misconduct, allowing him to continue abusing his position of authority and sexually assault her while she was a minor.

The lawsuit, filed over the winter in San Mateo County Superior Court by the law firm Cerri, Boskovich & Allard, accuses the Sequoia Union High School District and the Academy of Volleyball of negligence in their supervision of volleyball coach Thomas Feng. The complaint alleges that the failures allowed Feng to sexually assault the student, identified as Jane Doe, during the 2022–2023 school year.

According to the complaint, Feng used his role as a coach at Woodside High School to develop an inappropriate relationship with the student that began when she was 15 years old. The lawsuit alleges he groomed her through favoritism during practices and games, frequent texting and promises related to her place on the team before sexually assaulting her multiple times on school grounds and at school-sanctioned events.

Feng, 26, of Fremont, was arrested earlier this year and charged with felony sexual assault of a minor after the student filed a police report with the San Mateo County Sheriff's Office in June 2025, authorities said.

The lawsuit alleges that school officials were aware of concerns about Feng's behavior long before law enforcement became involved but failed to act.

According to the complaint, rumors about Feng's relationship with the student circulated among students and staff. In 2023, two anonymous complaints were made to Woodside High School administrators reporting an inappropriate relationship between Feng and the student. School administrators, including vice principals and other staff members, allegedly dismissed the complaints as rumors and took no further action to investigate or increase supervision.

The complaint also alleges that a parent of another volleyball player raised concerns with the school's athletic director about Feng's behavior toward female athletes. The lawsuit claims the concern was brushed aside and that the district did not report the allegations to law enforcement or child protective services.

In addition to coaching at Woodside High School, Feng also worked with Academy Volleyball, a youth volleyball club operating multiple programs in the Bay Area. The lawsuit alleges that staff members at the club had previously warned Feng about maintaining appropriate boundaries with players but failed to report the concerns to authorities or take meaningful steps to address them.

Attorney Lauren Cerri, who represents the student, said the case highlights what she described as institutional failures to protect students.

"We are seeking justice for our client and working to ensure no other student suffers under this district's watch," Cerri said in a statement. "By dismissing complaints, the district prioritized its reputation over the safety of students."

The lawsuit seeks damages for alleged negligence, failure to report suspected child abuse and failure to adequately supervise Feng while he was employed by the district and affiliated with the volleyball club.

Neither the Sequoia Union High School District nor Academy Volleyball immediately responded to requests for comment from media outlets Friday.

The complaint alleges the abuse continued until the student reported the conduct to the San Mateo County Sheriff's Office in 2025, prompting a criminal investigation that eventually led to Feng's arrest and criminal charges.

Attorneys representing the student said they are encouraging anyone with additional information about Feng or similar incidents to come forward.

The case is the latest in a growing number of lawsuits across the United States alleging that schools and youth sports organizations failed to adequately respond to warning signs of misconduct by coaches or staff members working with minors.

Return to Table of Contents

Copyright © 2026 Hackney Publications (hackneypublications.com)

Tennessee Eases Transfer Rules, Allowing Immediate Eligibility for Student-Athletes

By Holt Hackney

Tennessee Gov. Bill Lee has signed legislation that will make it easier for middle and high school athletes to compete immediately after transferring schools.

The new law, which takes effect July 1, allows student-athletes who transfer during the summer to be immediately eligible for competition in the upcoming season, provided it is their first transfer during either middle school or high school. The change applies to students in grades 6 through 12 and permits one transfer at each level.

State officials described the measure as part of a broader effort to support students and families by removing barriers to participation in school activities.

"Parents and students should have flexibility when making educational decisions," Lee said in a statement announcing the bill's signing. "This ensures student-athletes are not unfairly penalized when changing schools for legitimate reasons."

Under previous rules, many transferring athletes were required to sit out a period before becoming eligible for varsity competition unless they qualified for a specific exemption. The new law eliminates that waiting period for eligible transfers made between school years.

However, the legislation includes several limitations. Student-athletes must still meet academic and disciplinary requirements, and transfers that occur during the school year will generally result in ineligibility for varsity competition unless a hardship waiver is granted.

The law also does not change existing restrictions related to recruiting or improper influence by coaches or schools, which remain under the authority of the Tennessee Secondary School Athletic Association.

The TSSAA, which governs interscholastic athletics in Tennessee, said it worked closely with lawmakers to ensure the law preserves fairness and competitive balance.

"While the 'one-time transfer' law represents a significant shift, we are grateful for the opportunity to have been involved in the drafting process," said TSSAA Executive Director Mark Reeves. "That collaboration ensured that key eligibility rules, including those related to recruiting and coaching connections, remain in place."

Reeves added that the association's core principles — emphasizing fair play and educational priorities — remain intact and are now reinforced under state law.

According to the TSSAA, approximately 60% of principals at member schools supported the move to a one-time transfer rule over the previous system. The organization plans to present bylaw changes to implement the new law at its Legislative Council meeting in April.

The legislation places Tennessee among a growing number of states that have adopted more flexible transfer policies for student-athletes in recent years.

Supporters say the measure provides families with greater freedom to make decisions based on academic, personal or logistical needs without forcing students to miss competition.

"Parents should be able to do what's best for their children without facing punitive eligibility rules," Lee said. "We want to encourage participation in sports as part of student development."

At the same time, the law aims to balance flexibility with safeguards designed to prevent abuse. By limiting students to one transfer at each level and maintaining strict rules on recruiting, lawmakers and athletic officials hope to preserve competitive integrity.

Some observers, however, have expressed concern that loosening transfer restrictions could lead to increased movement of athletes between schools, potentially affecting team stability and competitive balance.

The TSSAA said it will continue to monitor the impact of the new rule and enforce existing regulations to prevent misuse.

"The three fundamental principles in our bylaws remain unchanged," Reeves said. "We will continue to uphold those standards as we implement this new framework."

For student-athletes across Tennessee, the change represents increased flexibility beginning with the 2026-27 school year. Those who transfer during the summer under the law's guidelines will be eligible to compete immediately.

The effects are expected to be felt quickly, particularly in fall sports, where eligibility decisions typically coincide with the start of the academic year.

Return to Table of Contents

Copyright © 2026 Hackney Publications (hackneypublications.com)

Study Finds Gaps in Concussion Reporting Across Texas High Schools

Fewer concussions were reported among Texas high school athletes and students in urban and lower-income districts than in higher-income suburban districts despite larger enrollments, UT Southwestern Medical Center researchers found in a study.

The research, published in Sage Open Pediatrics, was based on data collected through the statewide ConTex2 project led by UT Southwestern and the Medical Advisory Committee of the University Interscholastic League (UIL) in Texas and Rank One, a school activities management platform.

"Concussions are a major issue, with an estimated 15% of school athletes experiencing a concussion at some point that disrupts daily life and academic performance," said senior author Mathew Stokes, M.D., Assistant Professor of Pediatrics and Neurology at UT Southwestern. "While reporting differences are likely multifactorial, our findings suggest that differences in concussion awareness and access to resources such as medical personnel, athletic trainers, and protective equipment may contribute."

Researchers analyzed more than 6,300 concussion cases reported by high school athletes as well as participants in activities such as marching band and cheerleading in grades 9-12. All Texas schools participating in the UIL are encouraged to report concussion data to the ConTex2 data portal, while all 6A high schools, the state's largest, are mandated to report.

The analysis included data covering age, gender, grade, sport, mechanism of the injury, school, and district. The schools involved were segmented by socioeconomic classification and geographic location (urban, suburban, town, or rural). While the study analyzed discrepancies in how concussions are identified and reported, it did not quantify the true frequency of concussions occurring within the high school athlete population.

Concussions were reported less frequently in lower-income areas of Dallas-Fort Worth (in Dallas, Tarrant, Collin, Denton, and Rockwall counties), suggesting that financial disparities and resource availability may affect concussion reporting. Activities that had statistically significant differences between urban and suburban schools included cheerleading, cross country, softball, and marching band.

"While the differences were small between high socioeconomic and low socioeconomic districts in popular sports such as football, they were far more pronounced in smaller sports with fewer participants, such as wrestling, cross country, and swimming and diving, as well as activities such as drill team and band," said co-author Joshua Beitchman, M.D., M.B.S., a clinical resident in Pediatric Neurology at UT Southwestern. "This points to awareness and resource allocation as an issue, as lower-resourced districts may struggle to provide awareness training and on-site medical coverage for smaller sports."

The research builds on previous studies at UT Southwestern utilizing the statewide North Texas Concussion Registry (ConTex), which captures longitudinal data on concussions at Texas high schools across the lifespan. UTSW launched the ongoing ConTex registry in 2015.

"One of the best ways we can improve safety for young athletes is providing equitable access to concussion awareness and medical resources, regardless of where or what they play," said C. Munro Cullum, Ph.D., Professor of Psychiatry, Neurology, and Neurological Surgery at UTSW and Principal Investigator for ConTex. "Unrecognized or unreported concussions can delay treatment and increase the risk of prolonged symptoms, academic difficulties, and repeat injury. Our goal is to improve recognition and reporting so these athletes can receive timely, individualized care and reduce the long-term impacts of their injury."

Arizona High School Placed on Probation After Taunts Against Navajo Team

By Holt Hackney

What began as a postseason celebration inside a packed high school gym has turned into a statewide reckoning over sportsmanship, accountability and the responsibility of school communities to foster a respectful environment.

The Arizona Interscholastic Association has placed Coolidge High School's entire athletic program on probation for one year following a racially charged incident involving

Copyright © 2026 Hackney Publications (hackneypublications.com)

fans at a boys basketball playoff game against Chinle High School, a team based on the Navajo Nation.

The decision came after video of the incident surfaced online. As a result, Coolidge has been disqualified from further postseason play, and its spot in the 3A state semifinals has been vacated. The probation will last 365 days.

The controversy stems from a quarterfinal game played Feb. 20 in Coolidge, about 60 miles southeast of Phoenix, in which Coolidge defeated Chinle 64-53. In the aftermath of the game, allegations surfaced that some Coolidge fans directed racially abusive comments at Chinle players and, in some instances, spit toward them as they left the court.

Chinle High School is located on the Navajo Nation in northern Arizona, and the allegations quickly drew the attention of state leaders and the broader community.

State Rep. Myron Tsosie, who represents parts of the Navajo Nation, called for an investigation after viewing video of the incident and receiving reports from those in attendance.

"I had received allegations that the team was taunted, called racially abusive names and spit on," Tsosie told the Arizona Republic, urging the state's governing body for high school athletics to act.

The AIA opened an investigation shortly thereafter. According to executive director Jim Dean, the organization reviewed video footage, including a livestream of the game hosted by Coolidge High School on YouTube.

Dean said that while some of the reported behavior could not be substantiated, other allegations were supported by the available evidence.

"It came from a game feed from Coolidge High School on YouTube," Dean said. "And some of the allegations were not substantiated and some were."

Based on those findings, the AIA imposed a schoolwide probation that bars all Coolidge teams from postseason competition during the sanction period.

"We will not tolerate any type of racial or discriminatory behavior," Dean said. "There is no place in this world for the allegations that were made, if they're true. We are conducting a full investigation."

The immediate effect of the ruling was to end Coolidge's boys basketball season just days after its quarterfinal victory. Its advancement to the semifinals was rescinded, and the playoff bracket was adjusted.

Coolidge Unified School District officials appealed the decision, arguing that the punishment was too severe. Attorneys for the district and superintendent Dawn Hodge presented their case to the AIA Executive Board.

The board met in a closed executive session and voted unanimously to uphold the probation.

The decision highlights the AIA's authority to discipline member schools not only for the conduct of athletes and coaches, but also for the behavior of spectators at sanctioned events.

It also underscores the growing role of video evidence in high school athletics. In this case, footage from the school's own livestream provided key documentation for investigators.

Tsosie said the probation, which takes effect immediately, represents an important step toward accountability.

Return to Table of Contents

COURT DISMISSES

Continued from page 1

By Carla Varriale-Barker, Eileene McKee, and Riggs Faulkenberry, of Segal McCambridge

The plaintiff was allegedly injured at his son's football game at Monsignor Farrell High School while volunteering as a member of the chain crew. As a member of the chain crew, one holds the first-down marker on the sidelines and moves the marker as the ball is progressed up and down the field. The plaintiff was standing on the sideline with the line marker when a player attempting to make a tackle collided with him, allegedly causing severe injury to his leg.

In 2023, the plaintiff initially filed suit against the Archbishopric of New York and Monsignor Farrell High School, claiming their negligence led to his injuries. He alleged that the defendants put him in harm's way and did not adequately protect him from injury.

Initially, the defendants' attorneys in the first case moved for summary judgment, arguing that the plaintiff assumed the risk of his injury. Under the assumption of risk doctrine in New York, property owners are protected from liability when plaintiffs are injured during recreational activities if the

Copyright © 2026 Hackney Publications (hackneypublications.com)

plaintiff willingly participated, was injured by an inherent risk of the activity, and had knowledge of that risk.

In his deposition, the plaintiff testified that he signed up to volunteer for the team, as it was encouraged for parents of players to do so. Despite it being his first time working on the chain crew, he was a willing participant and had observed others performing this role at prior games. He testified that he had attended many football games and was aware of the risk of being hit by a player while standing on the sideline. He further testified that he was not surprised he was injured, but was surprised by the extent of his injuries.

The plaintiff opposed the motion by arguing that the defendants unreasonably increased the risk of injury beyond those inherent in the sport by failing to train him and properly control the teams. Despite this argument, the court ruled in favor of the defendants and granted summary judgment.

In pursuit of another opportunity to recover monetary damages, the plaintiff commenced a second action in 2025 against the Catholic High School Athletic Association, the New York State Catholic High School Athletic Association, the Catholic Central High School Athletic Association, Inc., the New York Catholic High School Football League, six referees from the game, and Bishop Hendricken High School, the visiting team.

On behalf of our clients, we filed a pre-answer motion to dismiss the plaintiff's latest action, relying on the doctrines of res judicata and collateral estoppel. These doctrines bar plaintiffs from relitigating issues that have already been decided. We argued that the facts of the case were identical to those in the 2023 matter, and that the plaintiff had simply substituted new defendants in an attempt to relitigate the same claims. As such, it had already been determined that the plaintiff assumed the risk of his injury, eliminating any duty of care owed by the defendants.

We also emphasized that Christopher Malkin and Ronald Eason were independent contractors hired solely to officiate the game, and therefore were not owners or occupiers of the premises and had no duty to inspect, maintain, control, or supervise the property. Additionally, the actual premises owner, Monsignor Farrell High School, had already been granted summary judgment in the 2023 matter.

We further argued assumption of risk as an independent basis for dismissal, asserting that even if res judicata and collateral estoppel did not apply, the plaintiff still assumed the risk of his injuries, thereby eliminating any duty of care.

All defendants in the 2025 action made similar arguments, and the court granted dismissal as to all defendants, barring the plaintiff's claims on the grounds of res judicata and collateral estoppel.

Varriale-Barker is a shareholder, and McKee is an associate. Faulkenberry is a former Clemson University football team member and an incoming Juris Doctor candidate at the University of Pennsylvania Carey Law School.

Return to Table of Contents

Copyright © 2026 Hackney Publications (hackneypublications.com)

MISSOURI COURT

Continued from page 1

- Athlete welfare should outweigh competitive interests

  The case highlights the risks when programs prioritize winning over student well-being. Allegations of retaliation and discrimination—especially tied to transfers—can damage credibility and invite scrutiny. Maintaining athlete trust and fairness should be the top priority.

By Gary Chester, Senior Writer

A Missouri high school quarterback transfers for his senior year due to alleged racism, but school administrators fraudulently represent in the paperwork that he was improperly recruited and ineligible to play. The governing body declares the student ineligible, and the student and his parents file lawsuits. It's a slam-dunk winner, right?

Yes and no. *Mabins v. Missouri State High School Activities Association*, Nos. SD38982 and SD38993 (Mo. App. Jan. 23, 2026) serves as a reminder that attorneys with favorable facts on their side must still plead the most applicable cause of action.

Mabins v. MSHAA, Part I

In some towns, high school football involves all the intensity of an Ohio State-Michigan game. Even though the activity concerns students in their teens, sometimes their welfare takes a back seat to the goal of winning at all costs. Such was the case with Kyle Mabins, who played quarterback for three seasons at Kickapoo High School in Springfield, Missouri before transferring to Glendale High School for his senior year. Glendale High is in the same district as Kickapoo.

Kickapoo indicated on the required transfer application that Mabins's transfer was partly due to athletic reasons and undue influence. The Missouri State High School Activities Association ("MSHSAA") investigated the circumstances and concluded that former Glendale coaches Mike Mauk and Ben Mauk had unduly influenced him to transfer. The Mauks had been friendly with the Mabins family since at least 2020. The Association ruled Mabins ineligible to play in his senior year. His parents filed an appeal, which MSHSAA denied.

On August 28, 2023, Mabins's parents filed a lawsuit on his behalf against MSHSAA and the School District of Springfield ("SPS"). On September 22, 2023, Judge Derek Ankrom issued an injunction enjoining the defendants from enforcing the ruling and permitting Mabins to play for Glendale. The court found credible evidence that the athletic director at SPS and the activities director at Kickapoo had committed fraud. They had reportedly provided MSHSAA with video evidence of Mabins working out with a Glendale coach two years before the transfer. The individuals allegedly knew that the adult in the video with Mabins was not a Glendale coach.

MSHSAA filed an appeal with the Southern District Court of Appeals which affirmed the trial court's decision on October 10, 2023. Mabins was eligible to participate in MSHSAA-sanctioned interscholastic sports. (Three days later, Kickapoo defeated Glendale 40-0, with Mabins dividing time with a teammate at quarterback.) In May 2024, the lawsuit was dismissed because Mabin had participated in football in his senior year and did not wish to play any Winter or Spring sports.

Mabins v. MSHSAA, Part II

Mabins's parents also filed discrimination claims with the Missouri Commission on Human Rights in October 2023. They alleged that they and their son had complained about racial discrimination and harassment against Kyle and other African American students by the Kickapoo Athletic Administration. They claimed that SPS had retaliated against them and their son by falsely stating in the transfer form that Kyle's transfer was the result of undue influence and athletic reasons, which would have rendered him ineligible to play football and other sports for Glendale but for the court's injunction.

The parents alleged that SPS "engaged in conduct of race discrimination, harassment and hostile environment by a difference in treatment" of their son. Mabins and his parents filed separate lawsuits against the defendants in 2024, alleging discrimination in public accommodation in violation of the Missouri Human Rights Act (MHRA), as well as retaliation against Kyle by making him ineligible for athletics at Glendale. The trial court dismissed the parents' lawsuit, and they appealed to the Missouri Court of Appeals in the Southern District.

There were two issues on appeal: (1) whether the parents had a viable cause of action for direct discrimination under the MHRA and (2) whether there was a cognizable claim for discrimination by association under the MHRA.

Direct discrimination requires an allegation that the defendants denied the plaintiff "full and equal use and enjoyment" of a public accommodation because of the plaintiff's protected class. The court cited a 2023 Missouri case in

Copyright © 2026 Hackney Publications (hackneypublications.com)

which a school district allegedly denied a transgender plaintiff equal access to the boys' restroom and locker rooms as an example of a direct MHRA violation.

The Mabins alleged that SPS had misrepresented their son's reason for transferring in retaliation for their complaints of racial discrimination. They alleged that the actions of SPS and MSHAA were designed to dissuade them from making reports and advocating for their son "to address and remediate unlawful prohibited conduct of discrimination and retaliation as engaged in…by SPS and MSHAA."

The court ruled for the defendants on the issue because the parents failed to allege that they were personally denied access to areas of public accommodations because of their race or that they were discriminated against in their use of a public accommodation because of their race. Also, the parents did not allege "retaliation against themselves" on the basis of a protected class.

The court also ruled for the defendants on the parents' claim of discrimination by association. The parents failed to allege that they were denied the right to equal use of public accommodation because they were accompanied by their son, who was an individual protected from discrimination based on his race. The court distinguished the case from a 1999 Missouri case in which a restaurant did not allow a patron and her two friends into the establishment because the two friends were blind and had guide dogs with them.

The Takeaway

Part III of *Mabins v. MHSAA* is Kyle Mabins's separate lawsuit against the defendants. The basis for dismissal of the parents' lawsuit is unrelated to their son's claims of discrimination. If Kyle establishes harassment and discrimination based on race, he will again throw SPS for a loss. SPS may rely on an investigation by its St. Louis law firm finding that the Mabins did not complain of racial discrimination before their son's transfer request; the Mabins claim they had registered a complaint before Kyle applied for a transfer, but SPS did not promptly investigate.

That Kyle filed his own lawsuit raises a question about the legal strategy behind his parents' lawsuit; perhaps the family was trying for two bites from the apple.

A second and more compelling question: Why did Mabins's parents not file a Title IX claim for harassment against the school district on their son's behalf? Was that overlooked because he was transferring, or perhaps because playing football was the overarching priority? Had the parents pleaded racial harassment of a minor in violation of Title IX in addition to the MHRA claim, their lawsuit might have survived the defendants' motion to dismiss.

Regardless, Kyle Mabins was permitted to play for Glendale, and his former school district was exposed as caring more about athletics than athletes. And MSHAA appeared petty and misguided by appealing a preliminary finding by an impartial jurist that the SPS had conspired to keep Mabins off the field through fraud. If SPS had duped MSHAA, why continue to push for Mabins's ineligibility? Were there other factors at play that the courts and the news media were not privy to?

The results of this student-athlete's lawsuit will be of interest in the realm of Missouri sports and education, and possibly beyond.

Copyright © 2026 Hackney Publications (hackneypublications.com)