Legal Issues In
# High School Athletics
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## No Liability for Post-Game Fan Violence: Court Dismisses Claims Against School District

**Takeaway**

- Athletic directors and coaches should maintain strong post-game supervision and security protocols, but they should also understand that schools are generally not liable for unforeseeable assaults by third-party spectators absent prior warning signs or a specific duty to protect the injured students.

*By Dr. Rachel S. Silverman*

A New York court held that a school district was not liable for injuries suffered by a student-athlete and a cheerleader who were attacked after a high school basketball game by unknown spectators and opposing players. Following a varsity basketball game at George W. Hewlett High School (HHS) between HHS and Roosevelt High School (RHS), a group of individuals, described as "strangers," assaulted basketball player James Lawes III and cheerleader Triniti Jones in a school hallway. The injured students sued the district, alleging negligent supervision and inadequate security.

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## From Two-a-Days and Dirt to Deion Sanders: The Teddy Bridgewater Act and the Legal Transformation of High School Athletics

**Takeaways**

- Athletic directors and coaches should establish clear policies, documentation procedures, and oversight mechanisms for any coach-funded athlete assistance programs to avoid recruiting allegations and ensure compliance with state athletic association rules.
- As coaches become more involved in providing transportation, rehabilitation services, and other athlete support, schools should review liability, insurance, and risk-management practices because such involvement could increase legal exposure related to athlete welfare and safety.

*By Ivan Parron, Esq.*

Growing up in South Florida, high school athletics were more than just games. They were a pathway to opportunity, community identity, and,

**See FROM TWO-A-DAYS on page 10**

# Students File Lawsuit After Shooting at NJ Football Game

A lawsuit has been filed in New Jersey Superior Court in Passaic County on behalf of two minors who were seriously injured in a shooting at a school-sponsored football game at Passaic County Technical-Vocational School in 2024.

The complaint, filed by a law firm representing the students and their guardians, alleges the shooting occurred Aug. 30, 2024, on school grounds during a game attended by students, families and members of the public. According to the filing, the two minors were bystanders when an altercation escalated and a former student opened fire, striking both and causing severe injuries.

The lawsuit names the Passaic County Technical-Vocational School Board of Education, along with several administrators and staff members, as defendants. It alleges that school officials failed to properly supervise attendees, prevent a foreseeable threat from entering the event and implement adequate safety measures.

According to the complaint, the alleged shooter had previously been expelled but was able to access the event without sufficient screening or intervention. The filing further claims that school personnel had opportunities to identify and remove the individual before the shooting but failed to act.

"At its core, this case is about preventable harm and a failure to protect children in an environment where they should have been safe," said Guillermo Gonzalez, an attorney for the plaintiffs. "These two children were innocent bystanders attending a school-sponsored event and, instead of enjoying a community gathering, suffered life-altering injuries."

Gonzalez said the case centers on alleged lapses in supervision and safety protocols.

"Schools have a fundamental obligation to ensure the safety of students and attendees on their grounds," he said. "When that duty is neglected, and children are the ones who pay the price, accountability is necessary."

The lawsuit seeks damages for negligence, violations of the New Jersey Tort Claims Act, and alleged violations of constitutional rights. A jury trial has been requested.

Both students suffered gunshot wounds and continue to experience physical and emotional trauma, according to the complaint.

The case also raises broader concerns about school safety, crowd control and security procedures at public school events, particularly those held outside regular school hours but on school property.

No response from the school district or the named defendants was immediately available.

The case has been assigned number PAS-L-001259-26.

## 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

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# Federal Judge Considers Whether a High School Athlete Has a Constitutional Right to Play

### Takeaways

- Athletic directors should review their eligibility and waiver processes to ensure students receive clear notice, explanations, and an opportunity to be heard, as courts may increasingly scrutinize decisions that affect athletic participation and future opportunities.
- Coaches and administrators should recognize that courts are beginning to view high school athletics through the lens of scholarships, recruiting exposure, and NIL-related opportunities, making fairness and transparency in eligibility decisions more important than ever.

*By Anna Giambelluca, Esq.*

Every year, high school athletic associations across the nation make eligibility decisions that end athletic careers, redirect futures, and are rarely challenged. The long-held assumption is that playing high school sports is a privilege, not a protected right, and therefore can be taken away without explanation. For forty years, the courts agreed with that assumption. Then Zavior Ward, a senior at Hawaii Baptist Academy, was stripped of his eligibility for water polo, denied an exemption, and was never given a reason why. He brought his case to the legal arena, and for the first time in four decades, a federal court actually paused before accepting the status quo.

Ward's claim is grounded in due process. After being ruled ineligible by the Interscholastic League of Honolulu (ILH), he requested an exemption, which was denied without notice, explanation, or opportunity to be heard. In response, Ward argued that ILH deprived him of a meaningful interest without providing the basic procedural protections required by the Constitution itself. What makes this case notable is the question it forces the court to confront: whether a student athlete has a legally protected interest in participating in interscholastic sports.

The Interscholastic League of Honolulu attempted to shut down that question by filing a motion for judgement on the pleadings, arguing that even if everything Ward was alleging was taken as true, his claim would still fail as a matter of law. Courts have consistently held that participation in athletics is an optional extracurricular, and therefore is not a constitutionally protected right and outside of the scope of due process protections.

The legal framework underlying this argument starts with a basic principle of law: the Due Process Clause protects against the deprivation of property without adequate process. However, the Constitution does not define property interests, so this comes from state law (statutes, contracts, common law, etc). This is where ILH's argument begins to lose some steam. It relies heavily on older cases that treat athletics as purely extracurricular, something optional that students may participate in but are not entitled to. Under that framework, there is no "property" to protect, and therefore there is no due process violation when the opportunity to participate is taken away.

But that framework assumes something that is no longer accurate. It is outdated.

Ward's argument forces the court to confront a new reality: high school athletics today are not what they were back when these cases were decided. Participation in athletics is no longer just about school involvement or personal development. It is tied directly to scholarship prospects, recruiting exposure, and the potential for financial opportunities. The Court acknowledges this shift, pointing to the broader changes in the sports landscape, including the impact of *NCAA v. Alston* and the rise of NIL rights.

These developments matter because they change what is actually at stake when the participation opportunity is taken. Being declared ineligible is no longer just about missing a season. It can mean losing exposure, scholarship opportunities, and access to potential future earnings. Once that is true, it becomes harder to say that participation in athletics carries no legally protected interest.

The court does not go as far as recognizing the interest outright, but does state that existing case law may not fully account for the modern realities. Instead of treating prior case decisions as controlling, it treats them as outdated or at least incomplete, allowing the court to step back and ask whether the assumptions of those cases still hold true.

The Court looks to Goss v. Lopez, where the Supreme Court recognized a property interest in public education. The Court does not state that the right to participate in athletics is the same as the right of education, but rather that property interests can develop over time as society evolves. What was once considered optional can become something the law is required to protect.

That comparison highlights the issue in Ward's case: the law has long treated athletics as expendable, but the role athletics plays in a student's life has evolved in ways that make that classification harder to argue.

Ultimately, the United States District Court for the District of Hawai'i refuses to resolve that question at this stage. It denied ILH's motion for judgment on the pleadings, holding that whether participation in interscholastic athletics constitutes a protected property interest is a material issue that requires further factual development. In other words, the court is not willing to dismiss the claim based solely on outdated assumptions without considering how the landscape is changed.

While this decision is mostly procedural, it is significant. For decades, courts have been willing to accept that athletic participation is a privilege that can be taken away without meaningful explanation. This case suggests that such an approach may no longer be sufficient. Zooming out, this case shows where sports law is heading. Athletes are operating in a system with clear economic value, while the law is still in the process of adjusting to that reality.

If participation in athletics can impact scholarships, future careers, and financial opportunities, it begins to look much more like the type of interest the law typically protects. At the very least, it becomes difficult to justify a system where those opportunities can be taken away without notice, explanation, or opportunity to respond.

But what makes this case more important than it initially appears is what it signals going forward. Even though the court did not recognize a protected property interest outright, it made clear that the question is no longer settled. By refusing to dismiss Ward's claim at such an early stage, the court opened the door for future courts to take a closer look at how participation in athletics actually functions today.

This matters because once a court is willing to consider that a property interest could exist, the analysis changes. Athletic associations can no longer rely as confidently on the assumption that their decisions are safe from constitutional scrutiny. If participation in athletics is eventually recognized as a protected interest, it would require a baseline level of procedural fairness. This would require clear notice, explanations, and an opportunity to be heard before eligibility is taken away.

More importantly, this case reflects the continuous shift in sports law. As athletics becomes more connected to financial opportunity, the law is being pushed to reconsider how it categorizes participation. The label of "extracurricular" becomes harder to defend when the consequences of losing eligibility extend far beyond the field.

This case does not answer the question, but it makes it clear that it is no longer settled, and that the courts are going to have to take a harder look moving forward.

At some point soon, courts will have to decide whether participation in athletics has become more than a privilege. And when they do, the answer will not come from outdated assumptions, but from the reality of what athletics has transformed into. Ward's case doesn't answer the question, but it forces the courts to finally confront it. And once that happens, it becomes much harder to continue calling something a "privilege" when so much is at stake.

# Negligence and Duty of Care in High School Athletics: A Legal Analysis of Athlete Safety in the Valparaiso High School Case

### Takeaways

- Coaches should ensure that drills are age-appropriate, properly supervised, and matched to the equipment being used, as failing to adjust practice activities to foreseeable safety risks can create negligence exposure.
- Athletic departments should review and enforce emergency response and injury-management protocols, since allegations of delayed or inadequate responses to serious injuries can become a central issue in litigation.

*By Hannah G. Bleikamp*

In 2026, a lawsuit was filed against Valparaiso Community Schools after an athlete suffered serious injuries during a non-contact drill (Feurer & Savini, 2026). The football player, Malakai Solomon, was participating in a non-contact drill without protective equipment in which two other players allegedly used excessive force, resulting in Malakai falling and hitting his head on a hard surface. He sustained a severe concussion and wrist injuries, including a fracture in one wrist.

Malakai's parents claimed that the drill was not properly supervised in addition to alleging that the coaches did not provide proper medical care following the injury (Feurer & Savini, 2026). Medical attention was only given once Malakai contacted his father, after which he was taken to the hospital.

In this case, plaintiffs Malakai and his father sued de-

fendants Valparaiso Community Schools and the football coaching staff. The lawsuit claimed negligence and failure to protect the athlete's safety. The suit alleges numerous breaches of duty, including the fact that the coaches did not monitor the drill and ensure that the non-contact drill was executed correctly and without excessive force. The drills were also done without proper protective gear. The plaintiffs claimed that the actions were foreseeable, especially considering that the drill was conducted by pairing older players with younger ones. The case also states that negligence occurred when the coaching staff did not appropriately assess Malakai's injuries, specifically his suspected head injury. The plaintiffs are seeking damages for the injury and medical costs, including physical pain and suffering, mental and emotional distress, actual medical expenses, loss of enjoyment of life, permanent impairment and/or disfigurement, and other damages.

The outcomes of this case should not be limited to the financial recovery for the plaintiffs, but the organizational, industry, and player welfare outcomes. The legal outcome will most likely be a financial compensation settlement to the Solomons for injuries and medical costs. If the settlement is not taken, the case may be taken to trial in which negligence, liability, and duty of care would be determined.

Athletic organizations should review safety protocols for contact and non-contact drills in addition to the supervision requirements. Although common, concussion protocols should be enforced and reviewed annually. Coaches and instructors should take care when pairing athletes for drills to take into account age, size, and experience so as to avoid mismatching injuries. Organizations should place an emphasis on staff training on risk management and risk response. The sport industry should become more aware of the liability around allowing contact during a non-contact drill. State associations have rules in place to reduce the number of athletes in training settings in addition to timelines for contact with football. When these rules are not followed, the team may experience consequences. These rules help improve athlete safety and awareness for emergency response obligations. The current standing of the case is still pending and no final court ruling has been determined.

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# More Than a Scraped Knee: When Blacktop Injuries Lead to Liability

### Takeaways

- High school athletic directors and coaches should reassess whether contact sports and collision-oriented games are permitted on blacktop surfaces, as foreseeable head-injury risks can create significant negligence and premises-liability exposure.
- Schools should ensure staff are trained to recognize concussion symptoms and respond promptly to suspected head injuries, since delays in medical evaluation can increase both student harm and legal liability.

*By Taylor M. Nelson & Michael S. Carroll*

For many adults, childhood memories include pickup football games on blacktop courts, scraped knees, bruised elbows, and being told to walk it off. Hard surfaces were once viewed as a normal part of growing up, and injuries were often dismissed as minor rites of passage. Today, some may characterize increased safety precautions as "soft," but evolving medical knowledge surrounding head trauma tells a different story. A recently filed lawsuit against a California school district highlights how injuries sustained during informal schoolyard games on the blacktop may expose educational institutions to significant legal exposure.

The lawsuit was filed against the Folsom Cordova Unified School District after a 12-year-old student allegedly sustained severe head trauma while playing two-hand touch football at Folsom Middle School. According to the complaint, students were routinely permitted to play football on the blacktop during school hours. During the course of one of these games, the student allegedly struck his head on the pavement. The complaint further alleges that despite signs of concussion, visible pain, and continued distress, school personnel did not immediately call an ambulance following the incident. Instead, the student was taken in a wheelchair to the nurse's office by school staff, and his mother was contacted.

At the center of the case are questions involving duty of care, supervision, and foreseeability. Schools owe students a general duty to provide reasonable supervision and maintain a reasonably safe environment during the school day. In negligence claims, courts often examine whether school officials knew or should have known of a dangerous condition and whether reasonable steps were taken to reduce the risk of

harm. If students were regularly allowed to play football on blacktop surfaces, a court may consider whether the risk of falls, collisions, and head injuries was foreseeable.

The blacktop itself is a significant factor in legal analysis. Unlike grass or turf, pavement presents an unforgiving playing surface with little impact absorption. While prior generations may view blacktop injuries as part of childhood, modern risk management standards require institutions to evaluate known hazards through the lens of current medical knowledge rather than nostalgia. What may once have been considered routine horseplay can now create substantial legal exposure when serious injury results.

The condition of the playing surface may also become relevant. Beyond the inherent hardness of pavement, a court may consider whether the blacktop was properly maintained, level, and free from cracks, depressions, divots, or other surface defects that could increase the likelihood of falls or head injury. If hazardous conditions existed and were not corrected, a school's exposure may extend beyond supervision concerns to premises liability principles. Institutions that permit student activity on aging or damaged surfaces should regularly inspect, repair, resurface, or restrict access when necessary.

The case also raises concerns regarding post-jury response procedures. When a student displays symptoms consistent with a concussion, dizziness, confusion, or severe pain, prompt medical evaluation becomes critical. Delays in treatment may increase both medical complications and institutional liability. Schools are expected to train staff to recognize head injuries and respond appropriately in emergencies. In the state of California, several overlapping areas of California law may be applicable.

Enacted in 2012, California Education Code § 49475 is a state law that regulates the management of concussions and head injuries in student athletes. The law mandates safety protocols for any pupil suspected of sustaining a concussion during athletic activities, medical evaluation by a professional, and return-to-play procedures in schools. However, subsection (c) of the statute reads,

> "[t]his section does not apply to an athlete engaging in an athletic activity during the regular school day or as part of a physical education course required pursuant to subdivision (d) of Section 51220."

The complaint notes that students were permitted to play on the blacktop during school hours. A court would need to consider whether "during school hours" would satisfy the statutory exclusion of athletes engaging in "athletic activity" and whether it occurred in some sort of physical education class. Either condition would seem to satisfy the statutory exclusion. Although § 49475 itself does not define "athletic activity," related California statutes define it as Interscholastic sports or school-sponsored contests, competitions, practices, or scrimmages. A game of two-hand-touch football does not seem to meet this definition.

Another applicable California law is California Health and Safety Code § 124235, which mandates procedures for an athlete who is suspected of having sustained a concussion. A key difference is that this statute applies more broadly to any "youth sport organization" and may thus cover something like an athletic activity, not part of a formal interscholastic program.

California Government Code § 835 States:

> [A] public entity is liable for injury caused by a dangerous condition of its property if the plaintiff establishes that the property was in a dangerous condition at the time of the injury, that the injury was proximately caused by the dangerous condition, that the dangerous condition created a reasonably foreseeable risk of the kind of injury which was incurred, and that either:
>
> **A.** A negligent or wrongful act or omission of an employee of the public entity within the scope of his employment created the dangerous condition; or
>
> **B.** The public entity had actual or constructive notice of the dangerous condition under Section 835.2 a sufficient time prior to the injury to have taken measures to protect against the dangerous condition.

This statute applies to public property and known dangerous conditions, such as worn or crumbling blacktops.

From a risk management perspective, schools should carefully evaluate where contact-based games are permitted during recess, lunch, and other unstructured activity periods. Collision-oriented games on blacktop or similar hard surfaces create obvious hazards. Schools may reduce exposure by restricting high-impact games to safer surfaces, increasing active supervision, implementing activity guidelines, and training employees in emergency response protocols. These measures not only protect students but also help schools demonstrate reasonable care.

Ultimately, injuries occurring outside formal athletic settings can raise the same liability concerns as those in organized sports. The lawsuit against Folsom Cordova Unified School District serves as a reminder that foreseeable risks require proactive supervision and timely response. To protect student well-being and limit legal exposure, schools must

apply sound risk management principles across all student activities, including informal play.

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*Taylor M. Nelson is an Athletic Operations Coordinator in collegiate athletics, overseeing team logistics, budgeting, and event operations for multiple sports programs. She is also a doctoral candidate in Sport Management at Troy University, with research interests in student athlete development, governance and compliance, and policies that shape equitable and effective athletic environments.*

*Michael S. Carroll serves as a Professor of Sport Management at Troy University, where he specializes in sport law and risk management within the sport and recreation industries. A prolific scholar, he has authored over 40 articles and delivered more than 50 presentations at professional conferences. Dr. Carroll also plays a vital role in mentorship, working closely with candidates in Troy's doctoral program. He lives in Orlando, FL.*

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# Minnesota Bill Would Require CPR, AED Training for High School Coaches

A bipartisan proposal moving through the Minnesota Legislature would require high school and middle school coaches to be trained in cardiopulmonary resuscitation (CPR) and the use of automated external defibrillators (AEDs), a measure supporters say could save lives during athletic emergencies.

The legislation, Senate File 3548, would mandate that coaches and assistant coaches working with student-athletes complete training designed to help them respond to sudden cardiac arrest and other medical emergencies during practices and competitions.

Under the proposal, the requirement would take effect beginning in the 2027–28 school year and would apply broadly to school districts and charter schools across the state. Coaches would be required to obtain initial certification and maintain current training through periodic renewal.

Supporters of the bill say the measure addresses a significant gap in Minnesota's current approach to student-athlete safety. While the state requires CPR and AED instruction for students in grades 7 through 12, it does not currently mandate the same level of training for coaches overseeing athletic activities.

Advocates argue that coaches are often the first adults to respond when a medical emergency occurs during a game or practice, making their preparedness critical. Survival rates for sudden cardiac arrest decline rapidly without immediate intervention, a point emphasized during testimony in support of the bill.

"What we do know is that with all sudden cardiac arrests, time is of the essence," bill author Sen. Bonnie Westlin said during legislative proceedings.

Minnesota has one of the highest rates of student participation in athletics in the country, with more than 230,000 students involved in school sports, according to the Minnesota State High School League. Supporters say that level of participation increases the likelihood that cardiac emergencies could occur and underscores the need for trained personnel on site.

The bill has gained bipartisan support as it moves through the legislative process. It was unanimously approved by the

Senate Education Policy Committee in March 2026 and has been referred to additional committees for further review.

In addition to requiring training, the legislation includes provisions aimed at reducing barriers for schools and coaches. CPR and AED instruction would be provided at no cost through partnerships with medical organizations, ensuring that districts are not burdened with additional expenses.

The proposal also includes liability protections for coaches who provide emergency assistance. Under the bill, coaches who perform CPR or use an AED in good faith would be shielded from civil liability, provided their actions do not constitute gross negligence.

Supporters say these protections are important to encourage prompt action in emergencies, when hesitation could cost lives.

The measure reflects a broader national trend toward increasing safety requirements in school athletics. Several states have adopted laws requiring coaches to be trained in CPR and AED use, often in response to high-profile incidents involving student-athletes experiencing cardiac arrest.

Testimony in support of the Minnesota bill has included emotional accounts from families affected by such incidents, underscoring the potential impact of immediate response.

If enacted, the legislation would expand the number of adults trained to respond to emergencies at school sporting events, potentially improving outcomes for student-athletes experiencing life-threatening conditions.

Lawmakers say the proposal is designed to be a practical step toward strengthening safety without imposing significant new burdens on schools.

The bill remains under consideration as it moves through the legislative process. If approved by both chambers and signed into law, Minnesota would join a growing number of states requiring formal emergency response training for school athletic coaches.

For supporters, the goal is straightforward: ensuring that those closest to student-athletes are equipped with the skills needed to respond when seconds matter most.

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# Study: Football Associated with Nearly One in Five Brain Injuries in Youth Sports

Youth football accounts for the largest share of sports-related traumatic brain injuries (TBIs) in children and young adults, nearly one in every five TBIs, according to a preliminary study released March 4, 2026, that will be presented at the American Academy of Neurology's 78th Annual Meeting taking place April 18-22, 2026, in Chicago and online.

Youth sports and activities included in the study, in addition to football, were soccer, basketball, cycling, skiing, snowboarding, running, baseball, hiking, roller skating, skateboarding, wrestling, cheerleading, ice hockey, lacrosse, field hockey and volleyball.

"Traumatic brain injuries from sports are a common, yet preventable, source of long-term neurological and psychiatric issues in children and young adults," said study author Steven Wolf, MD, of Boston Children's Health Physicians in Hawthorne, New York, and member of the American Academy of Neurology. "Our study found that nearly one in five of these injuries occurred in youth football, with these athletes also experiencing more repeat brain injuries than youth in other sports."

For the study, researchers reviewed a health records database to identify 72,025 children and young adults, age 25 or younger, who had experienced their first sports- or recreation-related TBI. Average age at injury was 14 years, and 32% of cases occurred in girls.

Researchers found that football accounted for 19% of all activity-related TBIs, with soccer being the second highest accounting for 11% of TBIs, basketball accounting for 10%, and cycling accounting for 7%.

Each athlete with TBI was matched to an athlete of the same age and sex who had experienced a lower-leg fracture during

similar activities but had no history of TBI.

Researchers found that repeat TBIs were common, occurring in 37% of football injuries compared to 32% across all sports.

After adjusting for age and sex, researchers found among those who played football, those with TBI had a 23% higher risk of chronic headaches compared to those without TBI, as well as a 5% higher risk of visual impairment, a 5% higher risk of anxiety, a 3% higher risk of depression and a 1% higher risk of substance use disorders. Visual impairment included double vision, decreased ability to see and in rare cases, complete blindness.

When looking at timing, researchers found that TBIs at younger ages were associated with developmental and mood disorders, while TBIs at older ages were associated with substance use disorders.

"Our findings highlight youth football as a critical public health priority, suggesting that brain injuries sustained during key stages of development may reshape health later," said Wolf. "Prioritizing safety standards like delaying tackle football participation and finding ways to limit repeat injuries could help better protect developing brains."

A limitation of the study is that clinical data was used, making it difficult to figure out the cause of a TBI since the majority of TBIs are recorded without a cause. This may have influenced how researchers attributed TBIs to particular activities.

# NO LIABILITY

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The court's analysis focused on two key issues: duty and foreseeability. *Mirand v City of New York* (1994) established that schools have a duty to adequately supervise the students in their charge and will be held liable for foreseeable injuries related directly to a lack of supervision. However, the court emphasized that although schools owe a duty to supervise their own students, this does not apply to third-party spectators. Since the assailants were non-student spectators at an after-school sporting event, the school had no legal duty to control them. This is supported by *Jerideau v. Huntington Union Free School Dist*. (2005), where the court held that a school was not liable for stabbings following a football game because the District did not have a duty to supervise nonstudent spectators at the game.

The court also found the incident was not foreseeable. There was no history of violence or prior incidents between the schools, and the attackers were unidentified. The District's Director of Health, Physical Education, and Athletics, David Viegas, testified before trial that prior to that night, he had never been made aware of any prior incidents or altercations between the two schools. Security Aide Thomas Redash testified similarly. Lawes stated that during his prior seasons playing against RHS, there had been no verbal or physical altercations between the team members or the fans. The plaintiffs explained that during the game, there was "belligerent heckling" and "abusive conduct" by unknown spectators and players directed at HHS players. They further argued that there is a general rivalry between the schools, derogatory remarks were exchanged during the game, and the removal of one RHS player from the gym during the game should have provided the District with constructive notice of the assault. The court clarified that general rivalry, heckling, or verbal exchanges during games are insufficient to establish foreseeability (*Pitner v Brentwood UFSD*, 1998). Courts have held that verbal harassment alone does not establish foreseeability (*Sanzo v. Solvay UFSD*, 2002). The court also relied on *Wood v. Watervliet City School District* (2006), which held that foreseeability requires evidence of prior threats or aggressive conduct by the assailant. Similarly, in *Dixon v. William Floyd UFSD* (2016), the court granted summary judgment where a student was assaulted by non-students, and the district lacked notice of any risk.

To prevail on a negligent security claim, plaintiffs must establish a "special duty," meaning a specific assurance of protection made directly to them and relied upon. The "special duty" doctrine originated in *Cuffy v. City of New York* (1987), which established the four-part test for imposing liability on a public entity. Generally, no liability arises from the performance of a governmental function absent a special duty (*Bonner v. City of New York*, 1989). This principle applies equally to school districts (*Bain v. NYC Board of Education*, 2000). The four required elements to prove a "special duty" exists are affirmative promise or action, knowledge of potential harm, direct contact, and justifiable reliance. An affirmative promise requires that the school made a specific promise or taken action to protect the individual, not simply provided general security. Courts have consistently rejected negligent security claims where no specific promise of protection was made (*Jimenez v. City of New York,* 2002). Knowledge of potential harm means school officials must have known that

failing to act could lead to harm to that person. There must have been direct interaction between the school (or employees) and the injured person. Lastly, the injured person must have relied on the school's promise or protection when deciding whether to act or not. All four elements must be present for a valid claim. The court found no evidence of any of the four required elements, and therefore, there was no evidence of a "special duty." The mere presence of security personnel does not create a special duty (*Weisbecker v. West Islip UFSD*, 2013), nor do internal policies or guidelines (*Valdez v. City of New York*, 2011)." In *Manning v. Ardsley UFSD* (1998), the court similarly dismissed claims arising from a post-game assault due to the absence of a special duty.

The court further noted that conclusory allegations, without supporting evidence, are insufficient to defeat summary judgment (*Zuckerman v. City of New York*, 1980). Accordingly, the court granted summary judgment in favor of the school district and dismissed all claims.

### Practical Implications

This case reinforces the importance of understanding both the scope and limits of legal responsibility at athletic events. Although schools cannot guarantee students' safety, administrators should remain proactive in managing crowd behavior, especially during high-risk periods such as post-game. Increased supervision in hallways, exits, parking lots, and other common areas helps reduce the likelihood of similar incidents. Additionally, although internal policies and security protocols may not, on their own, create legal liability, they are essential components of an effective risk management plan. Consistent enforcement of these procedures can help prevent incidents and demonstrate a commitment to safety, which may be important in both legal and practical contexts.

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# FROM TWO-A-DAYS

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in many cases, a bridge to higher education and professional careers.

I attended Hialeah-Miami Lakes High School during one of the most remarkable eras in the school's athletic history. Our baseball program won a national championship during my sophomore year, and our basketball team captured a national championship during my senior year. I played football myself, although our team did not enjoy the same level of success.

In the 1980s, however, "grit" was an understatement when it came to high school football. We endured two-a-day summer practices in the scorching South Florida heat, often with little more than occasional breaks to drink from a water hose. If you got hurt during a play, the trainers' famous prescription was frequently, "rub some dirt on it." The concepts of concussion protocols, hydration monitoring, heat acclimatization, and sports medicine specialists were not nearly as prevalent as they are today.

Like many young athletes chasing a dream, I eventually walked on at Florida State University in 1987. At the time, Florida State was a national powerhouse loaded with elite talent, including a young Deion Sanders. My collegiate football career lasted exactly one practice. The first hit convinced me that perhaps my future would be better served in a classroom than on a football field.

What remained with me, however, was a firsthand understanding of the profound role coaches play in the lives of young athletes. Coaches are often mentors, counselors, disciplinarians, role models, and, in some cases, surrogate parental figures. That reality sits at the heart of Florida's recently enacted "Teddy Bridgewater Act," legislation that may prove to be one of the most significant developments in the legal regulation of high school athletics in recent years.

More importantly, the Act serves as a useful lens through which to examine the rapidly evolving legal issues confronting high school athletics throughout the United States.

### The Origin of the Teddy Bridgewater Act

The legislation emerged following a highly publicized controversy involving former NFL quarterback Teddy

Bridgewater.

After retiring from professional football, where he played quarterback for eight NFL franchises, including the Miami Dolphins, Teddy Bridgewater returned to his alma mater, Miami Northwestern Senior High School, as head football coach. During his tenure, Bridgewater publicly acknowledged that he had personally covered various expenses benefiting student-athletes, including meals, transportation, recovery treatments, and other forms of support.

Under existing Florida High School Athletic Association ("FHSAA") rules, such assistance could potentially be characterized as an impermissible benefit provided to student-athletes. The resulting scrutiny led to disciplinary action and reignited a statewide debate regarding the appropriate role of coaches in supporting student-athletes, particularly those from economically disadvantaged backgrounds.

In response, Florida lawmakers enacted Senate Bill 178, commonly referred to as the Teddy Bridgewater Act.

The legislation amends Section 1006.20, Florida Statutes, and requires the FHSAA to adopt bylaws authorizing a head coach to use personal funds to support student-athlete welfare. The law permits head coaches of Florida middle school and high school athletic programs to spend up to $15,000 annually per athletic team from their own personal resources to assist student-athletes with expenses such as food, transportation, physical therapy, rehabilitation services, and similar support.

The Act also incorporates reporting requirements, parental consent provisions, transparency safeguards, and anti-recruiting protections designed to prevent abuse. Significantly, the legislation creates a rebuttable presumption that expenditures within the statutory cap are not impermissible benefits if made in compliance with the law and not for recruiting purposes.

Governor Ron DeSantis and legislative supporters emphasized that coaches frequently serve roles extending far beyond athletic instruction. Particularly in underserved communities, coaches often become trusted mentors who help bridge economic and social gaps confronting student-athletes and their families.

## A Legal Tension: Amateurism Versus Student Welfare

At its core, the Teddy Bridgewater Act highlights a longstanding tension within scholastic athletics: the conflict between amateurism rules and student welfare.

Historically, state athletic associations have adopted strict eligibility and amateurism regulations designed to preserve competitive balance and deter recruiting abuses. Such rules generally prohibit athletes from receiving benefits that might influence school selection decisions or provide a competitive advantage.

The rationale behind these regulations is understandable. If schools or coaches are permitted to provide substantial benefits to athletes, the concern is that athletic competition becomes distorted by financial inducements rather than educational opportunities.

Yet the realities confronting many student-athletes often present a more complicated picture.

For some athletes, transportation to practice, access to nutritious meals, rehabilitation services, athletic equipment, or basic recovery resources are not luxuries. They are necessities. The same assistance that may be characterized as an impermissible benefit under a strict compliance framework may simultaneously be essential to a student's health, safety, and ability to participate in school athletics.

The Teddy Bridgewater controversy exposed how rigid regulatory structures can sometimes collide with well-intentioned mentorship. The new legislation represents Florida's

attempt to strike a balance by permitting limited support while maintaining safeguards against recruiting misconduct.

Whether that balance can be maintained in practice remains an open question.

## Recruiting and Competitive Advantage Concerns

One of the most significant legal concerns raised by the Act involves recruiting.

Although the legislation expressly prohibits expenditures made for recruiting purposes, distinguishing between legitimate welfare assistance and indirect recruiting inducements may prove challenging.

Consider two competing programs. One coach has the financial ability to contribute the full $15,000 permitted under the statute. Another coach lacks the personal resources to do so. Even if both coaches act in complete good faith, student-athletes and their families may naturally gravitate toward programs capable of providing greater support.

The issue becomes even more complicated in an era characterized by increasing athlete mobility. Florida, like many states, has experienced growing scrutiny regarding transfers, school choice programs, and athlete movement between districts and schools.

As a result, FHSAA administrators and school districts may face heightened enforcement responsibilities as they attempt to monitor compliance while preventing the appearance of recruiting-related conduct.

Future disputes may test where courts and regulators draw the line between mentorship and inducement.

Equal Protection and Competitive Equity Concerns

The Act also raises broader concerns regarding equity.

Not all schools possess equal resources. Likewise, not all coaches possess equal financial means.

A coach in an affluent community may have greater personal resources or access to booster-supported networks capable of providing assistance to student-athletes. Coaches in lower-income districts may not have similar opportunities.

While the Act imposes annual spending limits, disparities in available resources may nonetheless create practical competitive advantages.

Although constitutional Equal Protection challenges appear unlikely, policymakers may continue to grapple with whether such disparities undermine the principles of competitive fairness that athletic associations traditionally seek to protect.

These concerns mirror broader debates already occurring within collegiate athletics regarding NIL opportunities, donor collectives, and resource disparities among institutions.

## Liability and Expanded Duties of Care

Another important legal issue involves potential liability exposure.

When coaches begin directly funding transportation, rehabilitation services, recovery treatments, or other forms of athlete support, questions inevitably arise regarding responsibility if something goes wrong.

For example:

- What liability may arise if transportation arranged or funded by a coach results in an accident?
- What standards apply when coaches recommend rehabilitation providers or recovery programs?
- Could a coach's direct involvement in providing welfare support be cited as evidence of expanded duties of care?

The Act authorizes certain expenditures, but it does not immunize coaches or schools from traditional negligence claims.

Plaintiffs' attorneys may argue that a coach who voluntarily assumes responsibility for aspects of an athlete's welfare also assumes corresponding legal obligations. Whether courts ultimately adopt such arguments remains uncertain, but the possibility should not be overlooked.

School districts and insurers will likely monitor these developments closely.

## Concussion Liability and Athlete Safety

The legal responsibilities of schools and coaches extend well beyond recruiting and eligibility concerns.

Over the past two decades, concussion-related litigation has fundamentally altered the legal landscape of amateur athletics. High-profile lawsuits involving professional leagues, collegiate athletic programs, and educational institutions have increased public awareness regarding athlete safety obligations.

Florida law already requires the FHSAA to maintain concussion management protocols, educational requirements, medical clearance procedures, and return-to-play standards.

The contrast between today's environment and the era of "rub some dirt on it" could not be more dramatic.

Modern coaches operate within a far more sophisticated regulatory framework governing athlete health and safety. The Teddy Bridgewater Act intersects with this reality because many of the expenditures authorized under the legislation involve rehabilitation, recovery services, and athlete welfare initiatives.

Although the Act does not create new causes of action, future litigation may explore whether coaches who become more directly involved in athlete support services assume

heightened responsibilities regarding health and safety decisions.

## NIL, Social Media, and the Professionalization of High School Athletics

The Teddy Bridgewater Act cannot be viewed in isolation.

It arrives during a period of unprecedented transformation in amateur sports.

The emergence of NIL rights, social media monetization, private training academies, transfer liberalization, year-round recruiting exposure, and youth sports commercialization has fundamentally altered the landscape facing student-athletes.

While NIL legislation initially focused on collegiate athletes, high school athletes in several jurisdictions have already begun securing endorsement opportunities and building substantial personal brands through social media platforms.

As a result, legal issues once associated primarily with colleges and professional sports increasingly appear at the high school level.

These issues include:

- Eligibility disputes;
- Athlete transfers;
- Privacy rights;
- Intellectual property ownership;
- Social media conduct;
- Sponsorship relationships;
- Concussion management;
- Title IX compliance;
- Employment issues involving coaches; and
- Institutional risk management.

The distinctions between scholastic, collegiate, and professional athletics continue to narrow.

The modern high school athletic director increasingly resembles a compliance officer. The modern coach increasingly resembles a mentor, recruiter, risk manager, and public relations representative all at once.

## Title IX and Gender Equity Considerations

Any discussion of high school athletics would be incomplete without acknowledging Title IX.

Although the Teddy Bridgewater Act is facially neutral and applies equally to boys' and girls' athletic programs, schools must remain mindful of federal gender equity obligations when implementing policies related to athlete support and resource allocation.

If financial assistance or welfare benefits are disproportionately concentrated within certain sports or demographic groups, questions may arise regarding whether comparable opportunities are being provided across athletic programs.

While Title IX analysis remains highly fact-specific, administrators should remain attentive to ensuring that implementation of the Act does not inadvertently create inequitable treatment among student-athletes.

## Looking Ahead

As a former Florida high school athlete, I understand why so many coaches become deeply invested in the lives of their players.

Many young athletes depend on those relationships for guidance that extends far beyond the playing field. Coaches frequently become the adults who provide structure, accountability, encouragement, and opportunity during pivotal moments in a student's life.

The challenge for lawmakers, regulators, school administrators, and athletic associations is ensuring that compassion and mentorship can coexist with rules designed to preserve fairness, transparency, and competitive integrity.

The Teddy Bridgewater Act represents Florida's effort to navigate that balance.

Whether it ultimately becomes a model for other states or a source of future litigation remains to be seen. What is already clear, however, is that high school athletics have entered an era of increasing legal complexity. Questions involving athlete welfare, liability exposure, NIL rights, recruiting restrictions, Title IX compliance, and institutional governance will continue to shape the future of scholastic sports.

The days of drinking from a water hose between practices and rubbing dirt on injuries may be gone. In their place stands a far more sophisticated—and legally consequential—world of high school athletics.

The Teddy Bridgewater Act may simply be the latest chapter in that story.

*Ivan Parron is a Miami-based sports attorney and Founder of PARRON LAW, where he advises athletes, coaches, schools, sports organizations, and brands on sports contracts and disputes, NIL, media, artificial intelligence, intellectual property and high-stakes legal, business, and regulatory matters.*