

Re: record request

Grant Chenoweth <grant7800@kih.net>

Fri 5/9/2014 10:00 AM

To: Adams, Charles (Superintendent) <charles.adams@spencer.kyschools.us>;

Cc: CLO <chenoweth@kih.net>;

 1 attachment

FY14 PT contract.pdf;

Chuck:

With regard to the decision to assign an athletic trainer to one group rather than another, the liability concern will arise under Title IX with regard to gender equity. The assignment of staff time is otherwise a discretionary decision which should not give rise to liability as long as it is done in good faith and is governed by a rational/reasonable decision-making process, including factors such as the relative risk of injury between the sports, and the relative experience/training of existing coaching staff.

For negligence liability in general, foreseeability is certainly a "trigger" for liability. Thus, if someone has specialized training such that they should foresee a risk of injury, to a greater degree than a person without the specialized training, then the duty to take reasonable steps to eliminate or address the risk might involve a greater level of response. This is to the benefit of the student, and potentially shifts liability away from coaching and other supervisory staff, and places greater risk on the person with more specialized training. From a risk management perspective, this makes sense. It would be like utilizing a school nurse for the administration of all medication at school rather than distributing this responsibility among teachers, secretaries, aides, etc.

The Scott County Public Schools have utilized the attached contract for contracting with an outside provider for the services of a certified athletic trainer. I do not have any specific familiarity with a district having an athletic trainer as an employee.

If you have additional questions, please contact me.

Regards,
Grant

On 4/25/2014 11:27 AM, Adams, Charles (Superintendent) wrote:

Great! On another note, Jeanie would like legal advice as we consider an athletic trainer for the district. Will this give us additional liability if we provide for one group on any given day and not another? Will we have additional liability if something tragic happens that "should" have been foreseen since we have a professional on staff? My response is liability for negligence can happen with or without a professional trainer, but that is as deep as I went. Thanks Grant.

Chuck Adams, Superintendent
Spencer County Schools
"Going the Distance for ALL Students"
