



PRIVATE SCHOOL ATHLETIC COACH CONCUSSION TRAINING

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QUESTIONS

Does the recent concussion legislation ([PA 14-66](#)) impose additional liability on private school athletic coaches? Do the act and the underlying law's requirements extend to private school coaches?

The Office of Legislative Research is not authorized to provide legal opinions and this report should not be construed as such.

SUMMARY

The public act and the underlying law do not create a cause of action for school athletes who sustain a concussion.

It appears that the public act and the law apply only to public school coaches. However, the Connecticut Interscholastic Athletic Conference (CIAC) requires all coaches under its authority to comply with the law's concussion training requirements and protocols and may impose sanctions for noncompliance. The private, nonprofit CIAC has governing authority over interscholastic sports at its member schools, which currently include all private parochial and public high schools in the state. According to CIAC, no private independent high schools are members and thus, it does not have authority over such schools. It does not appear that the law requires coaches at such schools to comply with its requirements.

We were unable to find any precedential case law that specifically addressed if the statutes apply to private school coaches. In one unreported 2013 federal district court case, the court dismissed certain negligence claims a student athlete brought against a private school coach after she sustained a concussion during a basketball game (*Mercier v. Greenwich Academy, Inc.*, 2013 WL 3874511(D.Conn.)). The athlete alleged, among other things, that the coach had a statutory duty to remove

her from the game as a result of her concussion symptoms. The court issued its opinion without taking a position on the statute's applicability to private school coaches.

CONCUSSION LEGISLATION

It appears that the provisions of the concussion law and the new legislation that impose requirements on coaches only apply to those employed by public schools.

[PA 14-66](#) requires a qualified school employee, when a student athlete is removed from an athletic activity for a concussion or suspected concussion, to notify the student's parent or legal guardian that the student has been diagnosed with, or shown signs, symptoms, or behaviors of, a concussion. The employee must (1) provide the notice within 24 hours after removing the student and (2) make a reasonable effort to provide the notice immediately after the student is removed.

A "qualified school employee" means a principal, teacher, licensed athletic trainer, licensed physical or occupational therapist employed by a school district, coach, or school paraprofessional (CGS § [10-212a\(e\)](#)). It appears that this definition applies only to public school employees but according to CIAC, it will require all its member schools to adhere to the new requirement.

The underlying law, unchanged by the act, requires an intramural or interscholastic athletics coach to immediately remove an athlete from competition, practice, or other athletic activity if the athlete (1) shows signs of a concussion after an observed or suspected head or body blow or (2) is diagnosed with a concussion regardless of when the injury occurred. The coach must keep the athlete out and not allow a return to supervised team activities involving physical exertion until the athlete has received written clearance from a licensed health care professional trained to evaluate and manage concussions (CGS § [10-149c](#)).

Following medical clearance, a coach must restrict the athlete's participation until he or she (1) no longer shows signs of a concussion at rest or with exertion and (2) receives written medical clearance to fully participate in supervised team activities involving physical contact or exertion. The law permits SBE to revoke a coach's permit for failing to follow these requirements, but it does not create a separate cause of action.

Additionally, both the law and the act require intramural and interscholastic coaches who have permits issued by SBE to complete certain training requirements.

The law does not specifically define “intramural or interscholastic athletics coach” but it appears that the law only applies to such coaches employed by public schools. However, CIAC requires all member school coaches (both public and private parochial) to comply with the training requirements and concussion protocols. Since private independent schools are not CIAC members, the organization is unable to require compliance from those coaches.

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