



On track: athletic programs are best conducted in dedicated, purpose-designed spaces.

Indoor Athletics: The Risks & Liability of Conducting Hallway Track Practice



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Hallway floors are hard and unyielding, as are the walls and lockers that line them.

Governmental immunity can be lost if there is an identifiable person at risk of imminent harm.

Connecticut's tough winter weather, the heavy demand for playing fields, and limited access to indoor track facilities make it difficult for school athletic officials to schedule athletic practices in appropriate venues. Many coaches have resorted to conducting athletic practices, especially track practice, indoors, in their school's hallways. While the long expanse of a school hallway is tempting, the use of facilities not specifically designed for athletics risks serious injury to students, and may lead to significant liability to the school and its officials.

Although public entities, including schools, enjoy what is known as governmental immunity, it does not always apply when there is an identifiable person at risk of imminent harm. Recent case law has tightened liability regarding indoor athletic practice on this point of law. A former student at East Lyme High School in East Lyme, Connecticut settled a lawsuit against the Town, the school board, his coach, and other officials for \$325,000, for injuries he sustained after colliding with a wall during indoor track practice at the high school.

The East Lyme case (*Furlani v. Town of East Lyme*) involved a high school track runner who was practicing sprints in the high school hallway at the direction of the track coach. The exercise was set up so that pairs of runners sprinted approximately 100 meters down the hallway and ended at a finish line that was approximately three meters from a concrete wall. After the runners crossed the finish line, their momentum carried them to the wall, where they would hold out their arms to stop themselves or run one or two steps up on the wall to stop. Furlani had run several races that day. During his last race he said he had his head down stretching for the finish line when he became entangled with his teammate's feet. He fell and collided with wall. He was taken to a hospital where he underwent emergency surgery to reduce swelling on his brain. He was left with scarring, an impaired wrist (due to a fracture, and emotional anguish.

The court ruled as follows:

- First, although the state provides immunity for teachers, administrators and other employees who are engaged in discretionary school-related activities, the court ruled that immunity can be lost if there is an identifiable person who is subject to imminent harm. In *Furlani*, the identifiable person was the participant, and the obvious imminent harm is that of his collision with the wall.
- Second, although the school district had a waiver of liability, the court dismissed it on two grounds: 1) Lack of specificity in the waiver — the release did not unequivocally state that claims predicated on the releasee's negligence were being released, and 2) "Void against public policy" — the court drew parallels to the Connecticut Supreme Court's decisions in prior cases, which held that exculpatory agreements in connection with recreation activities were "void against public policy." The Supreme Court has consistently held that there is an important public policy in promoting participation in recreation and athletic activities, which "constitute an important and healthy part of everyday life." In so holding, the Court has voided exculpatory agreements in connection with snow tubing, horseback riding, and health clubs.

Hallway track practice without spiked shoes provides a different athletic training experience for students than practice on a real track.

A signed waiver does not always release liability when there is foreseeable risk of imminent harm.

Many schools continue to use hallways for athletic practice, despite these hazards:

- Interior school hallways are not designed to be running tracks. The floor surface of these hallways is generally a hard material, such as tile or concrete. These surfaces do not provide the traction usually required for racing; nor do they permit the use of spiked running shoes. They are also not forgiving when someone falls, which may make the frequency and severities of injuries higher.
- The participant may slip, fall, or run into walls or other objects, such as doors and lockers. Even if the school puts padding at the end of the hallway, the exposure is only mitigated, not eliminated.
- The interior school hallways are designed as a traffic way between different parts of the building with numerous doors that open into the hallways from various offices, classrooms, or storage areas. All of these openings present potential hazards, such as persons stepping unwittingly into the path of a runner.
- Some schools have not only engaged in running sprints, but also have taken the activity further by running hurdles in the hallways. Hurdles create fall potentials even under the best of circumstances. It is not uncommon for hurdlers to become entangled in the hurdles and fall.

Loss of Immunity. Governmental immunity provides that municipal employees are generally entitled to immunity from negligence liability when in the performance of governmental functions. A track coach conducting track practice would be considered to be performing a governmental function. However, there is a major exception that deals with an identifiable person and imminent harm. If it is apparent to a municipal employee that his/her failure to act will likely subject an identifiable person to imminent harm, immunity may not apply. In this case, it could be argued that the students engaged in the indoor track activities are identifiable persons and that the issues stated above may represent imminent harm. In such a case, governmental immunity may not apply, as it didn't in the *Furlani* case.

Significant Liability. Although the pressure to have a winning season and to hold practices in the hallways is high, the potential for liability is significant. If the school district does not have an indoor track facility, it should consider sharing facilities with other districts, if that is feasible. Another alternative is to use private facilities; that is, only venues that have reduced risk for injury.

Although this paper discusses one type of athletics, track, other types of athletic activities held in school hallways pose similar safety and liability risks. Conducting any athletic activity away from its normal venue, in areas that are not specifically designed for the activity, may raise the potential for accidents and the resulting liability to the Board of Education.

Please contact your Risk Management Consultant with any additional questions.

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References

Furlani v Town of East Lyme, 2010, Connecticut Supreme Court Docket Number CV08-5005850-S.

The International Association of Athletics Federations (IAAF) Track and Field Facilities Manual USA Track and Field 2011 Competition Rules

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