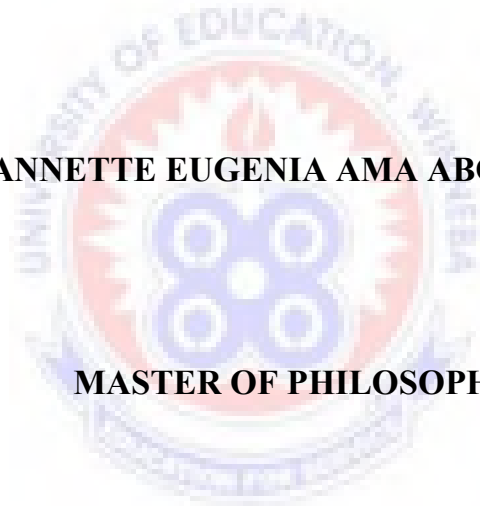


UNIVERSITY OF EDUCATION, WINNEBA

**INVESTIGATING PHYSICAL EDUCATION TEACHERS' LEGAL
KNOWLEDGE IN THE SENIOR HIGH SCHOOLS IN HO
MUNICIPALITY, GHANA**

ANNETTE EUGENIA AMA ABOAGYE

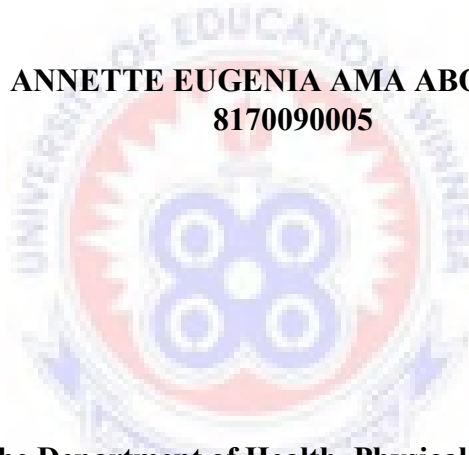
MASTER OF PHILOSOPHY



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**ANNETTE EUGENIA AMA ABOAGYE
8170090005**



**A dissertation in the Department of Health, Physical Education Recreation and
Sports, Faculty of Science Education,
submitted to the school of Graduate Studies in partial fulfilment,**

**of the requirements for the award of the degree of
Master of Philosophy
(Physical Education)
in the University of Education, Winneba**

MAY, 2020

DECLARATION

Students' Declaration

I, Annette E. A. Aboagye declare that this dissertation, with the exception of quotations and references contained in published works which have all been identified and duly acknowledged, is entirely my own original work, and it has not been submitted, either in part or whole, for another degree elsewhere.

Signature:

Date:



SUPERVISOR'S DECLARATION

I hereby declare that the preparation and presentation of this work was supervised in accordance with the guidelines for supervision of dissertation as laid down by the University of Education, Winneba.

Supervisor's Name: Prof. Jonathan. O. Ammah (Ph.D.)

Signature.....

Date:.....

DEDICATION

I dedicate this work to my siblings, Jacinta E. A. Aboagyewaa and Felix B. K. Nana Aboagye. Again, I dedicate it to Eric Nick Gonyuie and the memory of W. W. Agbeko (Ph.D.) of blessed memory.



ACKNOWLEDGEMENTS

It will be necessary to give credit to all whose contributions have complemented my efforts. I mention first, my supervisor, Professor Jonathan O. Ammah for guiding and aiding me to come out with this research work. I say God richly bless you.

Again, I cannot forget the services of Professor J. K. Mintah also of Health, Physical Education and Recreation (HPER) Department of University of Cape Coast for his encouragement and advice.

Finally, it would be unforgivable to forget the contribution of friends and relations towards the preparation and presentation of this dissertation.



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ABSTRACT

The purpose of this study was to assess physical education teachers' knowledge of legal duties/aspects during the performance of their duties in the public Senior High Schools in the Ho Municipality, Ghana. Cross-sectional survey design was used for the study where 34 Physical Education teachers were sampled to respond to "Scale of Gray and McKinstrey" adapted questionnaire. The results indicated that, physical education teachers in the Ho municipality possess high level of knowledge regarding their legal duties. In addition, it was indicated that male and female teachers did not differ in their opinion of legal duties. Again, no statistical significant difference was seen between the physical education teachers' educational levels and their legal knowledge. Lastly, the results indicated a moderate correlation of only 36% between supervision, warning of risk and medical care. In conclusion, physical education teachers/coaches were encouraged to apply their legal knowledge in their profession always in order to prevent litigations.



CHAPTER ONE

INTRODUCTION

1.1 Background of the study

It can be said that the most important element of an education system is the teacher. It is a well-known fact that the teachers' power of influence on students and training programs is much higher than the other elements. However, in order to be successful in this profession, it is crucial to accept this profession unconditionally, work lovingly and willingly. As it is known, teaching is a profession that requires effective domain competencies such as knowledge and ability as well as efficacy of cognitive skills such as attitudes and behaviors (Pepe, Turan, & Bahadir, 2015).

Attitude is an individualized tendency that forms an individual's thoughts in relation with psychological objectives, feelings, beliefs, and behaviors on a regular basis (Kağıtçıbaşı, 1999). In particular, an individual's beliefs forms a holistic structure that creates a tendency to act in a certain way then the beliefs are reflected in his/her behaviors that influence the individual's attitude (Deryakulu, 2004). Attitude is a positive or negative valuation statement on objects, people, or events. It also reflect an individual's feelings about something (Robbins, 1994).

Values, attitudes, interests, and needs are among the most important elements that make up a teacher's personality. (Güleç, Curo, & Semerci, 2008). Teacher training higher education institutions need successful, idealist people with positive attitudes adequate for the teaching profession in accordance with the qualifications for the teaching profession (Tekneci, 2010), and also need students that have values. Investigating the values that are crucial in developing people's philosophy helps to understand their attitudes and behaviors, and allow us to predict their future

behaviors. The positive attitude towards the teaching profession should be consistent with the behaviors exhibited by the candidate teachers when they start their career. This will have a positive impact on all aspects associated with the teacher. According to Carter & Norwood (1997) and McDiarmid (1990), being aware of the beliefs on teaching profession of the teachers, who engage in teaching, can give a reliable point of view for the administrators of the teacher training institutions. The first step towards improving the quality of education is to understand the values and beliefs of the role players in the field (Baydar & Ve-Bullut, 2002).

Physical Education and Sports (PES) have been part of Ghana's education system since the colonial era. The push of PES however started in earnest during the governorship of Sir Gordon Guggisberg (1919-1927). Three (9th, 12th and 13th) of his sixteen(16) principles of education for Ghana (Gold Coast) stressed the importance of PES and directed that all schools should make provision for playground and other facilities to promote physical education, sports and games.

The physical educator is to provide maximum physical activity time within the class period, teach skills and activities that transfer into physical activity outside of physical education class, motivate children to be physically active, and take the role of physical activity director for the school. If students are to receive the amount of physical activity they need each day, other opportunities to be physically active within the school day must be provided. He\she has unique responsibilities in the school physical activity program to ensure that students are physically active within the physical education class. The physical education teacher also has the responsibility to help direct and guide opportunities for physical activity within the school outside the physical education class.

Physical Education (PE) teachers compared to classroom teachers have more liability and legal concerns because of the nature of their work. At any given time, PE teachers could have thirty or more kids moving around at the same time participating in activities such as tag, handball, or soccer. It is because of this physical activity that there is more of a chance that a child could be injured, therefore exposing PE teachers to possible liability issues more so than other subject teachers. The law that applies to the primary liability exposure of a physical education teacher or coach is “negligence” (Cap, 2013). Under the law of negligence, a person has the duty to act in a reasonable manner when it comes to the safety of others. If you create an unreasonable risk of harm (by omission or by commission) and somebody gets hurt, you are responsible for the injured person’s damages in the form of medical expenses, loss of income and earnings capacity and for intangible damages for physical and mental pain and suffering (Cap, 2013).

Risk management in the context of minimizing legal exposure has become an unavoidable part of the job description for school and physical education personnel. It is important that a wide range of school officials such as superintendents, principals, athletics directors, coaches, athletics trainers, event supervisors and other athletics personnel be aware and familiar with the details of the ever-increasing scope of legal issues related to school physical education and sports programmers. With the increased participation in youth sports, there is a rise in the number of sports related injuries (Barron, 2004). Injuries occur even when the risks had been identified and all the logical precautions had been implemented (Dimitriadi & Dimitriadi, 2007; Dougherty, Goldberger, & Carpenter, 2007; and Staurowsky & Weight, 2011). While most injuries result from the inherent risks of sport, occasionally they are the result of careless or thoughtless behavior or omission of some responsible persons (Hoch,

1985). In such cases, liability for the injuries may rest with a teacher, coach, supervisor, association, club, event organizer, or facilities (Nadeau, 1995).

Legal issues in Physical Education are very germane to sport and physical activity development (Babalola, & Alayode, 2012). Consequently, physical education teachers need to understand the legal duties and liabilities related to their profession and sports. It is worth noting that today people are becoming more aware of their rights under the law. This has further awakened the need to ensure that Physical Education teachers are made to know the legal implications of negligence during physical education lessons. It is therefore very important that physical education teachers understand the various concepts of liability around their professional duties. These include negligence, torts liability, vicarious etc. relating to legal suit in and physical education sports. They should also be aware of the legal defenses available to them if, despite all precautions, are found liable.

Knowledge is familiarity, awareness or understanding of someone or something such as facts information, description or skills, which is acquired through experience or education by perceiving discovery of learning (Denning, 2000). By this, if physical education teachers are familiar, aware and understand their legal duties they will never be liable in anyway delivering their duties.

Legal liability is defined as one taking responsibility for an act of omission or commission. Legal liability is caused by „Negligence“, which is the failure to act as reasonably prudent as persons would under the circumstances involved. It can also be seen as any conduct, which falls below the standard established by law for the protection of others against unreasonable risk of harm. Negligence is a tort that is often used to implicate P.E teachers.

Often, not warning students of inherent risks involved in trainings, or competitions, which may originate from the nature of activities, use of equipment, condition of the playing surface, and from the techniques involved in an activity, may pose an act of omission or nonfeasance to the teacher (McCaskey & Biedzynski, 1996).

In addition, not being present and supervising at the practice areas and in locker rooms, before, during, and after training sections, as well as supervising transportation and nutrition which may result into any form of injury will attract a liability of nonfeasance or malfeasance if done halfway (Doleschal, 2006). The mere presence of the instructor puts fear into students. Again, not providing sanitary, clean, and fit equipment, which meets all of the safety requirements of the sport, inspection of indoor and outdoor facilities, assessment of weather conditions and their relation to safe playing conditions, and security provisions at athletic training and competitions will bring about a liability suit against the physical education teacher. (Doleschal, 2006). Not ensuring the availability of proper first aid and medical care (Figone, 1989), making reasonable efforts to obtain reasonably prompt and capable medical assistance for injury, before arrival of medical personnel at the scene of accident if any (Williams, 2003; Wong, 2010), and refraining from aggravating the athletes' injury can also land the teacher into problem with parents (McCaskey & Biedzynski, 1996).

Furthermore, not having knowledge about students' physical condition before, during, and after athletic participation and being aware of the students' background and assessing properly their readiness and skill (Labuschagne, & Skea, 1999) will again bring about a legal suit if injuries are registered during lessons. Schwarz, (1996) and Figone, (1989) were of the view that placing students in direct competition, in both

contact and non-contact sport, with other students having similar abilities, age, size, mental and physical maturity, experience, and skill level in training and competition helps reduce injuries during activities.

In order to build on the findings available, the researcher therefore seeks to assess Physical Education teachers' knowledge of Legal Aspects during the performance of their duties in some Senior High Schools in the Ho Municipality (Volta Region of Ghana).

1.2 Statement of Problem

Legal Issues in physical education are the laws pertaining to the physical education profession since there are many inherent risks involved. Hence, the PE teacher is equipped at the University with safety measures in order not to be held liable. Clear trends have emerged over the past decades that created a dangerously litigious atmosphere in which the physical education teacher must conduct business. Increased participation (Pitts & Stotler, 1996), a change in scope of liability related to public entities (Van de Smissen, 1990) and a public with increasingly greater expectations regarding safety (Pyles & Pyles, 1992) are only a few of the numerous variables that have contributed to the dramatic increase in sports-related litigation. Although Physical Education provides a unique and varied medium for learning and also helps students develop physically, intellectually, emotionally, socially, aesthetically, and creatively, it also has the „bad“ side. And also covers a broad range of human feelings, emotions, and experiences, there are legal implications that holds the teacher liable if a student in the process of acquiring the above gets injured physically, emotionally socially or psychologically.

Physical education supports the curriculum's vision for our young people of enabling students to become confident, connected, actively involved, lifelong learners. It also helps students to develop the skills, knowledge, and competencies to live healthy and physically active lives at school and for the rest of their lives. They learn „in, through, and about“ movement, gaining an understanding that movement is integral to human expression and can contribute to people's pleasure and enhance their lives.

Physical education is a compulsory subject, which requires every student at the Senior High School level in Ghana to study. Although not externally examinable, physical education is studied just like any other academic subject in the curriculum. Currently, there are several arguments about the fallen standard of performance levels, fitness and interest of students in Senior High Schools (Nyaaba, 2015). While some school of thoughts is of the view that teachers' attitude towards teaching the subject will boost students' morale to take the subject serious, to others, physical education is seen as play which involves only jumping, throwing, and running and as such deserves no further attention other than what it is now being accorded. Many school authorities believe good physical education leads to good performance in sports thereby placing emphasis on intramural and extramural sports. The desire to win accolades for schools through sports competitions has increased over the years while performance on the other hand decreased drastically. Again, many talents have been lost due to injuries at classes, which were not properly treated thereby incurring the wrath of aggrieved parents preventing their wards from performing in some of the schools under study. While other parents threatened court actions, others resorted to barring their kids from performing due to ties they hold with the teachers involved that could not be sued. It is this reason that fuels the desire to find out the extent to which physical education

teachers know the legal aspects if found liable in the cause of performing their duties in Senior High Schools.

1.3 Purpose of Study

The dual purposes of this study were to (1) assess the Physical Education teachers' knowledge of the legal aspects/issues pertaining to their profession in the Ho Municipality of the Volta Region, and (2) the influence of gender and educational qualification on their knowledge of legal aspects.

1.4 Objectives of Study

The objectives of the study were to:

1. Assess the level of the physical education teachers' knowledge regarding their legal duties towards teaching physical education in the Ho municipality.
2. Examine the difference between male and female PE teachers' knowledge of legal aspects in the Ho Municipality.
3. Assess the difference between physical education teachers' level of education and knowledge of their legal duties in their profession in the Ho municipality.
4. Examine the correlation between Supervision, Warning of Risk and Medical Care.

1.5 Research Questions

This study was guided by the following questions:

1. What is the level of the physical education teachers' knowledge regarding their legal duties toward teaching in the Ho Municipality?
2. What is the difference between male and female physical education teachers' knowledge of legal aspects in Ho Municipality?

3. What is the difference between Physical Education teachers' level of education and knowledge of their legal duties in their profession in the Ho Municipality?
4. What is the correlation between Supervision, Warning of Risk and Medical Care?

1.6 Significance of Study

There is an increase of personal injuries among students and the decrease in sports performance levels and healthy lifestyles of adolescents at the Senior High Schools and safety has become the most important concerns for today's physical education teacher (Appenzeller & Lewis, 2000). For this reason, a study in this area is crucial to all physical education teachers, sports managers and coaches so they can establish and implement an effective, formal risk management plan to avoid lawsuits against them.

The results of this study will help most physical education teachers, sports managers and coaches to establish and implement an effective, formal risk management plan to avoid legal liabilities against them.

Again, it will help teachers to design and choose suitable approaches in organizing activities, before, during and after teaching to avoid negligence. Furthermore, the results of this research will help both school administrators, physical education teachers/coaches and sports managers to attach much relevance, seriousness and value to the physical education subject by knowing their „do's and „don'ts.

It will also contribute to the existing knowledge governing the understanding of legal issues in the physical education setting to the modern day physical education teacher.

1.7 Delimitation

The study was delimited to all 34 physical education teachers in the Ho Municipality.

1.8 Limitations of Study

This research should have been broadened to cover the whole Volta Region but due to time constraints and introduction of double track system, which makes teachers' run shifts, the study was limited to only the Regional capital.

1.9 Operational Definition of Terms

Negligence: breach of duty of care that results in loss or injury to a person or entity the duty is owed.

Malfeasance: the commission of a wrongful or unlawful act involving or affecting the performance of one's duties.

Nonfeasance: act of omission or failure to do something that should be done especially something that one is under a duty or obligation to do.

Tort: In common, law jurisdiction is a civil wrong that causes someone else to suffer loss or harm resulting in legal liability for the person who commits the tortuous act.

Tortfeasor: an individual, company or entity that is found to have committed a wrongdoing.

'in loco parentis': acting in the place of the parent in relation to a child.

Violence and legal liability: harmful, illegal contact of one person by another. Failing to force potentially hazardous conditions and to take practical steps to avoid these situations can result in litigation.

In successful litigation: the defense proves the existence of the following: duty, breach of duty, injury, and proximate cause.

Duty of care: a legal obligation, which is imposed on an individual requiring adherence to a standard reasonable care while performing any acts that, could foreseeably harm others.

Breach of duty: it occurs when one person or company has a duty of care towards another, but fails to live up to that standard.

Injury: damage to the body caused by external force or damage to a person's feelings.

Act of God: natural occurrences that causes injury to an individual.

Proximate cause: an event sufficiently related to an injury that the court deems the event to be the cause of that injury.

Assumption of risk: assumption of the risk of an activity when choosing to be part of it.

Legal liability: is a term in law, which means responsibility for the consequences of one's acts or omissions, enforceable by civil remedy or criminal punishment.

Students: student athletes according to the work.

Ho Municipality: all senior high schools under the central zone of the Volta region.

P.E. Teacher: teacher in this context is at the same time a coach and supervisor.

CHAPTER TWO

LITERATURE REVIEW

This chapter discusses articles in reference to legal issues under study. It explains and reviews researches under the following areas.

1. Theoretical framework
2. Concepts of Physical Education
3. Physical Education in Ghana
4. Legal Liability
5. Physical Education Teachers/Coaches Legal Liability
6. Physical Education and the Law
7. Legal Duties of Teachers/Coaches
8. Knowledge of Teachers/Coaches Regarding their Legal Duties
9. Factors Affecting Teachers/Coaches' Knowledge and Awareness
10. Risk Management Practice in Sport
11. Gap in the study

2.1 Theoretical Framework

Theories are simply explanations of why things happen as they happen. Fishbein & Ajzen (1980) theory of Reasoned Action was adopted to guide this study.

Theory of reasoned action

“At the lowest level of explanation, therefore, people are said to perform a behavior because they intend to do so, they have the requisite skills and abilities, and there are no environmental constraints to prevent them from carrying out their intentions Fishbein, (1980). Just like Newton’s third law of motion, which states that “For every action, there is an equal and opposite reaction”, the Theory of Reasoned Action

(TRA) applies the same principle to human behavior and tries to predict the “reaction” of an individual to a certain “action”. For example, if a PE teacher fails to inspect his/her facility or warn students of risk before the commencement of activity and a student gets hurt due to negligence, he/she is held liable either to pay in cash or serve a jail term depending on the degree of injury and intent. This theory also states that, a person’s intention to perform a behavior is the main predictor of whether or not they actually perform that behavior. Thus, intention to perform a certain behavior precedes the actual behavior. An intention is a plan or a likelihood that someone will behave in a particular way in specific situations – whether or not they actually do so. To understand behavioral intent, which is seen as the main determinant of behavior, the TRA looks at a person’s (or population’s) attitudes towards that behavior as well as the subjective norm of influential people and groups that could influence those attitudes. This intention is known as behavioral intention and comes as a result of a belief that performing the behavior will lead to a specific outcome. The ideas found within the theory of reasoned action have to do with an individual’s basic motivation to perform an action. The theory of reasoned action also suggests that stronger intentions lead to increased effort to perform the behavior, which also increases the likelihood for the behavior to be performed.

In recent years, school administrators and classroom practitioners have had to provide an increasing range of specialist services to their school communities. Such services require sophisticated knowledge, understanding and skills; all being provided against a backdrop of heightened accountability being demanded of professionals generally. In this regard, recent research shows that school communities expect their administrators and teachers to be experts in all matters affecting the school from the moment of their first appointment. The management of the many legal matters that

affect school policies and practices is one area where educators are expected to have, from the outset, specialist knowledge and skills. It is questionable, however, whether from their pre-or in-service education and training, that educators are professionally equipped to manage the increasing range of legal matters facing schools. (Stewart & McCann, 1999).

Couzens & Couzens (1995, pp. 11-12) have aptly commented: „Survival in an increasingly complex, changing and global environment, sets us on a never ending learning curve as we confront new situations and problems and simply have to handle them well to remain viable.“

Nowadays, in different professions, compared to the past, human awareness of him/her rights and responsibilities and the consequences of negligence and indifference in performing duties have been developed exponentially. Along with this growing trend, physical education teachers move with this „movement“ and they do not consider themselves needless of civil rights and responsibilities knowledge, both to increase their knowledge and to increase awareness of the authority, liabilities, and responsibilities with high mental readiness to prevent irreparable losses and minimize the number and severity of accidents (Mostahfezian, Rahbari, & Dehaghi, 2018). Students“ happiness and enjoyment from physical education and sport, promoting students“ physical and mental health, preventing liabilities caused by negligence and indifference, insufficient training, inadequate monitoring, and knowledge, preventing the weakening of the image and credibility of physical education and sports schools and physical education teachers are among the main reasons for physical education teachers in line with getting the right and proper awareness of their sports rights, duties and authorities. On the other hand, although, utilizing sports law and civil

rights is at the beginning of its growth path and it has grown more than before (Mostahfezian et al, 2018).

Credentials and qualifications

As Calderhead (1987) indicates, PE teacher ought to have background knowledge in sport sciences and in the human movement sports studies of physical education. According to this study, teaching physical education can be an extremely difficult job, both physically and mentally, as „there are many different roles and levels of responsibility to consider each day. Classes of physical education can be conducted by a person skilled in the subject, who meets the requirements, specified in regulations issued by the government (Palmer, 2007). Apart from adequate qualifications in physical culture, PE teachers must be trained to first aid, the quality of which frequently affects the extent of post accidents complications and the pace of recovery (Buckley et al, 2009). Even in case of very serious accidents or injuries, the chances for survival significantly increase, if eyewitness is skilled in first aid (Clark et al, 2002). For this reason, each PE teachers“ staffroom should have a properly equipped first aid kit, the content of which is clearly indicated in the list of items including instructions for the use (Sawinska, 2015). Dragan (2008) states, it is commonly accepted that school liability has increased over the past several years, especially in the area of tort liability. Wrongful death, serious injury, sexual harassment, and bullying all present opportunities for large settlements or jury verdicts. However, an analysis of recent decisions in negligence cases brought against schools indicates that the frequency of lawsuits generally has not changed over the past two decades. Moreover, the majority of outcomes have been decided conclusively in favor of the school. Government immunity generally protects schools from most issues of liability. There is however, exceptions, which vary from state to

state that can leave schools vulnerable to liability. To that end, it is incumbent upon attorneys to learn how the elements must be proven in negligence cases to apply to schools and upon educators to understand these elements to foresee potential liabilities and avert them. Because more than 53 million children in the United States spend almost one fourth of their waking hours in school or on school property the potential scope of school liability is broad. Public perception, however, tends to distort both the extent of school liability and the nature of injuries that children sustain while at school or when engaged in school-based activities. The vast majority of injuries to children at school are accidental. Public attention on student injuries often focuses on school violence because that is what the media report. However, studies indicate that school-aged children are nine times more likely to sustain an unintentional injury than to be the victim of an intentional injury while at school. Children under the age of 15 sustain more than 14 million unintentional injuries each year. It is estimated that 10 to 25 percent of these injuries occur in and around schools. In all, one in 14 students suffers a medically attended or temporarily disabling injury at school. Among elementary school students. Playgrounds are associated with the majority of injuries. In secondary schools, athletics including both physical education classes and organized sports account for the majority of injuries among students.

Components of legal duties

This study was based on various recommendations from legal authors and different relevant court precedents (Hensch, 2006). This classification includes seven major duties of coaches toward their athletes: supervision, instruction and training, facilities and equipment, warning of risk, medical care, knowledge of player, and matching of players, which are similarly mentioned (separately or together with other duties) in

most related literatures as Nazarian (2016) in a research assessed the determinants of the legal competencies of sport executives from the point of view of academic experts and sports managers, the results indicated that six determinant factors the necessary legal competencies of sport executive managers were the management of sport facilities and equipment, plans and programs to deal with emergencies, adherence to the law, organizational policies and procedures, risk management, and public relations. In addition, there was no statistically significant difference between the two groups of women and men's opinions about the priority of the legal competencies required by the executive directors. Definitions of afore mentioned duties by Hensch, (2006) are presented below.

2.1.1 Supervision

Doleschal, (2006) and Labuschagne & Skea, (1999) stated it as being present and supervising at the practice areas and in locker rooms, before, during, and after training sessions, as well as supervising transportation and nutrition. Supervision is a broad duty implying responsibility for the safety of physical locations and of program activities (Olsen & Kowalski, 2010). According to Gaskin (2003), supervision includes coordinating, directing, overseeing, implementing, managing, superintending, and regulating. The coaches as supervisors should constantly be moving when observing the athletes: looking up and down, right and left, over and under, inspecting and viewing all aspects of the equipment, the facilities, and the activities (Bruya, Hudson, Olsen, & Thompson, 2002). A supervisor should never leave alone the team, class, or group under his supervision; especially if he/she knows that members of the team may engage in unsafe activities while he/she is away (Hronek & Spengler, 2002). The coaches' presence during an activity is the first line of defense against potential problems (Borkowski, 2004). The PE teacher's civil

responsibility is based on two important principles: being responsible for teaching and training, and taking care of students. Relying on these two gives a distinct characteristic of the teachers' civil responsibility (Yakasai, 2000). Based on article 6 of the civil liability law, while students are supervised and controlled by teachers, they are also responsible for the students' harmful actions (Fabre-Magnan, 2007).

A physical education teacher is expected to supervise children engaged in a multitude of exercise movements and activities in a large and open physical environment. They are also expected to promote health and fitness throughout the school and community. This requires good planning, best practices, and proper supervision. Planning for injury prevention, student safety, and emergency response is necessary for properly running a physical education class. Due to the nature of physical education classes, there is a high likelihood of sports-related injuries or even death. Who is liable when a student is injured or dies in a physical education class due to inadequate school supervision? Unfortunately, the answer varies from state to state depending on which standard of liability the state has adopted. In a study to examine the effects of active supervision on moderate to vigorous physical activity (MVPA) levels of middle school students during fitness instruction, Schuldheisz & Mars (2001) used students from four separate classes, characterized as "low activity students," and their teachers to participate in the study. Students' MVPA levels during fitness instruction served as the target behavior. Two supervisory conditions were differentiated using a reversal design. Passive supervision was characterized by low rates of teacher interaction, such as prompting, encouragement, feedback, and movement. Active supervision consisted of teaching patterns that included higher rates of interactions with students and movement. After the study, mean MVPA levels during passive condition were 49.7% while mean MVPA levels during active supervision were 68%. Findings point to a

functional relationship between specific components of teachers' supervisory efforts and students' MVPA levels during fitness instruction. Moreover, Mars (1995) analyzed supervision patterns of elementary physical educators in relation to work involvement patterns of students in each teacher's class. 18 teachers and 54 students were involved in the study where lessons were videotaped and the supervision patterns analyzed included teacher location, rate of movement, and provision of verbal feedback. Work involvement by students was categorized into on-task, off-task, total motor engagement, and successful motor engagement (ALT-PE). Results showed that teachers spent more time along the periphery of the activity area, and that they were positioned more along the sides. They were active movers, averaging six sector changes per minute, and active in providing verbal feedback (3.2/min). Teacher feedback patterns did not correlate with teacher location/movement patterns. Teachers' location (periphery) and movement correlated significantly with students' total motor engagement. Teacher movement also correlated significantly with ALT-PE. Positive behavior feedback correlated with students' on-task behaviors. Findings indicate that active supervision is important in maintaining students' involvement with learning tasks in physical education.

The Teacher during supervision must be able to determine whether students are properly and safely executing activities and practicing correctly. In addition, encourage peer supervision as a supplement to teacher supervision.

Some situations where physical education teachers were found liable and sued at the court are:

- Not properly supervising locker room and facilities.
- Leaving activity room doors open and unsupervised.
- Giving your keys to students.

- Having students move equipment that they cannot handle easily.

2.1.2 Instruction and training

McCaskey and Biedzynski, (1996) and Williams, (2003) defined it as teaching the skills, techniques, and rules necessary for training and competition as well as the methods to reduce the risk of injury. Physical education teachers play an important role in helping students' development of the motor skills needed to be physically literate individuals. Research suggests that teacher made instructional design decisions can lead to enhanced motor skill learning. Physical education teachers and the decisions they make contribute to students' learning and whether the goal of physical literacy is met or otherwise.

NASPE (2003) recommends that children obtain a minimum of 60 minutes of physical activity in a day. In addition, since it is not possible for most schools to meet the target, they developed the idea of having comprehensive school physical activity programs. While others attend physical education one day a week; others attend two or three days; and a few have daily physical education lessons. The physical educator is to provide maximum physical activity time within the class period, teach skills and activities that transfer into physical activity outside of physical education class, motivate children to be physically active, and take the role of physical activity director for the school. If students are to receive the amount of physical activity they need each day, other opportunities to be physically active within the school day must be provided. Izadi, Kozechyan, Ehsani, Sadeghi-Boroujerdi, & Soleimani, (2013) in their research entitled "The Role of Risk Management Practices in Decrease of Lawsuits Concerning of Tehran's Swimming Pools" concluded that there was no significant relationship between experience and risk management operations. Of

course, a significant relationship was observed between the occurrence of incidents in swimming pools and lawsuit. The results also revealed that there is a significant relationship between the number of lawsuits and risk management measures in swimming pools. They concluded that using risk management measures could reduce the incidence of accidents and lawsuits in pools and provide a safe atmosphere for users of these places (Izadi et al, 2013). Bevens, Fitzpatrick, Sanchez, Riley, & Forrest, (2010) on Physical Education Resources, Class Management, and Student Physical Activity Levels: A Structure-Process-Outcome Approach to Evaluating Physical Education Effectiveness with the purpose of empirically evaluating specific human, curricular, and material resources that maximize student opportunities for physical activity during physical education class time. A structure-process-outcome model was proposed to identify the resources that influence the frequency of physical education and intensity of physical activity during physical education lessons. The proportion of class time devoted to management was evaluated as a potential mediator of the relations between resource availability and student activity levels. Cross-sectional study data were collected from interviews conducted with 46 physical educators and the systematic observation of 184 physical education sessions in 34 schools. Regression analyses were conducted to test for the main effects of resource availability and the mediating role of class management. The results were that, students who attended schools with a low student-to-physical educator ratio had more physical education time and engaged in higher levels of physical activity during class time. Access to adequate physical education equipment and facilities was positively associated with student activity levels. The availability of a greater number of physical educators per student was found to impact student activity levels by reducing the amount of session time devoted to class management. In conclusion, adequate

exposure to high-intensity PE is an effective contributor to healthy lifestyle among children and across the life span, as a well maintained, safe, and appropriate facilities, sport and exercise equipment will enhance students' opportunities for adequate physical activity. In addition, the frequency and intensity of student physical activity is enhanced by minimizing the proportion of class time devoted to classroom management. Planning is paramount and it is an important responsibility of any teacher because they must gain an understanding of what will actually occur during a lesson (Macfadyen & Bailey, 2002). However, it is argued that unforeseeable situations arise during physical education lessons, therefore, a teacher needs to have the skills to „think on the spot“ this is gained through experience (Green, 2008). This statement was supported by Macfadyen (2010) stating that planning in too much depth takes away an important teaching skill of improvisation.

An excerpt from School wide Physical Activity by Rink, Hall, & Williams, (2020) on the role and responsibilities of the Physical Education Teacher in the School Physical Activity Program states that, the teacher must:

- Provide maximum physical activity time within the class period;
- effectively organize space, equipment, and students,
- Limit teacher talk or instruction time,
- Teach skills and activities that transfer into physical activity outside of physical education class,
- Motivate children to be active,
- Promoting community activities,
- Praise for Participation and
- Leading by Example among others.

Physical education classes often involve larger class sizes, which are more difficult to supervise, and therefore a greater likelihood that accidents will occur. Physical education is an applied science that by means of various sciences tries to make the favorable changes (Abdollahi, Farokhi, & Bagheri, 2001). Physical education class via the physical skills training and the necessary requirements can increase physical activity throughout the life cycle (Lisa & Aaron, 2008). In a lawful society, physical education teacher's failure can expose him/her and the school to legal charges. Instruction and training plays a vital role in the life of the teacher because liability can be tied directly to students not being properly or sufficiently instructed before performing an activity.

According to the risk management guidelines, the physical education teacher must do the following for adequate and instructional progress.

- All activity skills must be taught in an appropriate progression based on students' current skill and experience levels.
- Safety and etiquette instruction must be included for all units.
- Students must be required to wear safety gear that fits properly (i.e., helmets, pads, eye guards) during all practices and game play for physical activities for which it is appropriate.
- All equipment for physical activity must be checked for safety and used only if it passes as safe.
- Rules for participation and safety must be taught and enforced. Students not following rules that endanger themselves or others must be promptly removed from participation until they agree to and follow rules.
- Students should not be asked to perform a movement when they lack personal capability judgment.

- Proper instruction must be given to students concerning proper protocols and procedures for setting up, using, and taking down equipment.
- Instruction dealing with proper safety should be simple and clearly stated.

2.1.3 Warning of risk

McCaskey and Biedzynski, (1996) states that, warning the athletes of the risks involved in trainings, or competitions of certain dangers originating from the nature of activities, use of equipment, condition of playing surface, and from the techniques involved in activities saves lives.

The number of accidents during physical education classes is still substantial, and among most common hazards, there are the following: fractures of upper and lower limbs, dislocations, contusions, tendonitis, muscle tear and cuts. Curiously, boys experience such injuries more frequently than girls do.

Podstawski, Danuta, & Danuta, (2015) studied problems of safety and risk in physical education with the purpose of presenting basic concepts of safety at Physical Education classes. They discussed issues connected with safety at classes of Physical Education in subsections; each of which focused on different concepts such as: legal safety regulations, causes of hazards, theoretical models of preventing hazards at physical education classes, nutrition programs related to exercise's fulfillment, prevention of heat disorders and dehydration. Their results indicated that; according to experts' opinion, the causes of safety hazards at physical education classes could be divided into three groups: caused by instructor, caused by a student, and finally hazards technical in nature. In conclusion, it was realized that even though safety rules at physical education classes are defined by specific regulations, children's absolute safety is never guaranteed and in order to diminish the number of

misadventures, the instructor is obliged not only to adhere to the norms but also to teach children safety rules as well.

Van der Smissen (1990) indicated that the highest number of charges against physical education teachers is due to insufficient protection. Enough protection is related to the ratio of students to teachers, teacher's exercises, the distance between the student and the teacher at the time of the incident and observing safety rules (Ramezani, 2006). For many reasons, citizens in our country, unlike advanced countries, against the losses, rarely file a lawsuit against the organization, which, more than a legal problem, is a cultural problem due to people's ignorance to their basic and civil rights (Mirsoleimani & Shoaryan, 2009). In order not to be found liable, the teacher must adhere to the following safety rules:

- Safety warnings specific to the physical activity students are participating in should be stated verbally and posted as necessary (e.g., in pool & archery areas).
- Both students and their parents or guardians must read and sign an agreement (waiver) to participate from at the beginning of the semester, which informs them of the inherent risks of participating in the physical activities offered in the physical education programme. The signatures indicate both student and parent/guardian are aware of the inherent risks of participation and the student agrees to participate and follow safety regulations for all activities.
- Parental consent is sought when activities introduce conditions that may pose added risk above that which could be assumed. This practice can be problematic and may raise high degrees of alarm in parents and questions

concerning parents signing away the right to sue. Ensuring Success with Parental Consent, communicate directly with parents.

- Provide reluctant parents with a list of objectives and benefits to the student. Explain how potential problems have been identified and describe proposed solutions. Describe safety issues and procedures. This information can all be included in a letter to the parents accompanying the consent form.

2.1.4 Matching of players

Placing athletes in direct competition, in both contact and non-contact sport (Figone, 1989), with other athletes of similar abilities, age, size, mental and physical maturity, experience, and skill level in training and competition (Schwarz, 1996). This drawback is particularly discernible, when the teacher deals with overcrowded groups of mixed motor fitness students.

Gavin, Tony, Johnson, & McCollum, (2017) on their study of differentiating instruction in physical education: personalization of learning stated that, differentiating instruction (DI) or „Slanted Rope“ is a complex conceptual model and philosophy that is implemented in many traditional classroom settings. Moreover, the primary focus of DI is to personalize the learning process by taking into account individual differences among students' varied levels of readiness, interest and learning profile. Varied assessments are used to gain a deeper understanding of student readiness, while certain teaching strategies are used to capitalize on student interest. Student learning profiles are developed as teachers gain an understanding of individual learning styles, intelligence preferences, gender and culture. Each of these individual differences can have a profound effect on the way students learn and are important considerations for teachers. Due to age-related features and lack of

experience, students are exposed to the risks of accidents at school. In view of this, teachers according to risk management guidelines are expected to consider the maturity and condition of participants by considering:

- A. the age, developmental stage, and size of the participants
- B. students' physical, emotional, and social maturity
- C. the skill and experience levels of students and their mental and physical capabilities
- D. students with disability and
- E. Students' temporary state or condition, physical or emotional among others.

2.1.5 Medical care

Ensuring the availability of proper first aid and medical care (Figone, 1989), making reasonable efforts to obtain reasonably prompt and capable medical assistance for injury, before the arrival of medical personnel (Figone, 1989; McCaskey & Biedzynski, 1996; Schwarz, 1996; Williams, 2003 and Wong, 2010), and refraining from aggravating the athletes' injury (McCaskey & Biedzynski, 1996). Pyšný et al (2015) in their study titled „Selected Aspects of The First Aid during Teaching of Physical Education and Sport in Winter Activities summarized findings guiding principles of first aid during physical education and sport in winter activities. Every teacher, but also physical education student must know all aspects of first aid, which can decide on the life of affected individual in some cases. The paper focused on the stages of hypothermia and evaluation of clinical symptoms and appropriate first aid procedures, including procedures for the situation where it is affected by a landslide buried. Their findings indicated that both students and teachers must be conversant with basic first aid procedures to save life before professional help is sought.

Some First Aid Emergencies are:

- Moving students are more at risk of injury than sedentary students are. The teacher is expected to provide appropriate assistance to an injured student.
- First aid treatment for injury or sudden illness before the injured person has access to hospital care or a treatment facility.
- Teachers should be trained in first aid and hold current first aid certificates.
- First aid procedures should be developed with colleagues and school staff.
- Procedures should be permanently displayed throughout the school. They should be incorporated into your class objectives.
- Be aware of all students with pre-existing conditions.
- In the event of an incident, write a detailed report. Include a brief rationale of what prevention measures were in place. Be as specific and clear as possible.(PowerShow.com)

Care of Injured and Emergency Procedures

- Injured students will be offered first aid.
- First by physical educator with current first aid certification.
- Follow-up with school nurse, athletic trainer, or emergency response team if ambulance is needed.
- Emergency treatment permission forms will be completed the first week of classes and filed in the main office.
- The physical educator will have a list with the names of any students who failed to get permission.
- Each physical educator will carry an emergency first aid kit with them during PE class.

- The kit will include the emergency phone numbers for ambulance, police, and fire.
- Transportation of an injured student will be in accordance with (IAW) school policy.
- The physical educator will complete an accident report form for any student injury within 24 hours of the injury.
- School policy will be followed as related to natural disasters, runaway students, violence, riots, or demonstrations (thenewpe.com).

2.1.6 Knowledge of players

Having knowledge about the players' physical condition before, during, and after athletic participation and being aware of the athletes' background and assessing properly their readiness and skill (Labuschagne & Skea, 1999). Appropriate assessment of athlete readiness and skill thus, the coaching staff should determine a starting point for each athlete based on his readiness and skill. Motivation, interest, and physical skill contribute to development of a plan of action.

Anu, Jari, Lotta, & Arja, (2016), in their research inspected the injuries associated with participation in an adolescent physical activity in sports clubs, school sports activities and other leisure time physical activities. This study disclosed that physical activity injuries in sports clubs are more than other physical activities in teenagers in different conditions. Since injuries during adolescence can have consequences for their participation in future physical activity and future health, so it is important to introduce preventive measures more broadly and quickly to the sports club environment. This research also demonstrates that extents of injuries are associated with the number and intensity of adolescent sports participation, and due to the health benefits, it is recommended that adolescents participate in physical activity daily. To

reduce the risk of injury, the results of this research support the perspective that measures that are more preventive should be taken (Anu et al, 2016). Soligard et al (2016) recommend that coaches and teachers play a vital role in injury prevention in sport club activities and school sports activities. Coaches, support staff, and teachers should apply the rules and exploit the way of using safety equipment such as hats and eye protection clothes. They should also evaluate environmental factors such as weather conditions and the conditions of using equipment such as gymnastic equipment (Soligard et al, 2016).

2.1.7 Facilities and equipment

The results of numerous foreign and domestic researches that have been done on sports activities indicated that: athletes have been affected by many physical injuries and they sometimes pay treatment costs, and, in some cases, they were not able to continue their sports activities (Garakhani, 2017). Security and efficiency are among the most important components in all kinds of activities, especially in sports activities, security of sports places and environments where athletes are engaged in sports activities usually take less attention. Based on this fact, by means of certain activities and measures, risk factors of the sports spaces must be resolved, any incidents related to safety factors must be prevented and the number of injuries should be reduced. On the other hand, since, athletes' competitions and training accidents can be costly and unpleasant, in this regard, James & Nafziger (2010), proposed that providing appropriate solutions to create facilities and resolve existing barriers, such as: sports fields, sports equipment, platforms and sports space coverings, hygiene and sports realms are only possible by means of conducting researches and providing statistics and research data (James & Nafziger, 2010). Naderian & Hosseini (2010), in their paper entitled "technical skills and abilities for sports managers" concluded that sports

managers, in order to be effective in fulfilling their duties and be successful, need skills and abilities such as effective monitoring the implementation of sport calendar, facility management, ability to organize sports teams, manage sports events, manage sport camps and travels, and plan sports exercises. Physical education teachers are responsible to do their best in maintaining the facilities and the equipment of the school and using them optimally. An effective school facility is responsive to the changing programs of educational delivery, and at a minimum should provide a physical environment that is comfortable, safe, secure, accessible, well illuminated, well ventilated, and aesthetically pleasing. The school facility consists of not only the physical structure and the variety of building systems, such as mechanical, plumbing, electrical and power, telecommunications, security, and fire suppression systems. The facility also includes furnishings, materials and supplies, equipment and information technology, as well as various aspects of the building grounds, namely, athletic fields, playgrounds, areas for outdoor learning, and vehicular access and parking. The school facility is much more than a passive container of the educational process: it is, rather, an integral component of the conditions of learning. The layout and design of a facility contributes to the place experience of students, educators, and community members. Depending on the quality of its design and management, the facility can contribute to a sense of ownership, safety and security, personalization and control, privacy as well as sociality, and spaciousness or crowdedness. When planning, designing, or managing the school facility, these facets of place experience should, when possible, be taken into consideration (Lackney & Picus, 2006). Orunaboka and Nwankwo (2011) on the management of Physical Education facilities, equipment and supplies in secondary schools in Nigeria: issues and challenges; exposed the problems of physical education facilities, equipment and supplies in secondary schools. It also

discussed the poor maintenance culture of physical education facilities, equipment and supplies, and the state of facilities, equipment and supplies in Nigerian public secondary schools. Based on the discussions some of the recommendations made were that: All heads of schools should be held responsible for lack of maintenance culture of physical education/sports facilities, equipment and supplies. It was also advised that all hands and efforts should be on deck as to provide standard and adequate facilities, equipment and supplies that were locally manufactured for easy maintenance and cost. Again, in order to maintain a very good and serene classroom environment, teachers must be vigilant and aware of potentially dangerous conditions. There may be discrepancies between environmental conditions from day to day. Space students accordingly to decrease potential incidents. Use equipment appropriately (only) in the manner for which it was designed. Some situations where physical education teachers were found liable of negligence and taken to court are:

- Placing a student in the role of sole supervisor of a class.
- Not establishing safety rules before class activity.
- Not involved in resolving conflict.
- Neglecting to warm up students properly before activity.
- Physically over-extending a student.
- Ignoring prescribed curriculum.
- Bypassing fundamental skills.
- Not continually reviewing and updating a safety checklist
- Not having a checklist.
- Not having an emergency plan.
- Permitting activity on a wet, slippery floor.

- Not providing special attention to students with special needs.
- Leaving unnecessary equipment in the way during activity.
- Permitting students to wear inappropriate shoes or attire.
- Using correct equipment improperly.
- Participating in improper areas.
- Using an inadequately lighted class area.
- Hiring unqualified personnel.
- Not informing proper school personnel of first aid procedure
- Not maintaining written records of objectives, incident reports, etc.
- Not posting safety rules in conspicuous places.
- Failing to check equipment on a regular basis.
- Testing students' abilities before teaching necessary skills.
- Permitting inappropriate running and jumping in hazardous conditions and
- Not maintaining awareness of legal issues (PowerShow.com).

2.2 Concepts of Physical Education

Physical education in its modern concept is broader and more meaningful. There is no doubt that it is conducive to build up organic health but it is helpful in developing mental and emotional health and social qualities that are considered to be desirable by the society. It provides that much of energy, which is so very necessary for every person to withstand the wear and tear of the struggle for existence. It is not confined to some forms of drill and regular exercises, but emphasizes on the physical fitness value. Physical development and mental development are inter-related and go together. Locke emphasized, "a sound mind in a sound body is a short but full description of a happy state in the world". (www.brainyquote.com). Kilpatrick has

detained it, as “A way of education through motor activity and related experiences and its subject matter is primarily ways of behaving” (www.brainy.in questions). The capable and intelligent leadership during play periods can guide and help children to develop desirable way of behaving towards their teammates, opponents, officials, spectators and concerning the solution of problems that arise during games and intelligent decision based on reason rather than on prejudices and emotions.

According to Modular Commission, “Physical education is not more drill or a series of regulated exercises. It includes all forms of physical activities and games which promote the development of body and mind”, Kothari Commission opined, “Physical education contributes not only to the physical fitness but also to physical efficiency, mental alertness and the development of certain qualities like perseverance, team spirit, leadership, discipline tolerance, obedience to rules, moderation in victory and balance in defeat”. Physical education is considered as that part of all education, which proceeds predominantly through physical activity.

2.3 Physical Education in Ghana

Physical Education and Sports (PES) have been part of Ghana’s education system since the colonial era. The push of PES however started in earnest during the governorship of Gordon Guggisberg (1919-1927). Three (9th, 12th and 13th) of his sixteen(16) principles of education for Ghana (Gold Coast) stressed the importance of PES and directed that all schools should make provision for playground and other facilities to promote physical education, sports and games.

An examination of the long list of items in the 1992 Constitution of the Republic of Ghana amended in 1996 for instance, revealed in Act 37, clause (5) that, the state shall ensure that adequate facilities for sports are provided throughout Ghana and that

sports are promoted as a means of fostering national, integration, health and self-discipline as well as international friendship and understanding. Provision with the non-inclusion of Physical Education, ALWAG Research & Education Center in 2012 came out with the policy for Physical Education and sports.

2.4 Legal Liability

Sports law is a set of rules, regulations, norms and principles that creates certain context and specific guidelines on relations between people (coaches, referees, spectators, athletes, administrators, teachers, and others) in sports environments and in exercises, especially competitions with the aim of establishing the Justice, law and creating order.

Legal issues in P.E/Sports are concerned with the determination of rights and duties. Duty is the corollary of rights in the process of social interaction man qua man (Babalola, & Alayode, 2012). While right describes what the person's duty is, what is due to the other person with whom he/she is in social interactions (Agbojimi, 2002)? Legal liability is caused by „Negligence“, which is the failure to act as reasonably prudent as the persons would under the circumstances involved. It can be seen as any conduct that falls below the standard established by law for the protection of others against unreasonable risk of harm. Negligence is a tort that is often used to implicate P.E teachers. It is very important that P.E. teachers understand the nuisances of tortuous liability and its relationship with the P.E profession.

Legal liability is a term in law, which means responsibility for the consequences of one's acts or omissions, enforceable by civil remedy or criminal punishment (Business Dictionary, 2012). Two categories of legal liability exist: criminal liability and civil liability (Sullivan & Decker, 2005). Criminal liability applies when an

offense, or a crime occur against the public (Jones, 1999; Tappen et al., 1998). Civil liability arise from private wrongs (tort) or a breach of contract that is not a criminal act against another individual resulting in harm. The injured person can seek compensation for the damages he/she suffered through civil law (Business Dictionary, 2012).

Factors such as poor supervision, poor instruction, and failure to inform of possible risks, unsafe facilities, and poor equipment could lead to legal liability for PE teachers. Tort law is a civil wrong committed by one person against another or property and it is categorized as intentional or unintentional (Carpenter, 2008; Sullivan & Decker, 2005; Tappen, Weiss, & Whitehead, 1998; Van der Smissen, 2001). An intentional tort occurs when the action is willful and intends to hurt another person, such as assault, battery, libel, or slander (Carpenter, 2008; Sullivan & Decker, 2005). Intentional torts require the plaintiff to prove the defendant has intent and motive, which resulted in damages (Carpenter, 2008). An unintentional tort is “an unintended, wrongful act against another person that produces injury or harm” (Aiken, 1994, p.83). Negligence and malpractice are unintentional torts (Sullivan & Decker, 2005; Van der Smissen 2001). Malpractice is known as a professional negligence. Malpractice occurs when a professional “fails to act as other reasonable and prudent professionals who have the same knowledge and education would have acted under similar situations” (Aiken, 1994, p.86). For the negligent act to be considered malpractice, the act must occur by a professional while carrying out professional responsibilities and duties (Sullivan & Decker, 2005; Tappen et al., 1998). Without meeting this requirement, the act would strictly be negligence, not malpractice. Whether the alleged incident is filed as malpractice or negligence, a formal complaint filed with the court requires the plaintiff to establish four elements:

duty of care, a breach of that duty, causation, and damage or injury. All four elements must be verified for an individual to be held liable (Aiken, 1994; Jones, 1999; Osborne, 2001; Van der Smissen, 1990; Van der Smissen, 2001). Failure to prove any of the four elements will warrant dismissal of the case. The plaintiff in a malpractice or negligence case must first demonstrate that a duty of care exists. Duty identifies a legal relationship between two parties, not an action. Carpenter (1995) defined it as “the duty to protect from the foreseeable risk of unreasonable harm”. Typically, the relationship falls into one of three categories: inherent, voluntary assumption, or statute. The relationship can be inherent, such as a patient to healthcare provider, an athlete to a coach or a student to a teacher. A relationship can be established through voluntary assumption. Van der Smissen (2001) used the example of a volunteer coach and a young player in a non-professional league. The relationship can be established by statute, such as employment situations. Once the special relationship is demonstrated, the plaintiff must establish the second element: breach of duty. When the duty of care is established, the plaintiff must demonstrate that the duty or relationship was breached. In other words, the duty was not met or was substandard. In a trial, an expert witness may be called to testify as to the current standards and whether the defendant met the standard or not (Carpenter, 2008). Practice acts, position statements, and policies and procedures are examined to establish a standard of care and determine a breach in the duty. The third element that must be proven is the cause: did the negligent act cause the injury or not (Van der Smissen, 1990). Cause is determined by how much of the negligent act, either omission or commission, is to be blamed for this injury. In other words, the failure to provide the standard of care was breached and was totally or partly the cause of the injury (condition sine qua non). The final element the plaintiff must prove is harm. The

plaintiff must demonstrate that the breach of duty is partially the cause of the injury and the result of injury caused harm. The plaintiff usually seeks compensatory damages for the caused harm in the form of economic loss, physical pain and suffering, emotional distress, and/or physical impairment (Van der Smissen, 1990). Several individuals can be liable for negligence and malpractice. The individual who committed the negligent act has personal liability and named the defendant. The organization or administrator supervising an individual could also be held liable for the actions of the individual, which is known as vicarious liability. Vicarious liability comes from the doctrine of respondent superior (Cotton, et al., 2001; Sullivan & Decker, 2005). Respondent superior states that “the negligence of an employee is imputed to the corporate entity if the employee was acting within the scope of the employee’s responsibility and authority” (Cotton et al., 2001, p. 49).

Zirkel & Clark (2008) published an analysis of trends in the frequency and outcomes of published decisions of student-initiated negligence claims in K–12 public schools. In each of these cases, districts and/or personnel were named as defendants. They analyzed a representative sample of 212 published decisions involving personal injuries to students during a 15-year period from 1990 to 2005. The sample included only student claims of simple negligence and excluded actions that alleged gross negligence, intentional torts, and educational malpractice. The sources of the data were the Sports and Torts sections of the Education Law Yearbook (ELA 1991–2006). The authors selected every fourth case within these boundaries to develop their sample. The results stated that, in almost two thirds of the cases in this sample, the district won conclusively and the student won conclusively in less than one tenth of them.

Tort

A tort is a civil wrong a violation of a duty that causes harm. In the U.S. judicial system, an individual who is injured by a breach of duty can sue the other person to collect compensation for that injury. There are three types of civil wrongs.

- **Intentional torts** include trespass, assault, battery and defamation.
- **Unintentional torts** include negligence and strict liability. Strict liability is when someone is held liable, even though he/she may not be at fault. It is often used when an individual is engaged in an ultra-hazardous activity.
- **Constitutional torts** occur when a government agent has violated an individual's constitutional rights.

Some intentional torts also can be crimes, and a tortfeasor can be required by a civil court to pay money damages to compensate the injured person and be required by a criminal court to pay a fine or suffer imprisonment. Negligence differs from these in that it is an unintentional tort. It occurs when one person unintentionally causes an injury to another through a breach of a duty or violation of a general standard of care. The general standard of conduct is conduct that reasonable people may expect others to observe as they go about their daily lives. Negligence is the failure to exercise due care when carrying out a duty or subjecting another to a risk that causes harm. A negligent tort is a tort that, although not intended, was committed in disregard of the rights or reasonable expectations of another person. This is the area of tort law that has given rise to most litigation. The money a tortfeasor must pay to compensate the accuser for the harm caused is called damages. Factors for which money damages are awarded in a tort case include property damage, medical expenses, pain and suffering, and lost wages. If the conduct of the tortfeasor is a particularly outrageous or offensive violation of the reasonable standard of conduct expected, the civil court will

add to its award of regular damages to the injured person and amount of money known as exemplary, or punitive, damages. The damages constitute a civil, or private, fine against the tortfeasor and are analogous to the fines imposed by a criminal court. The sixth edition of Black's Law Dictionary defines „Negligence“ as "the omission to do something which a reasonable man, guided by those ordinary considerations which ordinarily regulate human affairs, would do, or the doing of something which a reasonable or prudent man would not do." Schools and their employees are not automatically responsible for every injury that may occur within the school. In order to be held liable for negligence, the following four questions must be answered in the affirmative:

1. Did the defendant owe a duty to the plaintiff?
2. Did the defendant breach that duty?
3. Was the plaintiff injured?
4. Was the breach the proximate cause of the injuries?

Further, there can be no defenses to the action. To recover damages, it must be shown that the defendant owes a duty to the injured person, that the behavior fell short of that required, that this caused a real injury to the person, and that the injured person was not responsible for causing the injury.

Duty of care

In loco parentis forms the basis for duty of care, which all teachers must operate with when they have children in their care. This applies to all activities within the school curriculum, to extra-curricular activities during or outside normal school hours and whether or away from school premises. Physical education teachers at primary and secondary levels can greatly improve their policy and safe practice in their profession

if they examine very carefully all the working environments in which they place themselves and their pupils. There is a duty of due care that the law recognizes one person owes to another. This duty may arise from a contract, a statute, common sense, or a special relationship the parties have to one another. Regarding students, the courts have found that schools and their employees have the duty to supervise students, provide adequate and appropriate instruction prior to commencing an activity that may pose a risk of harm, and provide a safe environment. Usually, that duty extends to students while they are in the custody or control of the school. Schools may have a duty to supervise students off school grounds when they have caused them to be there such as while on field trips or extracurricular events. Schools may have a duty to supervise students on school grounds before and after school when they have caused them to be there, for example, when the bus drops them off. A duty can be extended if a person assumes additional responsibilities, such as assuming the duty to supervise students before and after school. Schools may acquire a duty to supervise when they have, by their previous actions, assumed the duty to supervise at this time such as when some staff has supervised intermittently or consistently before official time to arrive. Schools also have a duty to warn of known dangers even when they do not have a duty to supervise. In the general workforce, a supervisor, and ultimately the company, is responsible for the negligent acts of employees under the doctrine of *respondeat superior*. However, in education, generally no one is automatically responsible for the acts of another. School administrators are not automatically responsible for the negligent acts of teachers. In school situations, usually a plaintiff must find a separate duty on the part of each defendant.

Breach of duty

Once a duty has been established, the injured individual must show that the duty was breached. The duty has been breached when the individual unreasonably fails to carry out the duty. In carrying out duties, one is expected to act as an ordinary, prudent, and reasonable person considering all of the circumstances involved. The court or jury makes a determination of how the reasonable person would have acted; if the individual did less, he or she is found negligent. The standard varies for professionals, e.g. a reasonable teacher or principal. Defendants who are professionals will be held to a standard based on the skills or training they should have acquired for that position. Thus, the question to be answered is „What would the reasonable professional have done under the same or similar circumstances?“ The standard varies also with the individual circumstances of the situation. Each situation gives rise to a unique set of circumstances. Some of the factors, which may be considered in determining the standard of care, include the following:

- Age and maturity
- Nature of the risk
- Precautions taken to avoid injury
- Environment and context (including characteristics of students, location, physical characteristics, and so forth)
- Type of activity
- Previous practice and experience

In determining negligence, children are not held to the same standard of care as adults; instead, their actions must be reasonable for a child of similar age, maturity, intelligence, and experience. Some states further classify children according to a

presumption of capabilities. In those states, children under seven are not held responsible for negligence or unreasonable acts. The noted exception, however, is that a child may be held to an adult standard of care when engaged in an adult activity, for example, driving a car or handling a weapon.

Injury

The plaintiff must show an actual loss or real damage, for instance a physical bodily injury or a real loss. Compensation may include direct monetary damages for medical expenses, replacement of property, lost wages, and so forth. The plaintiff may recover also for intangible injuries, such as pain and suffering, and emotional distress. In some situations, an intangible injury is sufficient for recovery. However, there are states that require at least a physical manifestation of an injury if there are no tangible injuries.

Causation

To recover for an injury, the plaintiff must show that the defendant's negligence was the cause of the injury. If the accident would have occurred anyway, there can be no liability. The defendant's negligent act must be a continuous and active force leading up to the actual harm. When there is a lapse of time between the defendant's negligence and the injury, other contributing causes and intervening factors may be the actual cause of the injury. When there is a series of events leading up to an injury, the person starting that chain of events may be liable for the resultant injury if it was a foreseeable result of his negligence. If the injury at the end of the chain of events was not a logical (foreseeable) result of the negligence, there is no liability. When another independent act occurs in between the defendant's negligent act and the plaintiff's injury, it may cut off the liability. In other words, someone else's actions may have

been the cause of the injury. Intervening acts will not cut off liability when those intervening acts were foreseeable.

Defenses available

Once the basic elements have been established, the court looks to the possibility of defenses before a damage award is granted. Defenses vary greatly between states; the most common defenses being governmental immunity; assumption of the risk; and comparative or contributory negligence. In states that still have strict governmental immunity; an individual may not bring legal action against the state. In these states, immunity is a complete bar to an action. Governmental immunity has greatly eroded in recent years, generally allowing an individual to recover for injuries, but not allowing an action that would undermine the state's decision-making power when carrying out its state or official functions. Governmental actions are those the state undertakes as a policymaker. Thus, an individual is not allowed to sue the school for an injury caused by a policy decision such as making a curriculum choice or setting the date and time for school to start. Some states have abrogated sovereign immunity up to a particular dollar limit or to the extent of insurance coverage. These states usually have strict notice and pleading requirements at the outset of a legal action. Assumption of the risk is also an affirmative defense that, if successful, presents a complete bar to plaintiff's recovery. This defense is based on the idea that if the plaintiff knowingly and voluntarily accepted the risks of an activity, he or she should not be allowed to recover for injuries caused by those known risks. For knowing acceptance to occur, it is important that all risks inherent in an activity are apparent or explained and that they are voluntarily assumed. Students in athletic activities are asked to assume the risk of playing that sport. It must be shown that the plaintiff understood how the specific activity was dangerous and nonetheless voluntarily

engaged in it. Students should be told of the risks of injury during the regular course of play; therefore, if an injury were to occur, the school would not be responsible. Many people mistakenly believe that parents assume all risks for their children when they sign permission slips. While the parents may assume the normal risks associated with the activity, they do not waive their rights for all injuries that may occur. They cannot assume risks of which they have no knowledge. In sum, some permission slips are worthless in terms of waiving liability. They often only serve to provide parents an opportunity to opt their children out of certain activities. The defenses of contributory and comparative negligence offer a complete bar or a reduction in the damage award due to the plaintiff being partially responsible for his or her own injuries. Making this determination is similar to making the determination of the defendant's negligence did the plaintiff fail to exercise reasonable care, which resulted in the injury. Contributory negligence is a total bar from recovery. Under contributory negligence, if the plaintiff is responsible for the injuries sustained in any way, no matter how slight, he or she cannot be awarded any damages. Recognizing that this all-or-nothing approach often results in severe consequences, most states have moved to the less severe system of comparative negligence. In comparative negligence, the damage award is apportioned depending on the degree of fault or contribution to the injuries. Comparative negligence is distinguished between pure and modified forms. Pure comparative negligence allows the plaintiff to recover any amount of damages for which the defendant was negligent. In states that have adopted a modified comparative negligence, damages are awarded only if the defendant's negligence is greater than that of the plaintiff. In the early twenty-first century, a majority of states operate within some type of comparative negligence system.

Malpractice

As in medical malpractice, the term educational malpractice refers to negligence on the part of a professional. However, the courts have not recognized educational malpractice as a cause of action for damages. Here, the student was graduated from high school while still being illiterate. The court found no legal duty on which to base an action against the school district. Further, it concluded that there was no workable standard of care for teaching against which the defendant's actions could be judged. Finally, the court noted that the degree of certainty that the plaintiff had suffered any injury, the extent of the injury, and the establishment of a causal link between defendant's conduct and the plaintiff's injuries were uncertain. The primary motive for courts not recognizing educational malpractice as a cause of action is generally public policy. The concern typically expressed is that recognition of this cause of action would require the courts to make judgments on the validity of educational policies. Additionally, court have noted there are other, more appropriate avenues of relief if an individual is dissatisfied with the public schools, such as individual administrative review and school board elections.

2.5 Physical Education Teachers'/Coaches' Legal Liability

Teachers/coaches and students/athletes also have legal relationship with each other, but the obligations flowing out of the parties do not define this relationship. Instead, case and statutory law define them. Regardless of the way a legal relationship is formed, the nature of the relationship defines the duties involved (Carpenter, 2008). According to Carpenter (2008), a coach has the duty to protect athletes from the foreseeable risk of unreasonable harm. If the duties of a paid coach owes to the athlete such things as adequate supervision, access to emergency medical care, use of proper progressions, and safe facilities, a volunteer coach owes to the athletes the same

duties. The coaches' liability is quickly approaching the forefront of concern, primarily due to increasing litigation resulting in massive verdicts for participants injured because of the action or inaction of coaches (McCaskey & Biedzynski, 1996). Nevertheless, a coach is not under automatic legal liability merely because under his/her control an athlete suffers injury (Khan, 1999). Before a coach would have to assume financial responsibility for an athlete's injury, he/she should be found guilty of negligence. In order to be found guilty of negligence, four elements (conjunctive condition) need to exist: (1) the coach owed a duty to conform to a standard of conduct established by law for the protection of the athlete, (2) the coach failed to meet the requisite standard of care required in the circumstances (3) the athlete suffered compensable injury and (4) the coach's breach was the legal cause of the athlete's injury. All the elements must be present for negligence to exist. In the absence of any one of them, no cause of action for negligence will lie (Cadkin, 2008; Carpenter, 2008; Dougherty et al., 2007; Fast, 2004; Hurst & Knight, 2003 and Johnson & Easter, 2007).

According to the relationship between coach and athlete established by law, the coach is obligated to take care of the athletes under his/her supervision. Therefore, if an injury occurs, the courts will ask whether the injured party was an athlete under direction or supervision of a coach or not (Carpenter, 2008 and Dougherty et al., 2007). Once a duty has been found to exist, breach must be established. Breach is commonly defined as a "failure to perform a duty or failure to exercise that care which a reasonable coach would exercise under similar situations" (Feiner, 1997. p.217). When a coach's behavior or actions fall below a medium standard of care, negligence is said to occur. Standard of care is a flexible concept, and it is usually determined by speculating on what an average reasonable coach would do, or not do,

under the same circumstances. In determining the applicable standard of care, courts refer to an objective standard of conduct. For example, an individual's specific knowledge or experience (or the lack thereof) cannot be used as an excuse for his or her failure to meet this standard (Fast, 2004). The standard of care is a necessarily ambiguous concept as it is always influenced by the potential risk of specific circumstances (Fast, 2004 and Schot, 2005). Thus, the standard may vary depending upon:

1. The type of activity; generally, the more hazardous or risky the activity is deemed to be, the greater the duty of care that is owed to the participants.
2. Age of the participant; generally the younger the participant, the greater the duty of care that is owed. Similarly, frail or aged adults may place greater demands on supervision.
3. The ability of the participant; Age should not be considered in isolation but considered along with the ability of the participant. „Beginners“ in any program need greater supervision than more experienced and skilled participants.
4. The coach's level of training and experience; the more highly trained and experienced a person is, the greater the standard of care that is expected.

For example, a higher standard of care would be expected from a trained and highly skilled instructor than from someone who is volunteering and who may have undertaken only a little training (Fast, 2004 and Schot, 2005). The breach must have resulted in damages or losses to the athlete's body, property or interest (Carpenter, 2008; Dougherty, Goldberger, & Carpenter, 2007 and Fast, 2004). Absence of harm means there is no negligence. The old basketball phrase applies "No harm, no foul" (Carpenter, 2008). The fact that the coach negligently breached a duty owed to the

athlete is not sufficient grounds for a successful lawsuit (Dougherty et al., 2007). A fourth issue still remains to be resolved before a coach can be held legally responsible for the harm suffered by an athlete. The athlete must prove that the negligent action of the coach was actually the proximate cause of the injury. While volumes have been written on the concept of proximate cause, for the purposes of this discussion, the concept can be reduced to one rather simple question: Did the negligence of the coach cause or aggravate the injury in question? If the answer to this question is no, then regardless of the amount of carelessness present, the injured athlete cannot recover damages for negligence from the coach. This question is often more complex in the case of the intervention and actions of a third party. When one athlete is injured because of the actions of another, and a coach is sued, the proximate cause issue revolves around the question of whether the actions of the athlete who caused the injury could reasonably have been controlled by the coach. One way of addressing this question is seen in the use of but-for test. That is, to hold all factors of the incident constant except for the alleged negligence and, thus, to determine whether, but for the negligence of the coach, the injury would not have occurred (Dougherty et al., 2007; Fast, 2004; and Sailor & Township, 2007).

2.6 Physical Education and the Law

According to *Safe Practices in Physical Education and School Sport* published by the Association of Physical Education (formally BAALPE) Safe practice in physical education should be an integral feature of all aspects and in all phases of education, from the very early years of playgroup and reception through to adult, further and higher education. Teachers, lecturers and others in positions of responsibility have a duty of care for those in their charge to ensure that planning and implementation include recognition of safety as an important element.

The Law will reasonably expect that individual schools' „code of safe practice in physical education" will reflect its own particular needs according to its programs and premises, in addition to factors which it may have in common with other similar establishments. The school must declare its own policies and practices, which will reduce risks of injury to an acceptable level. The Head of PE is responsible for ensuring these are brought to the attention of all staff in the department that it is complied with and must co-operate, as appropriate, with the school Health and Safety Coordinator in this regard.

1. Risk Assessment

Hazards in PE can be reduced through effective management, i.e. by balancing appropriate challenge and acceptable risk. Schools must create and maintain a risk assessment for each PE work area. Significant hazards and their control measures should also be included in "schemes of work" as appropriate.

a. Manual Handling and Storage of Equipment

Where possible, manual handling tasks should be avoided or the risk of handling injury minimized by appropriate task design or the use of handling aids (e.g. trolleys).

b. Apparatus Handling by Pupils

It is an integral part of the subject to involve pupils in apparatus handling, particularly in gymnastics and trampolining. However, this must be carried out in such a way as to reduce risk to pupils as far as is reasonably practicable. Schools must have arrangements to enable pupils to learn how to handle equipment safely according to their age and strength.

c. Inspection of Equipment

All PE facilities (gymnasiums, halls, sports halls, multi-gyms etc.) and equipment must be inspected regularly. Schools must arrange with competent contractors to inspect PE equipment at least annually. PE department staff should carry out pre-use visual checks of equipment to identify obvious defects.

d. Hazards and Equipment Defects

It is the responsibility of everyone in the PE department to inform the teacher in charge of any hazards, e.g. defects to equipment, so that appropriate action can be taken. If the teacher in charge considers a defect to be a significant threat to health and safety, the equipment must be taken out of use until the defect has been remedied. Such equipment should also be labeled indicating that it is faulty and must not be used.

e. First Aid

Schools should have suitable numbers of trained first aiders" available. A travelling first aid kit and clear, effective procedures for contacting the emergency services is considered the minimum requirement.

f. Incident Reporting

Any injuries to staff arising out of PE or school sports activities and those to pupils resulting in significant injury or first aid attention should be reported. It should be noted that accidents and incidents that happen in relation to curriculum sports activities and result in pupils being killed or taken to hospital for treatment are also

reportable to the Health and Safety Executive (HSE). In these circumstances, the teacher should complete both an F2508 and an HCC IDOR form.

g. Clothing and Footwear

This must be appropriate to the activity. For indoor activities (dance, gymnastics etc.), it is not acceptable to work in stocking feet because they do not grip the floor. Bare footwork is acceptable when floor conditions are suitable, i.e. smooth, clean and without splinters. If the condition of the floor does not allow bare feet, then soft-soled plimsolls provide the best alternative. Wherever possible clothing allowing freedom of movement should be worn, appropriate to the activity.

h. Personal Effects

Jewelry, i.e. watches, rings, earrings, bracelets, necklaces etc. (including jewelry worn through the ears, nose, eyebrows, lips and other exposed areas of the body) should not be worn whilst participating in PE lessons. In addition, belts with metal buckles should not be worn and long hair should be secured as appropriate to the activity. Pupils should be consistently reminded of these requirements and a check carried out to ensure compliance before activity begins.

- Some pupils may need to wear personal effects such as glasses or hearing aids. In these circumstances, the adult in charge should determine whether it is more hazardous for them to actively participate wearing such items, both in terms of their own safety and that of the other pupils.
- Taping over ear studs is sometimes used to make the situation safe. However, the adult in charge should be confident that this strategy would be effective.

Teachers must not remove or replace earrings. They cannot be responsible for the consequences of removing or replacing earrings. Parents cannot transfer this responsibility to teachers.

Specialist Activities

a. Athletics

Athletics embraces a range of tasks, activities and events for the teaching of coaching children in both primary and secondary schools respectively.

b. Gymnastics

The essence of gymnastics is the development of skilled movement under control, on the floor and using apparatus. A child, who learns to lift correctly, carry, assemble and check apparatus in the gymnasium or hall, is acquiring fundamental knowledge about safe practice which will translate in a general way to safe and competent movement in the wider environment. A variety of different forms of gymnastics has been developed, however they are largely divided into two groups:

- 1) A thematic approach in which tasks are set to which varied individual responses are made and for which support is not generally applicable. (With this approach, a teacher will give help and encouragement where appropriate).
- 2) A formal approach where provision of support in some activities is essential. (This approach should only be used by the teacher/coach with the relevant knowledge and skills and where appropriate the governing body award).

c. Rugby

The strenuous and physical contact nature of rugby means that safety must be given paramount importance. Teachers must have a good up to date working knowledge of the game. It is advisable for teachers/coaches/referees to attend regular in-service training to ensure safety but in particular with regard to scrummaging and tackling.

d. Swimming

The department has produced detailed guidance on the Operation and Maintenance of Swimming Pools „Safe practice in school swimming“, which is available on the Grid. All schools with a pool must comply with its requirements. In particular, all schools with swimming pools must prepare:

- A written normal operating procedure (NOP), setting out the organization and arrangements for ensuring the users safety.
- An emergency action plan (EAP), which all staff, pupils, parents, visitors and other users of the pool should be familiar with.
- A swimming pool risk assessment

e. Trampolining

All teachers of trampolining should ensure that they are knowledgeable on fundamental skills and techniques, including the assembly and dismantling of equipment. Teachers must hold a British Gymnastics trampoline award/ qualification as a minimum and keep themselves apprised of new developments through relevant in-service training. When not in use trampolines should be secured (e.g. chained and padlocked) to prevent unauthorized use. Trampettes and trampolines (indoor and outdoor) should not be utilized within primary school settings due to the specialist nature of the activity and the potential for serious injury that can occur on landing.

f. Outdoor and Adventurous Activities

Good planning is central to Safe Practice out of doors and this presumes good leadership. Managers and their staff when planning such activities should refer to

HCC offsite visits Manual Part D. Special Olympics coaching guide 2003 also recommended the following to guide PE teachers/coaches in performing their duties:

Conducting a Safe Program

Field of Play

The field of play should be checked before and after all practices and events for any obstacles. An indoor court should be clear of any obstacles or obstructions surrounding the out-of-bounds areas. The actual playing surface should be clear, safe and dry. All lines should be clearly visible. Any indoor facility must have proper ventilation, especially in warm climates.

Outdoor facilities should be checked for uneven playing surfaces, including holes, uneven grade, or moisture. The playing area should be also checked for additional obstacles. Out-of-bounds areas should be clear of obstructions. All boundaries should be clearly marked. Other areas being used by players, such as locker rooms and showers, should be reviewed for safety and accessibility. Floors should be properly drained and have nonslip surfaces. Areas utilized by spectators, families and other nonparticipating players should be assessed for safety and accessibility.

Equipment

Athletes need to have the proper equipment for each sport, and if equipment must be worn, it should fit properly. The following areas should be addressed:

- Adequate amount of equipment i.e. all necessary equipment should be available for all practices and events. Athletes should be able to use the equipment for warm-up and participation.

- Well-maintained equipment thus all equipment should be checked prior to the start of practice or competition. Equipment that is routinely or occasionally used should be maintained and checked before each use.
- Proper use of equipment i.e. manufacturers develop equipment for specific uses. The coaching staff should instruct their players in the correct use of the equipment. Improper use is not only unsafe but may invalidate the warranty.
- Proper size of equipment i.e. equipment should adhere to the standard specifications designated by the sport.
- Proper fit of equipment i.e. any equipment used in the context of a sport should be properly fitted to each athlete.
- Proper warranty and safety criteria i.e. review of the safety criteria and appropriate use is recommended.

Traveling

The coaching staff is responsible for all their athletes when traveling to play and compete. The coach should review any special instructions for each player with the parents or guardian. Written instructions for any medications should be reviewed and taken on the trip. Transportation should be adequate for all players. The mode of transportation should be safe, as should any drivers. Weather conditions should be reviewed before leaving for any competition. The coach should contact the opposing team's coach to review arrangements for supplies, such as water, emergency management plans and locker room space. Important telephone numbers should be recorded.

If the trip involves overnight lodging, safe and accessible accommodations should be secured. Contact information should be given to all parents. Special dietary concerns

should be clarified with parents and arrangements made to address them. Parents need to be advised when and where to pick up their children upon return. A plan for a telephone tree should be developed in case of an alteration of plans.

2.7 Legal Duties of Teachers/Coaches

Doleschal (2006) indicated fourteen legal duties, which should be viewed as obligations to be met or exceeded by schools and all athletic personnel, such as coaches. These duties include; duty to plan, duty to supervise, duty to assess an athlete's physical readiness and academic eligibility for practice and competition, duty to maintain safe playing conditions, duty to provide proper equipment, duty to instruct properly, duty to match athletes, duty to provide and supervise proper physical conditioning, duty to warn of inherent risk, duty to ensure that athletes are covered by injury insurance, duty to develop an emergency response plan, duty to provide proper emergency care, duty to provide safe transportation, duty to select, train, and supervise coaches, these duties used to determine negligence in sports-related injuries that have been formulated from legal proceedings taken from tort related cases involving coaches, schools and athletic programs. In this study, these duties were explained and effective practice procedures were suggested to aid schools and its personnel in complying with these duties. McCaskey & Biedzynski (1996) focused on the legal liability of coaches and on legal actions brought primarily by injured athletes. Primarily, they set eight main legal duties for coaches in each sport which established by prevalent case law and legal commentary. These duties include; supervision; training and instruction; ensuring the proper use of safe equipment; providing competent and responsible personnel; warning of latent dangers; providing prompt and proper medical care; preventing injured athletes from competing; and matching athletes of similar competitive levels. McGirt (1999), in examination of the

duty of care that a university owes to its athletes, also discussed the roles and duties of coaches toward their athletes. He also divided the coaches' duties in eight different duties, similar to McCaskey & Biedzynski (1996). In the research of Labuschagne & Skea (1999) seven specific legal duty are analyzed: supervision; training and instruction; proper use of facilities and equipment; providing prompt and proper medical care; knowledge of participants; matching and equating participants; and warning of latent dangers which are progressively placed on coaches and other officials to prevent or minimize injuries to athletes. Hensch (2006) and Figone (1989) report similar duties.

Borkowski (2004) in his research determined eleven legal duties for coaches as the basic legal duties which, if the coaches meet them, appreciably can decrease the chance of injuries to athletes, the number of claims, and the chances of lawsuits against coaches. It will also make the athletic experience worthwhile – and enjoyable. These duties are; properly plan the activity, offer appropriate equipment, offer appropriate facilities, offer appropriate instruction, offer appropriate supervision, appropriate condition to the athlete, appropriately warn about the risks of the activity, offer appropriate post injury care, offer appropriate activities, maintain reasonable records, and follow the appropriate rules and regulations. Carpenter (2008) also considers the following six duties as sub-duties of the duty of care for coaches: providing proper instruction, providing appropriate supervision, using safe progressions, providing medical help in case of injury, using safe facilities and equipment and teaching appropriate, safe procedures. Partington's (2016), study results entitled "Modern sports coaching and the law: analyzing, clarifying and minimizing negligence liability" indicated that in coaching training and activities

emphasis must be placed on developing coaches' awareness and knowledge and understanding from developing legal areas.

Fast (2004) also mentioned the coaches' duties with respect to instruction, supervision, and the provision of medical care as follows: to provide competent and informed instruction about how to perform the activity; to assign drills and exercises that are suitable to the age, ability, fitness level or stage of advancement of the group; to progressively train and prepare the participants for the activity according to an acceptable standard of practice; to clearly explain to the participants the risks involved in the activity; to group participants according to size, weight, skill or fitness to avoid potentially dangerous mismatching; to inquire about illness or injury and to prohibit participation where necessary; in the event of a medical emergency to provide suitable first aid; and where possible, to keep written records of attendance, screening, training and teaching methods in order to provide evidence of efficient control. Review of the literature and court cases consistently demonstrate that serious injuries, paralysis and even the death of participants in sporting contests are increasing worldwide at an alarming rate because of the lack of the coaches' adequate and proper knowledge about their duties. Kashef & Anzali (2016), in their research entitled "Practical Obligation of Sports Coaches to the Legal Responsibility from Athletes Viewpoint" concluded that 73.28 % of sports coaches were aware of their legal liabilities. There was also a significant difference between the women's and men's perspectives, academic certificate and experience and skills regarding the level of commitment of sports instructors to legal responsibilities. To investigate physical education and sports teachers' attitudes towards their profession, Pepe, et al (2015) randomly selected 195 teachers working in Kayseri province to participate in the study using the descriptive approach. It came to bare that significant differences were detected in

attitude when the level of PE and sports teachers attitude was compared in terms of years in service. Furthermore, differences were found when the level of teachers' attitudes was investigated in terms of age and gender and working institutions. Based on the findings obtained from this study, female teachers have higher attitudes scores than the male teachers. Again, it was revealed that teachers who stayed longer in the service scored less in the attitude test and teachers working in higher schools scored higher than those working at lower schools did. Mostahfezian et al, (2018) conducted a research on Physical Education Teachers' Practical Obligation to Legal Responsibilities and Liabilities (Case Study: Physical Education Teachers of Isfahan Province). Their purpose was to evaluate physical education teachers' practical obligation to legal responsibilities and liabilities. The method of this research was survey research and fieldwork where 407 physical education teachers were selected using random stratified sampling method and a researcher-made questionnaire was used for collecting the data; the data were analyzed using T tests and analysis of variance. The findings indicated that physical education teachers' knowledge of sports law components was above average ($\mu > 3$). There was a significant difference between the service record, the level of education and the educational level regarding the practical obligation physical education teachers to legal responsibilities in the components of commitment and responsibilities, equipment standards, responsibilities of the manager and expert, and objectives and missions ($P \leq 0/05$). According to the results of the research, it was suggested to be taking the necessary steps to further improve the legal and lawful awareness of the sports community, including the continuing education of physical education teachers in the form of in-service training courses, the formulation of new rules and regulations, etc. According to Article 11 of the civil liability law, in case of a teacher's mistake, the teacher himself is

responsible. In Iranian law, in the current situation and in line with the Article 11 of the civil liability law, the government will not be liable for this mistake. As soon as the student becomes mature, on the one hand, he is excluded from the inclusion of Article 7 and, on the other hand, teacher's civil liability because of student's practice in Iranian law has not been mentioned and in accordance with Article 11, the government is not responsible. Nevertheless, if the liability arising from the action of someone else is based on the teacher's fault in line maintaining and taking care, is a guarantee for the injured party in order not face with lack of compensation. Although this responsibility apparently is due to the action of someone else, in fact, it is a kind of responsibility arising from the act of the person. Consequently, it is expected that legislator drafts regulations in this regard. In jurisprudence, there are also tools to respond to the teacher's liability because of the student's practice, be means of jurisprudence and comparative law the desired issue will be reflected in the rules to achieve this goal (Katouzian, 2009). Preventing an incident requires an awareness of the causes of any incident. The proper and sound recognition of the causes of athletic accidents will decrease the incident and increase the students' health and lack of teachers' full and proper understanding of the legal duties and authorities cause liability for them (Mostahfezian et al, 2018). In today's changing and growing world, nobody is needless of training and education. Activities in school and learning have shaped a huge part of human life. Nowadays, the teacher needs other information and expertise in his specialized field (Nadi, 2005). The results of the conducted researches indicate that several factors will cause accidents and student injuries; hence, in the case of full awareness of legal issues, teachers will feel more responsibility, liability, and incidence in the sports environment will be reduced.

2.8 Knowledge of P.E.Teachers/Coaches Regarding their Legal Duties

In a study by Azadeh (2014) to reveal the degree to which Iranian University coaches are familiar with their legal duties and to discover the major factors which have an impact on their knowledge acquisition, 322 coaches were used. A mixed method was employed and it was discovered that coaches do not have sufficient knowledge of legal duties towards their athletes but only in connection with two duties (matching of players and instruction & supervision). In addition, their age, gender and system of coaching training influenced their knowledge and awareness. Again, their championship history, coaching experiences and level of coaching certification and type of sports affected the level of their information about legal issues. Based upon the findings, it was concluded that Iranian University Coaches were ignorant about five components of their legal duties. It was also assumed that coaches' age, gender and level of education; and field of their study affected their knowledge about the legal aspects. Foroughi (2005) in a study that scrutinized the familiarity level of sports teachers, coaches and sports managers of Tehran with the athletic rights, concluded that a small percentage (17%) of sports coaches are familiar with sports law issues. Yazdanian (2012) in his research entitled "The plan of civil responsibility's teachers arising from the practice of student in the Iran law with a comparative study in French law", concluded that in the other countries law, the civil liability of teachers was particularly considered while this subject has not been mentioned in Iranian law (Yazdanian, 2012). The knowledge of teachers/coaches about their duties regarding their athletes in the physical education environment has been evaluated but often as an isolated specific item. Numerous studies have investigated the coaches' knowledge and their ability regarding handling responsibilities to providing first aid (Wham et al., 2010). Approximately 36 years ago, researchers began to take more interest in

examining the quality and availability of medical care in athletic areas (Wham et al., 2010). When appropriate medical personnel are not provided during games or practices, then coaches are forced to act as the primary care providers for the injured athlete (Flint & Weiss, 1992; Ransone & Dunn-Bennett, 1999; Redfearn, 1980). Therefore, they must be aware of the location of the first aid supplies as well as the emergency plan as it applies to their team (Clickard, 1991). Coaches need to be armed with the knowledge of how to handle emergencies for the continued and effective treatment of injuries using first aid (Castro, 2010) Ransone & Dunn-Bennett (1999) assessed the first aid knowledge and decision making of High School Athletic Coaches. Results showed that only 36% of the coaches passed the first aid assessment given to them. In addition, coaches that had passed the first aid assessment were more prone to returning an injured starter to the game. One reason of this could be that the coaches that lacked medical knowledge did not want to return an injured player fearing that the injury may become worse. Cunningham (2001) studied the extension of medical care that head coaches provided for injured player under their supervision and he found that 97% of the coaches never or seldom provided emergency medical care to their athletes. Valvovich-McLeod et al (2008) also showed very low passing rates on their first aid assessment, but coaches with current first aid (FA) and CPR (Cardio Pulmonary Resuscitation) certification scored significantly higher on the test.

Young, (2001), believed that awareness of law principals is necessary for professional sports managers. Based on the importance of the issue, he introduced the necessary legal issues for professional sports managers as, risk management, administrative laws, tort law, contract law, product liability, constitution, the judicial system, and legal researches. Since respondents believe that understanding appropriate risk management approaches reduce their liability, have identified risk management as the

most important component (Mirsoleimani & Shoaryan, 2009). Babalola & Alayode (2012), in a paper entitled „Sources of Legal Liability among Physical Education Teachers” expressed the responsibility arising from physical education teachers’ negligence in four areas; supervision, equipment and facilities, injuries from sports participation and proper instruction (Young, 2001). Bonyan & Kashef (2014) in a research entitled “The Different Legal Viewpoints between Male and Female Sport Coaches in the Sport Events” demonstrate that there is a significant difference between women’s and men’s views on legal liabilities, which means that female coaches have a greater awareness of legal liability than male coaches. In terms of academic certificate, there was a significant difference between instructors with different certificate in line with awareness of sports law. This means that coaches with a master’s or degree higher were more aware than others, regarding service experience, there was a significant difference between coaches’ perspectives, which means that coaches with a medium to high (15 years or more) work experience were more aware of legal knowledge.

Major findings of Albrecht (2009) about whether the coaches had the basic first aid and CPR training to serve their young athletes in the event of an emergent or non-emergent injury or sudden illness and whether they had the confidence to manage a basic emergency injury or illness situation when such an occurrence arise during the course of a sports season involving regular practices or game competition, revealed that only 19% and 46% of the 154 Youth Sport Coaches surveyed were formally trained with basic first aid and cardiopulmonary resuscitation and had certifications respectively. Additional findings indicated that youth sport coaches holding one or two of the suggested certifications, possessed more knowledge and confidence to use that knowledge when faced with First Aid injury or illness situation. According to

Barron et al (2009) only a few number (15 out of 290) of coaches completed a first aid assessment earned a passing score. Results of Castro (2010) about assessing the first aid knowledge of coaches of youth soccer and assessing their decision-making ability in hypothetical athletic situation showed that 13 (11.4%) coaches out of 114 coaches earned a passing score on the first aid assessment test. Out of the 114 coaches that completed the demographic data sheet, 31 (27%) reported to have current first aid certification and 24 of them (21%) reported to have current CPR certification. Out of these 55 coaches, only 13 coaches passed the FAA test (First Aid Assessment test). The results also show that coaches having current FA and CPR certification were more successful in passing the First Aid Assessment test. Most researches have examined the first aid knowledge among coaches, but little is known about their knowledge of sudden death and symptoms of concussion or other injuries in sport. McGrath (2012) evaluated the knowledge of Secondary School Football Coaches regarding sudden death in sport. He discovered that many coaches were unaware of the potential causes of sudden death in sport and symptoms prior to it. According to Faure & Pemberton (2011) who examined the Idaho High School football coaches' general understanding of concussion, many coaches were unfamiliar with the signs and symptoms of concussion and they were unable to correctly identify the signs and symptoms that may be present.

O'Donoghue, Onate, Van Lunen, & Peterson, (2009) also revealed that coaches have a moderate level of knowledge regarding concussion. In another research, Cooney et al. (2000) in measuring the knowledge of school rugby coaches who were responsible for senior cup team in Leinster, Ireland found that coaches were not informed about the vital knowledge in the prevention, recognition and management of neck injury. Only 50% (n= 18) of the coaches had a first aid qualification and only 47% (n = 17)

carried to the matches first aid equipment to deal with neck injuries. Results of a research by Orr et al. (2011) about knowledge regarding the risk for knee injuries discovered that female adolescent soccer players (13-18 years old), their parents, and their coaches (n= 484) had never received any information regarding knee injuries. The survey performed by Gurchiek, Holbrook, & Erdmann, (1998) indicated that many coaches do not know their role related to both responsibilities and limitations, when it comes to injury prevention, recognition, and rehabilitation. Redfean (1980) questioned 262 coaches in Lansing, Michigan on education, emergency medical training, CPR training, experience with life threatening injuries, self- appraisals of skills in management of life threatening injuries, and opinions on proximity of medical authority. The results showed that most coaches reported a low level of medical and first aid training, and only 44 percent of them felt that they had the capacity to manage a medical emergency. Cunningham (2002) found similar results when he mailed questionnaires to 250 youth football leagues in the United Kingdom, requesting information about years spent by coaching, about first aid certification, medical equipment available, injury recording, parental consent to treat, injury scenarios, and injuries/illnesses they felt comfortable to manage. Surprisingly, he found that more than half of the respondents (61%) did not possess a current first aid certification. A review of the relevant literature and several legal cases involving sport injury demonstrated that once an injury had occurred, the coaches did not use proper injury treatment protocol (Cunningham, 2001). The primary reason of failure to provide first aid and emergency medical care by coaches, in addition to conflict related to other duties and time constraints to which the coaches referred, was the lack of first aid knowledge.

2.9 Factors Affecting P.E. Teachers/Coaches' Knowledge and Awareness

The results of the several analyses revealed similarities between the coaches in terms of their personal characteristics and their current coaching knowledge. In the following findings of some studies related to this topic are reported. The results of the research performed by Gray & McKinstrey (1994) are partly reported before. As mentioned, they examined the impact of different factors on risk management behaviors of NCAA division III Head Football Coaches. Other findings related to their study, based on current coaching status factor (i.e., full-time coaches vs. part-time coaches), indicated that significant differences existed between the coaches' behavior in four individual items. Full-time coaches' scores showed higher mean in supervision of athletes in weight room, whereas part-time coaches scored higher in teaching football rules and regulations, dealing with questions about risks in football and giving instructions about the proper use of equipment. Concerning educational backgrounds (i.e., bachelor's degree, master's degree), they found a significant differences between risk management behavior of coaches in two individual survey items (warning athletes of risk in writing and signing written warnings by the athletes). In each of these instances, coaches with master's degrees scored higher the items in question than the coaches with bachelor's degrees. Furthermore, coaches with sport-related undergraduate majors scored higher than the item about completing athletes' injury report forms. Whereas coaches with non-sport related graduate majors scored higher, the item related to inspecting facilities before use. Castro (2010) also found that coaches with a higher education had higher scores in the first aid assessment test. He also reported that the coaches' general knowledge about medical issues increases from no degree to bachelor's degree. In another study, Anderson & Gill (1983) showed that many expert coaches acquired fundamental coaching

knowledge while studying for an undergraduate degree in physical education. In addition, according to Carter & Bloom (2009), Cregan, Bloom, & Reid, (2007) and Schinke et al. (1995) coaches who studied kinesiology and physical education at university attributed part of their knowledge acquisition to their university classes and experiences. In addition to studying physical education at university, one important factor affecting coaches' acquisition of knowledge included starting to coach either at a High School level or as an assistant coach at a University level (Carter & Bloom, 2009; Cregan et al., 2007; Schinke et al., 1995). These experiences helped them acquire important tactical knowledge (Carter & Bloom, 2009). Sherman & Hassan (1986) reported that high experienced coaches gave more technical instructions than coaches with short experience did. However, Castro's results (2010) contradict to the previous findings. He did not find significant correlation between first aid knowledge and years of coaching experience. Coaches with more years of coaching experience did not score higher in the FAA test. Accordingly, he found that experience has an impact on the coaches' behavior. The coaches with longer coaching experience were more likely to prevent an injured player from returning to a close game, while, coaches with shorter experience were more likely to return an injured bench player to a close contest. Regarding the past athletic participation, Sherman & Hassan (1986) mentioned that there is a correlation between past athletic participation and coaching behavior. They suggested that this variable might indeed play an important impact on the coaches' behavior. Millard (1996) analyzed the differences between male and female soccer coaches' behaviors. He found that the male coaches controlled the actual situation more frequently and gave significantly more often general technical instruction, and encouraged the athletes significantly less frequently than the female coaches. Dubois (1981) and Millard (1990) report similar results regarding gender

differences between male and female coaches' behavior. According to Newsom & Dent (2011), significant differences exist between women and men coaches' behaviors regarding relationships; women scored higher than men did. In 2007, Newell found significant differences between male and female coaches in connection with leading trainings and giving instructions; women coaches performed more active behavior in these areas than men coaches did. There are different results concerning the coaches' knowledge about first aid; the existing or lacking first aid and CPR certification affect this issue. Barron (2004) reported that only 15 of the 290 coaches who were involved in his investigation passed the FAA. Out of the 15 coaches who passed the test, only five had first aid and CPR certification. Based on their study, Ransone & Dunn-Bennett (1999) reported that out of the 104 high school coaches who participated in their investigation only 38 passed the FAA, although 96 had first aid and CPR certification. Rowe and Robertson (1986) developed and administered a first aid test with Alabama High School Coaches. In their study, out of the 127 coaches who were tested only 34 (27%) earned a passing score. The above results suggest that a coach's score on a first aid examination does not depend only on the fact whether he/she has a current first aid or CPR certification. Similar result was registered in other investigations. For instance, in Castro's examination (2010) 55 coaches had current first aid and CPR certification, however only six of them passed the FAA, which means that having current certification did not improve one's score on a first aid examination. Results of Gray & McKinstrey (1994) also revealed no differences between the coaches' risk management behavior and the existence or the lack of their first aid and CPR certification. Similarly, based on his research Barron (2004) stated that the existence of first aid certification does not increase significantly the coaches' knowledge about how to practice first aid. On the other hand, some

researchers believed that educating coaches in first aid and CPR could enhance their knowledge, confidence and ability, as related to injury management (Castro, 2010). Cunningham (2002) and Redfearn (1980) suggested that coaches who do not have the proper qualification have not sufficient knowledge and confidence to understand and perform First Aid for injured athletes. Albrecht, (2009) found that youth sport coaches holding one or two of the recommended certifications possessed more knowledge and confidence to use that knowledge when faced with FA injury or illness situation. Hage & Moore (1981) studied the ability of High School Coaches to provide medical care for athletic injuries. They discovered that 80 percent of the coaches provided first aid care and 60 percent of them decided that the injured athlete should return to competition after being cared. Kimiecik (1988), based on his research, states that well trained coaches can reduce the number of injuries. He also states that coaches who are well educated regarding the safety aspects of sports, and thereby are aware of the potential occurrence of injuries, are more likely to prevent injuries. The results of the study of Rowe & Miller (1991) indicated that courses devoted to athletic injuries, first aid and Cardio Pulmonary Resuscitation (CPR) can improve one's knowledge in recognizing subtle yet serious injury. Thus assessing the coaches' knowledge about first aid and CPR may provide additional information on their ability to provide immediate health care for the safety of the athletes. In general, review of the relevant literature consistently demonstrates that expert coaches rely on their education, organizational skills, experience, work ethic, and knowledge to promote their coaching careers and successfully perform their job at the highest levels (Bloom & Salmela, 2000; Cregan et al., 2007; Cushion et al., 2003; Erickson et al., 2007; Schinke et al., 1995; Vallée & Bloom, 2005). In other words, education, skill, and experience have a positive impact on the coaches' knowledge and behavior.

Cap, (2013) outlined some basic rules that can protect PE teachers"/coaches from liability as follows:

1. Do not hide in your office between classes. You have the responsibility to supervise your students because they can wander off and get involved in all sorts of mischief. Students can get into fights and altercations with other students, which may require your intervention. There are many entrances and exits to a PE or athletic complex. You and your fellow teachers and coaches have the duty to provide reasonable supervision to these entrances and exits.
2. Always keep your pool and gym locked between classes. Do not give your keys to students. These areas should be locked between classes especially when there is equipment set up in the gym. Always check the pool and gym for the presence of students and athletes before you lock the doors.
3. Mats should always be under any equipment, which creates the possibility that as student may fall. The greater the danger the more matting is required. Never allow the use of any equipment without adequate matting.
4. It is of strong opinion that some activities should not be taught in PE classes. E.g., Gymnastics should be limited to basic tumbling and basic vaulting skills. If vaulting activities are used then students must be individually spotted. Most students do not have the strength to perform skills while hanging or supporting their bodies with their arms. Therefore, there exists the likelihood of falls. If the fall occurs while some is in an inverted position this can cause spinal injuries, paralysis and even death. Trampoline (including various types of mini tramps) should not be taught in PE classes. If these tramps are used in extracurricular activities such as cheerleading and gymnastics, make sure that there is insurance to cover accidents. You may be surprised that many insurance

companies will not insure trampolines, or the premium for this coverage may be unaffordable.

5. Remember that even innocent activities like softball can be dangerous if basic rules are not followed. When there is a fly ball, students must be instructed to call for it, and the persons not calling for the catch should back off. There is always a risk of collision between students especially when you have 30 students on the fielding team and not just 9. Head to head collisions and collisions between large and small students carry with them the likelihood of serious injuries. Remember that there are safety rules that apply to all sports.
6. Check surfaces where water is present to determine if slip resistant surfaces are inadequate or worn.
7. Do an inspection of your facilities on a monthly basis. Report any maintenance repair problems to your maintenance department and to the school administration.
8. Use appropriate safety equipment for each sport or activities. If eye protection is reasonable then make provisions to obtain and to use it.
9. Keep non-participating students out of harm's way.
10. If a student gives you a doctor's excuse follow the physician's instructions.
11. Go over safety rules with your students for each new sport or activity.
12. Do not use strenuous exercise to discipline or punish students. Consult with your school nurse to determine if you have any students who have medical conditions that cannot tolerate any strenuous activity. Never have any physical contact with any student, unless they need your safety and the safety of your students is in jeopardy.

Badly organized classes

This is unquestionably the weakest link of teacher's workshop, irrespective to his/her experience and career span, which is frequently connected with so-called stuck-in-the-rut approach to the classes. It is necessary to attract attention to the fact that students' safety should be guaranteed since the moment they arrive at the lesson (e.g. on their way to the swimming pool), or while they are getting ready for the classes in the changing room, or on their way to the gym or pitch (Olszowski, 1992). It is also crucial that the teacher in charge is imaginative enough to predict the consequences of the students' behavior. Prior to the classes, the teacher should instruct students on safety rules, which are the part of methodology. He/she should gradually increase difficulty of exercises and provide assistance while performing tasks that are more difficult. An accident might happen because of teacher's delayed response to the hazardous situations, in which students find themselves. Children must be aware of safety of the tasks that they perform. Accidents might occur under the following circumstances: student is afraid of performing the task, refuses to follow teacher's instructions and suggestions, has no idea of movement and how to acquire it, has no adequate body posture while performing exercises, has ill comprehension of how to place movement in time, has no proper warm-up, inadequately holds sport gear, is insufficiently prepared to perform some tasks (Olszowski, 1992).

Poorly- planned lesson framework (ill methods of work)

Uninteresting and badly organized classes can cause too much chaos and disorder (badly managed use of equipment) and can make students overactive. It should be borne in mind that each P.E. class or a training session consists of three parts: initial, main and final. In consequence, it is expected that student would go through an

effective warm-up, then focus at the maximum during main part, and cool down properly during the final part (Frandsen et al, 2010). The number of organizational and cleaning activities should be reduced to the minimum to devote the bulk of the time to motor activities. However, this stage might be effectively managed by presenting the roles of both teachers (trainers) and students during classes of PE (Armstrong & Maresh, 1993). It is necessary to discuss the code of conduct at PE classes, especially with the primary school pupils (Palmer, 2007). Finally, it is highly unacceptable to leave children unguarded during training session.

Lack of discipline and order

Discipline and order are essential elements in preventing hazards, particularly while performing motor activities such as: gymnastics, martial arts (judo, karate) and swimming. Lack of elementary discipline is often a cause of accidents, since the students, who start the classes without disciplining exercises (issued by means of commands), behave in a very flippant and disruptive way (Mosston & Ashworth, 2002). Teacher should create such supportive environment so that the students' emotional and physical needs are satisfied. Classes, which are well prepared and thought-over not only increase students' safety but also increase the pace of acquiring motor skills and abilities. Teacher is responsible for presenting not only the objectives of the classes but also health and safety rules in force in the classroom. Ill-planned and inadequately organized classes, which provide no safety of the place (running start, landing), gear and equipment (box, vaulting horse), often result in serious injuries (Severs, 2003).

The causes of accidents resulting from the student's personality

Experiencing injuries and traumas is quite a frequent occurrence during the school days (Arnett, 2002). Classes of physical education should result in the child's proper psychomotor development. At physical education classes student can manifest natural tendency to movement as such, to be very impulsive, unpredictable, and insufficiently imaginative to avoid safety risks. Moreover, as numerous research works have proved, participating in sports competition and selected forms of physical education increases aggressive behavior of children and adolescents (Guivernau & Duda, 2002, and Makarowski, 2013), yet this is strongly correlated with the type of PA, student's age and sex (Baar & Wubbels, 2011). Apart from specialist's knowledge, teacher of PE should be able to predict potential hazards. They should be exceptionally observant and have very good rapport with children. Such approach may prevent accidents which happen as a result of the following situations: the lesson is not preceded by a warm-up, students are in the state of emotional turmoil or apprehensive of the task they are about to perform, they are suffering from fatigue or/and exhaustion, they lead unhealthy lifestyle, they overestimate their abilities, they have insufficient knowledge of safety rules or another student's assistance, they experience unfriendliness on behalf of other students, they have domestic troubles.

Personal Problems

It is not advisable to increase intensity of exercise when child experiences personal or domestic problems; he/she feels unwell, unhappy or is recovering from illness. Excessive excitement also poses risk of breaking safety rules, as the child wants to practice without protection, overestimating his/her physical abilities. It is usually expected that a warm-up shorten the time, necessary to adjust the body to optimal

effort. It should also improve the effectiveness of respiratory system and circulation, and enhance the performance of nerve processes (Law & Herbert, 2007). Anxiety, on the other hand, stiffens the child's movements, making him/her unable to fully concentrate on the task and preventing him/her from evaluating the situation objectively. In order to prepare a child to face difficult, dangerous or frightening situations. It is necessary to develop comprehensive motor fitness of a child and to teach him/her about destructive consequences of negative thinking. What is more, physically fit children find it easier to assimilate in a peer group, and have fewer problems undertaking new roles, fulfilling tasks and instructions that are part of students' charter of rights and duties (Haga, 2009 and Osinski, 2003). When exposed to difficult or/and dangerous tasks, a physically fit person reacts anxiously as well, yet he/she finds it much easier to put up the defenses. Therefore, it seems to be pointless to try to avoid challenges during classes of physical education, as it seems to be the sheer joy of overcoming one's limits that makes these classes so enjoyable. That is why, while realizing program, which involves more difficult motor tasks, the students' attention dwindles because of fatigue. As a result, they start to make more mistakes, which, in turn, may cause accidents (Hilland, Stratton, Vinson, & Fairclough, 2009).

Unhealthy lifestyle

Numerous factors, which affect one's health and physical fitness, including malnutrition and bad eating habits. In this case, it is recommended to educate students about the effects of appropriate nutrition and physical fitness on the proper functioning of the body. Recently, malnutrition has also been correlated with poverty caused by unemployment. Another issue is imbalance between work and leisure, because of which child ends up being overloaded with tasks at school and additional

homework assignments at home. Security rules should be taught before each difficult task. Children, who are familiar with such rules, easily overcome fear, better comprehend the situation and learn specific motor tasks quickly.

Causes of accidents, which are technical by nature

The causes of accidents, which are technical by nature, can be the following: inadequately prepared sports facilities, slippery and wet surface, insufficient gear and sports outfit, poor condition of the running start and take-off area (wrong board), bad state of track, uneven surface of the track, ill-fitting shoes and clothes, uncertified sports equipment, absence of basic safety rules knowledge concerning using the equipment, unreasonable choice of places for the purpose of sports activities, negligence of the traffic code. Material base and teaching aids are other factors, which significantly affect the performance of P.E. classes and warrant security while conducting the classes. According to Ostrowska (2005), the following places may pose threats to the students' safety:

- Concrete or stone residues in the area immediately adjacent to the pitches, which in the light of the rules for team sports games disturb free security zone along the side and final lines of the pitch. Hypothetical hazards may include internal injuries or fractures incurred as a result of the student colliding with such objects,
- Uneven (pre-bulldozed) surface of the pitch. Hypothetical hazards include ankle injuries, fractures of lower as well as upper limbs as a result of propping the body while falling, scratches and, in consequence, likelihood of infections,
- inadequate technical standards of athletic complexes e.g. faulty material of the board, unmarked and too high curbs, or the width of the long jump run smaller than 1.22 m. Hypothetical injuries include dislocations and fractures of

lower limbs as well as pelvis injuries as a result of the slipping on the board or tripping over the curb,

- Improper design and inadequate arrangement of the pitches being part of the sports complexes e.g. volleyball courts situated in the immediate proximity to the tennis courts, without any barrier. A hypothetical incident: a student playing volleyball invades the tennis court and having been hit with a tennis ball loses his sight and suffers from contusions,
- Incomplete casing of the radiators placed along the wall lined with gym ladders. Hypothetical hazards include damage to the skin and soft tissue because of direct contact with the object or jamming of the feet between the ladder and the radiator.

Recently, „sport simulators“ have become quite popular in school environment. They are devices or groups of devices (e.g. atlas) which provide specific conditions for the muscle workout, objective measurement of the specified motor parameters (e.g. online), and the possibility to program and adjust motor tasks. Because exercises on simulator may involve relatively big number of students, they should become commonplace while teaching PE to children and adolescents. Each device of this kind should have instructions for use as well as attached safety rules, which shall be clearly demonstrated to students. This particularly refers to restrictions on the minimal age of users, for instance of electric treadmill. While operating this equipment, discharge of electrostatic force can occur and the device will be switched off. It is highly unacceptable to allow small children to enter such devices being unprotected. Teacher in charge of the classes should thoroughly present the technique of exercising on every single component of the device and explain to the students the purpose of each exercise.

Eating habits while performing physical activity

It is a widespread belief in our society that some sports drinks and their ingredients possess miraculous powers. To prove this, there appears more and more people in sport-recreational facilities, gyms and fitness clubs, who resort to supplements (e.g. isotonic liquids, energizing bars, fruit juices or mineral water) while practicing sport (Burd, Jeukendrup, Reid, Burke, & Stear, 2011). Such a tendency is also observed among school students, who bring various supplements to school to consume them during the classes of PE. While analyzing the issues of safety at classes of physical education in terms of proper nutrition, it should be highlighted that during the PA human body is more focused on energy outlet rather than intake. Therefore, it is not always justified to consume an excessive amount of supplements while doing exercise, especially when the average time of physical effort rarely exceeds 45 minutes (Maughan & Burke, 2011). Analyzing the issue in terms of safety, it is necessary to refer to the basic rules of nutrition at physical training. First, larger portions of food such as breakfasts or lunches should be consumed 2-3 hours before training session or competitions. Eating directly before exercise can result in such, negative reactions as vomiting or stomach ache (Jones et al, 2011). If exercise is scheduled for the morning, it is unadvisable to have heavy breakfast. Such food is left over in stomach, which significantly diminishes a person's motor abilities (by limiting ability of absorbing oxygen). In such case, it is strongly recommended to consume a small breakfast rich in carbohydrates (6.9%) or drink a solution of carbohydrates and electrolytes e.g. diluted fruit juice in the ratio 1:2, bearing in mind that gastric juices start to be produced no sooner than 1.5 hrs. after waking up (Podstawski, 2005).

2.10 Risk Management Practice in Sport

According to Green (2016), in a society and an era where the trend is toward individuals with any grievance whatsoever or whether a substantive dispute with potential merit as a lawsuit or a frivolous claim lacking the solid legal foundation for a legitimate cause of action; immediately pursuing litigation as their preferred recourse, risk management in the context of minimizing legal exposure has become an inescapable part of the job description for school and athletics personnel. It is imperative that a wide range of school officials (superintendents, principals, athletics directors, coaches, athletic trainers, event supervisors and other athletics personnel) be aware and familiar with the details of the ever-increasing scope of legal issues related to school athletics programs.

The following is a checklist of 10 key sports law topics, ranked in order of importance with regard to the incidence with which each category is generally resulting in legal claims against districts, school administrators and athletics personnel (#1 is the topic of highest current relevance).

1. Concussion management and return-to-play protocols

Some of state laws contain requirements, including mandates that athletics personnel complete an annual concussion education course that schools or those student-athletes implement baseline testing and parents be provided with concussion education materials and sign a concussion-information form. Administrators and coaches should be familiar with the details of their state's concussion statute. Most of state laws contain three common tenets:

- 1) Any athlete suspected of having sustained a concussion must immediately be removed from play:
- 2) The athlete may not be returned to action the same day; and

- 3) The athlete may be returned to action only after written clearance is provided by a licensed health-care professional (the definition of which varies widely from state-to-state).

2. Liability for sports injuries and the duties of athletics personnel

Since the mid-1990s, hundreds of civil suits per year have been filed by injured student-athletes against schools, administrators and athletics personnel, most asserting a negligent failure to exercise reasonable care to safeguard the health and well-being of the athlete. Out of these cases has emerged an extensive body of law focusing on the need for athletics personnel to understand the legal responsibilities imposed on them with regard to student-athletes, including the duties of planning, supervision, technique instruction, warnings, safe playing environment, safe equipment, matching and equating athletes, evaluation of injuries, return-to-action protocols, immediate medical response, emergency medical response planning, safe transportation, and other categories of responsibilities intended to protect athletes from injury.

3. Social media issues and school authority to sanction student-athletes

Courts continue to struggle with the issue whether schools have the authority to sanction students or student-athletes for inappropriate, off-campus postings on social media websites in violation of school or athletics codes of conduct. Since 2011, U.S. Courts of Appeal have decided six cases on the issue and U.S. District Courts have issued a dozen other rulings. In precisely one-half of those cases, courts have held that such punishments violate student-free-speech rights, while in the others, courts have upheld school action because the speech in question created a substantial disruption at school, constituted bullying or harassment, or manifested a true threat of violence against members of the school community.

4. Constitutional rights of student-athletes

In cases involving the suspension of a student-athlete for violating athletic department or team codes of conduct, increasing numbers of lawsuits have been filed alleging a violation of the young person is constitutional and civil rights. A student-athlete suspended for inappropriate criticism of a coach often challenges claiming a violation of his or her First Amendment freedom of speech. A suspension for attendance at a party where alcohol is served often results in a First Amendment freedom of assembly challenge. Suspension for failing a drug test often brings a Fourth Amendment search and seizure challenge. A suspension for misbehavior often results in a Fifth/Fourteenth Amendment due process challenge. A suspension alleged to be more severe than that given to other students for the same offense often brings a Fourteenth Amendment equal protection challenge. In order to proactively ensure that sanctions against student-athletes withstand judicial scrutiny, school and athletics personnel must have a thorough understanding of the interpretation by courts of constitutional rights in sports settings.

5. Hazing in athletics programs

Hazing continues to be a widespread problem in school athletics programs and one of the most highly litigated claims against districts and athletics personnel, with courts typically imposing liability either because of the failure to create an anti-hazing policy or for developing a policy that is substantively inadequate or ineffectively implemented. Since the beginning of 2014, more than 150 incidents of alleged hazing in school athletics programs have been reported by national media, including many involving physical abuse or sexual assaults resulting in criminal prosecution of the direct perpetrators for felony assault or sex crimes, some involving prosecution of school personnel for failure to report child abuse, and almost all leading to civil suits.

Using the same standard employed in sexual harassment cases, courts have tended to find school and athletics personnel vicariously liable in those situations where the official had knowledge that hazing was occurring and exhibited deliberate indifference to immediately correcting the situation.

6. Sexual harassment in athletics programs

Hostile environment sexual harassment claims involving allegations of inappropriate relationships between athletics personnel and student-athletes continue to plague schools and fracture communities across the country. A closely related issue is the failure by school officials in many instances of alleged sexual harassment of student-athletes who are minors to follow the requirements of state child abuse reporting laws regarding mandatory reports to law enforcement or child protective services agencies. Effectively combatting the problem requires in-depth knowledge by school and athletics administrators of the elements of a hostile environment sexual harassment claim, along with the development and implementation of a strong and effective anti-sexual harassment policy that is communicated to all athletics personnel, student-athletes and parents. Also important to minimizing vicarious liability for sexual harassment is the process of in servicing all athletics personnel regarding both sexual harassment and the specific requirements of the state's child abuse reporting statute. Over the last decade, in sexual harassment civil suits, based on U.S. Supreme Court precedents, courts have tended to find school and athletics personnel vicariously liable in those instances where the official had knowledge that the harassment was occurring and exhibited deliberate indifference to correcting the situation

7. Transgender policies for athletics programs

The development of fair, practical and legally sufficient policies regarding the inclusion of transgender athletes in school sports activities is one of the latest civil rights challenges facing educational institutions. In April 2014, the OCR issued an updated policy guidance clarifying that the civil rights guarantees in Title IX extend to all students, regardless of their sexual orientation or gender identity. The inclusion of transgender students in the new guidance reflects evolving legal standards nationwide, both through laws enacted by state legislatures and via policies implemented by state associations. Currently, 33 state associations have adopted formal policies setting forth anti-discrimination directives regarding transgender student-athletes and guidelines governing their participation in school athletics programs. School personnel seeking guidance on the issue might consult a 2010 position paper titled *On the Team: Equal Opportunity for Transgender Student-Athletes* that was endorsed by the NFHS and NCAA. The 57-page document, available full-text at www.nclrights.org, sets forth detailed recommendations for policy development; protection of the privacy, safety and dignity of transgender student-athletes; and best practices for schools, athletic administrators and coaches.

8. Disabilities law applied to athletics programs

Issues continue to arise in school athletics programs involving the application to sports of the Americans with Disabilities Act, the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973. In January of 2013, the OCR issued a “Dear Colleague Letter” clarifying the obligations of schools with regard to providing sports participation opportunities for students with disabilities. The core message of the directive is that students with disabilities should be granted equal opportunity to participate alongside their peers in school athletics programs,

club sports, intramural sports and physical education courses. If a student with a disability is not otherwise qualified and reasonable accommodations are not available to allow the student to participate in mainstream programs, the letter makes it clear that pursuant to existing disabilities laws, schools have an obligation to provide sports participation opportunities through adapted athletics programs – ones specifically developed for students with disabilities – or allied programs – ones designed to combine students with and without disabilities together in a physical activity.

9. Title IX and gender equity in athletics programs

Since the mid-1990s, between 125 and 150 Title IX complaints against school districts have typically been filed each year with the OCR, with approximately half resulting in a resolution agreement (settlement) after the initial phases of an OCR investigation and the other half resulting in federal lawsuits. In addition, in a few anomalous years, the number of complaints has soared. For instance, in 2011, 210 school districts encompassing 525 high schools were named in formal complaints filed with the OCR. The incidence of complaints and lawsuits illustrates the need for school and athletics administrators to ensure that they have a thorough understanding of the Title IX regulatory framework, including the expectations of both the OCR and the federal courts with regard to compliance. Most important for high schools is a complete and accurate grasp of the OCR's so-called "laundry list" of 11 areas of "other athletics benefits and opportunities" out of which the vast majority of Title IX complaints arise, including equivalence between girls teams and boys teams with regard to facilities and locker rooms, equipment and uniforms, travel and transportation, access to quality coaching, publicity and marketing support, game and practice scheduling, and other categories of program resources and support. It is also critical for school personnel to have a thorough understanding of the nuances of the

so-called “three prong test” for evaluating whether a school provides adequate sports participation opportunities for its female students. In addition, as part of a proactive compliance strategy, schools should conduct periodic self-audits in an effort to identify and correct any violations of either the letter or the spirit of Title IX law.

10. Retaliation against complainants

In the decade since the ruling by the U.S. Supreme Court in *Jackson v. Birmingham Board of Education*, that retaliation against an individual who complains about violations of Title IX in a school setting is itself a separate violation of Title IX, a flood of retaliation lawsuits have been filed against educational institutions. The typical high school sports retaliation suit involves a coach, student-athlete or parent who either voices concerns to school officials regarding an alleged Title IX issue or files a formal complaint to the U.S. Office for Civil Rights (OCR) and then suffers some form of disadvantageous treatment or negative consequences from school personnel as “blowback” for having expressed his or her point of view on the issue. In addition, although the *Jackson* case dealt with retaliation only in the context of complaints regarding alleged Title IX violations, other cases have found retaliation to be actionable in cases where the constituent’s concerns related to other athletics program issues. It is imperative that school and athletics administrators not only avoid any form of actual retaliation, but that they also endeavor to avoid even the appearance of retaliation against anyone who expresses concern or disagreement with athletics program policies or strategies. The financial liability of institutions and personnel for retaliation has in many cases been greater than the damages for the substantive violation of law that had initially motivated the complainant. For instance, in the landmark retaliation suits by three persons (an assistant athletic director and two coaches) who had complained of Title IX violations at Fresno State University,

resolution of the Title IX cases resulted only in injunctions directing the school to correct athletics inequities in its sports program, whereas the three individuals received a total of \$14.64 million in damages for the retaliation they suffered after originally bringing the issues to the attention of the university.

The specific characteristics of risk management in athletic training environment have been often evaluated. Several studies were conducted on risk management behaviors of athletic directors. Anderson and Gray (1994) examined the risk management behaviors of NCAA Division III Athletic Directors. Gray and Crowell (1993) researched the risk management behaviors of NCAA Division I Athletic Directors in relation to their athletic programs. Brown and Sawyer (1998) carried out a similar study, but they surveyed NCAA Division II Athletic Directors. Gray and Park (1991) also examined risk management behaviors among Iowa High School Athletic Directors. School principals were in the focus of Gray's investigation (1995), who studied the risk management behaviors of High School Principals in relation to their high school physical education and athletic programs. Ammon (1993) researched risk management operation in municipal football stadiums. Lhotsky (2005) also researched risk management at NCAA Division I-A football stadiums based on Ammon's (1993) study. Some studies evaluated risk management practice of athletic trainers (Gould & Deivert, 2003; Hall & Kanoy, 1993; Zimmerman, 2007). In 2003, Petty examined emergency policies and procedures by NCAA Division IA and Division I-AA athletic programs. Mickle (2001) analyzed case law as a means to develop policy and procedure in athletic training. In 1989, Leverenz analyzed case law connected to athletic training education. A few studies examined risk management behaviors of coaches. Gray & McKinstrey (1994) examined the risk management behaviors of NCAA Division III football coaches. They measured the

degree of the consistency with which specific risk management behaviors were performed within their varsity football programs, according to NCAA Division III head football coaches. The scale consisted of 36 risk management behavior items within six conceptual areas of legal concern (supervision, instruction, warnings, facilities, equipment, and medical concerns). Individual survey items were also used including: current coaching status, other sports coached, educational background, undergraduate major, graduate major, first aid certification, and CPR certification. The results of the study indicated that risk management behaviors were conducted in a rather consistent manner within NCAA Division III football programs. Out of the 36 items, the top 28 had a mean score higher than 4.0 on a 5-point Likert scale. Although, it appeared that these coaches behaved in a relatively consistent manner concerning prudent risk management, one interesting phenomenon emerged. Each of the three survey items that were scored the lowest among all the subjects (n= 182) were related to documentation. These items included using a sport risk assessment system by the coaches, equipment inspections documented in writing, and signing written warnings by the athletes. The scores showed that the above behaviors were performed only sometimes by participants. Wolohan & Gray (1998) measured the degree to which collegiate ice hockey coaches performed various risk management behaviors related to the operation of their collegiate ice hockey programs. According to the results of this study, the coaches generally performed most of the risk management behaviors addressed by the survey items. Out of the 34 items, the top 15 had a score above 4.0 indicating that these behaviors were often performed. Three items were scored below 3.0, meaning that they were performed only sometimes. These items were “inspecting the ice prior to games and/or practices” and “players warned in writing of risks” and “equipment warnings read”. The latter received only

1.908 scores; it shows that the coaches seldom performed this behavior. The findings of both Gray & McKinstrey (1994) and Wolohan & Gray (1998) are similar to the results of a previous study by Gray & Curtis (1991) about soccer coaches' risk management behaviors at three levels of varsity competition. While many prudent coaching behaviors related to risk management appear to be practiced quite consistently, items pertaining to documentation were scored the lowest here as well.

Singh & Surujlal (2010) assessed the risk management practices implemented by coaches and administrators at High Schools. They used the questionnaire developed by Gray (1995) and adapted by the authors to suite the conditions prevalent in the South African education system. The questionnaire sought information on six broad areas: general legal liability (insurance; sport association rules and regulations; standard of care, transport, supervision and instruction), facilities, equipment, legal concepts/aspects, medical aspects (pre-season; in season; and post-season), records, and information on athletes (health records; documents from parents). They discovered that although the majority of school coaches and administrators reported that they comply with most legal requirements, there is serious concern that a considerable proportion of them do not to comply with the minimum requirements. 21.6% of the coaches admitted that adequate supervision was not provided in some specialized areas such as locker rooms, weight rooms or gymnasiums. According to this research, the athletes' knowledge was the lowest about risk management behavior. Relevant personnel did not adequately address several dimensions and individual safety factors, and certain basic minimum requirements were not met at a fair number of schools. The findings support previous reports by researchers that coaches and administrators are not adequately aware of, or do not fully appreciate the implications of their legal liability related to sports activities. Bodey & Moiseichik

(1999) evaluated risk management practice of the 169 head coaches in their study. A 30-item questionnaire was used to collect data related to the strength of feeling about specific risk management practices in athletic departments. The various risk management behaviors were divided into five conceptual areas including: supervision, facilities and equipment, emergency and medical care, travel and transportation, and due process for employees and student athletes when they feel that they had not received a fair treatment. The findings showed that emergency and medical care of the athletes were ranked the highest, while the athletes' supervision was ranked the lowest. Analysis of team sports versus individual sports revealed that a significant difference existed between them in the conceptual area of facilities and equipment. Coaches of team sports scored significantly higher this item than coaches of individual sports. In addition, significant differences existed between three of the 12 emergencies and medical and supervision survey items, based on gender. Coach who coach women scored significantly higher in these items than those who coach men.

2.11 Gap in the Study

None of the available literature has stated anything about physical education teachers' knowledge; hence the idea to assess the legal knowledge of physical education teachers towards their students when teaching. For the records, Senior High School Physical Education teachers in Ghana are still the coaches to the various teams.

CHAPTER THREE

METHODOLOGY

This chapter unearths the methods used in the study. It also presents the research designs, population under study, sampling and sampling techniques. In addition, data collection instrument, procedure and data analysis plan were discussed. Reliability and validity of the research instrument was also addressed.

3.1 Research Design

The study used cross-sectional survey design as data were collected once. According to Levin (2006), the key aspect of cross-sectional design is that a representative sample (cross-section) of the population is used to generalize the results of the study population. Additionally, it is the most commonly used design that has an analytical component to test the association between the predictor and outcome variables, which is the focus of this study (Omair, 2015). It was used because the study was to be carried out within the shortest period to assess Physical Education teachers' knowledge of legal duties in the Ho Municipality. This technique enabled the researcher to analyze concepts and issues pertaining to the teaching of Physical Education and measure the Teachers' knowledge of legal duties from their responses to the questionnaire provided.

3.2 Population

The total population of this study comprised all 34 Bachelor and Master's Degree physical education teachers at the 17 public Senior High Schools in the Ho Municipality. They all satisfied the characteristics (educational level and experience) expected of them. Ho is the regional capital of the Volta Region and the Municipal controls four districts (Ho municipal, Ho West, Adaklu and Kpetoe/Ziope).

3.3 Sampling and Sampling Technique

For the purpose of this study, census-sampling technique was employed. It is the process of including everybody in the study. The census enabled the researcher involve all the 34 Physical Education teachers because they all possess the characteristics needed for the study.

3.4 Instrumentation

The revised and developed scale of Gray and McKinstrey, (1994) was adapted and used to measure the knowledge of PE teachers regarding their legal duties toward their students within seven dimensions: Supervision, Instruction and Training, Facilities and Equipment, Warning of Risk, Medical Care, Knowledge of Students and Matching of Students/Players.

The Gray and McKinstrey's scale comprises two sections (A and B). Section A is made up of demographic data (Teacher information). Section B of the G&M scale requested the Physical Education teachers to rate the extent to which they know their legal duties in their PE classes, under Supervision, Instruction and Training, Facilities and Equipment, Warning of Risk, Medical Care, Knowledge of Students and Matching of Students/Players the participants indicated their responses on a four point- Likert scale ranging from strongly agree (4), Agree (3), Disagree (2) to strongly disagree (1). The adapted questionnaire measured the PE teachers' knowledge about their legal duties toward students in 28 items, which were mixed up in the questionnaire within the seven dimensions: Supervision (4), Instruction and Training (4), Facilities and Equipment (4), Warning of Risk (4), Medical Care (4), Knowledge of Students (4), and Matching Students (4).

3.5 Reliability and Validity of Instrument

This scale has been used in numerous studies and several experts, Anderson & Gray, (1994); Gray & Crowell, (1993); Gray & Curtis, (1991); Gray & Park, (1991); Wolohan & Gray, (1998); and Azadeh, (2014) approved its validity and reliability. The internal reliability of the questionnaire was 0.78. (Supervision = 0.81, Instruction and Training = 0.82, Facilities and Equipment = 0.79, Warning of Risk = 0.82, Medical Care = 0.80, Knowledge of Students = 0.78, and Matching of Students = 0.83).

3.6 Data Collection Procedure

Prior to field study, the researcher sought verbal permission to conduct the study from Headmasters of the participating schools in the Ho Municipality. Thus, Ho municipal, Ho West, Adaklu and Kpetoe/Ziope districts respectively, which also consists of seventeen (17) Public Senior High Schools.

Duration

The Questionnaire was given out between 6th May to 24th May 2019 to participants to select from the options provided and were completed within 15 minutes.

Administration

Participants were given the questionnaires to complete and return after 15 minutes and were collected as soon as they were ready. The researcher then delivered a statement of appreciation to respondents for volunteering to give information and were assured of its usage solely for the research purpose and reserved out of the reach of the public.

3.7 Data Analysis

The study data was analyzed using the interval scale as supported by Carifio & Perla (2007, 2008), Knapp (1990) and Vickers (1999).

Descriptive statistics was employed to measure Physical Education teachers' knowledge level regarding their legal duties toward teaching in the Ho municipality. Independent t-test was also used to differentiate between gender and PE teachers' knowledge of legal duties in Ho Municipality. Furthermore, one-way Anova was used to differentiate between Physical Education teachers' level of education and knowledge of their legal duties in the Ho municipality. While Pearson's r was employed to check the correlation between Supervision, Warning of Risk and Medical Care.



CHAPTER FOUR

DATA ANALYSIS AND DISCUSSION

This chapter deals with the analysis of responses from questionnaires administered for the study. Thirty-four (34) questionnaires were administered to Physical Education teachers in the Central Zone of the Volta Regional Schools and Colleges Sports Federation (Ho Municipal). It also gave detailed information of the data collected and the results obtained from the study. Findings and discussions of the study were also considered in this chapter.

4.1 Demographic Characteristics of Respondents

The study was carried out on thirty-four (34) Physical Education teachers. Out of this total, 28 (82.4%) were male and 6 (17.6%) were females. On their Educational Levels, 32 (94.1%) had bachelors with only two (5.9%) having Masters. Also, on their current grade teaching levels, only 1 (2.9%) was teaching at the Basic Level with the rest 33 (97.1%) at the Senior High School Level. On the range of their ages, only 1 (2.9%) was between 25 and 30 years. 20 (58.8%) fell between the ages of 31 and 40 years and the remaining 13 (38.2%) were ranging above 40 years of age. Lastly on the number of years in present school, 18 (52.9%) fell between 1 and 5 years, 15 (44.1%) were between 6 and 10 years with the remaining one (2.9%) above 10 years in the school.

Below are the computations of the above information:

Table 1: Gender

| | Frequency | Percent | Percent |
|--------------|------------------|----------------|----------------|
| Female | 6 | 17.6 | 17.6 |
| Male | 28 | 82.4 | 82.4 |
| Total | 38 | 100.0 | 100.0 |

Table 2: Educational level

| | Frequency | Percent | Percent |
|--------------|------------------|----------------|----------------|
| Bachelor | 32 | 94.1 | 94.1 |
| Masters | 2 | 5.9 | 5.9 |
| Total | 34 | 100.0 | 100.0 |

Table 3: Current grade teaching level

| | Frequency | Percent | Percent |
|--------------|------------------|----------------|----------------|
| Basic | 1 | 2.9 | 2.9 |
| SHS | 33 | 97.1 | 97.1 |
| Total | 34 | 100.0 | 100.0 |

Table 4: Level of experience

| | Frequency | Percent | Percent |
|----------------------|------------------|----------------|----------------|
| Lower than 5 years | 7 | 20.6 | 20.6 |
| 5-10 years | 19 | 55.9 | 55.9 |
| Higher than 10 years | 8 | 23.5 | 23.5 |
| Total | 34 | 100 | 100 |

Table 5: Teachers' ages

| | Frequency | Percent | Percent |
|-------------------|------------------|----------------|----------------|
| 25-30 years | 1 | 2.9 | 2.9 |
| 31-40 years | 20 | 58.8 | 58.8 |
| 41 years an above | 13 | 38.2 | 38.8 |
| Total | 34 | 100.0 | 100.0 |

Table 6: Years in present school

| | Frequency | Percent | Percent |
|--------------------|-----------|--------------|--------------|
| 1-5 years | 18 | 52.9 | 52.9 |
| 6-10 years | 15 | 44.1 | 44.1 |
| 11 years and above | 1 | 2.9 | 2.9 |
| Total | 34 | 100.0 | 100.0 |

4.2 Physical Education Teachers' Knowledge level of Legal Duties

Table 7: Descriptive Statistics of knowledge of the legal duties

| | | Minimum | Maximum | Mean | SD |
|--------------------------|----|---------|---------|-------|------|
| Supervision | 34 | 4 | 16 | 13.65 | 1.61 |
| Instruction and Training | 34 | 4 | 16 | 13.53 | 1.67 |
| Facility and Equipment | 34 | 4 | 16 | 14.71 | 1.24 |
| Warning of risk | 34 | 4 | 16 | 14.06 | 1.30 |
| Medical Care | 34 | 4 | 16 | 14.47 | 1.29 |
| Knowledge of Students | 34 | 4 | 16 | 13.50 | 1.75 |
| Matching of Students | 34 | 4 | 16 | 13.03 | 2.25 |

P values = ($p > 0.05$)

The results from this analysis above indicated that Physical Education teachers in the Ho Municipality possess high level of knowledge in all the aspect regarding their legal duties with reference to Supervision, Instruction and Training, Facilities and Equipment, Warning of Risk, Medical Care, Knowledge of Students and Matching of Students. Their mean ranks were 13.65, 13.53, 14.71, 14.06, 14.47, 13.50 and 13.03 respectively and this data showed that, teachers' responses were between strongly agree and agree. The results from the analysis indicated no statistical significant difference on the knowledge of legal duties pertaining to teaching Physical Education lessons.

4.3 Differences in the Gender on the Knowledge of their Legal Duties

Table 8: Differences in the Gender on the Knowledge of their Legal Duties

| | Gender | N | Mean | Std. Deviation |
|--------------------------|--------|----|-------|----------------|
| Supervision | Female | 6 | 13.50 | 1.517 |
| | Male | 28 | 13.68 | 1.657 |
| Instruction and Training | Female | 6 | 13.33 | 1.633 |
| | Male | 28 | 13.57 | 1.709 |
| Facilities and Equipment | Female | 6 | 14.67 | 1.211 |
| | Male | 28 | 14.71 | 1.272 |
| Warning of Risk | Female | 6 | 13.50 | .837 |
| | Male | 28 | 14.18 | 1.362 |
| Medical Care | Female | 6 | 14.17 | .983 |
| | Male | 28 | 14.54 | 1.347 |
| Knowledge of Students | Female | 6 | 12.83 | 2.563 |
| | Male | 28 | 13.64 | 1.545 |
| Matching of Students | Female | 6 | 11.67 | 2.658 |
| | Male | 28 | 13.32 | 2.091 |

P values = ($p > 0.05$)

Results from the analysis above indicated no statistical significant difference on the Knowledge of Legal Duties pertaining to teaching Physical Education lessons with reference to the opinions of male and female Physical Education teachers. The p values of all the Legal Knowledge Duties were more than 0.05 ($p > 0.05$) and simply means male and female teachers share the same opinion on it. In other words, there is no relationship between Gender and Legal Duties; based on this fact, teachers' gender has no effect on their Knowledge of the Legal components and this finding is prevalent with the results of Foroughi (2005) and Atashbar (2013). In their study, there was a significant relationship among the attitude of teachers toward the responsibility of taking care of students in the schools, noticing them in case of incidents and the responsibility of teaching and training them.

4.4 Differences of Knowledge of Legal Duties with regards to Educational Level

Table 9: Differences in educational level on the knowledge of their legal duties

| | Edu. Level | N | Mean | Std. Deviation |
|--------------------------|-------------------|----------|-------------|-----------------------|
| Supervision | Bachelor | 32 | 13.59 | 1.643 |
| | Masters | 2 | 14.50 | .707 |
| Instruction and Training | Bachelor | 32 | 13.50 | 1.704 |
| | Masters | 2 | 14.00 | 1.414 |
| Facilities and Equipment | Bachelor | 32 | 14.69 | 1.281 |
| | Masters | 2 | 15.00 | .000 |
| Warning of Risk | Bachelor | 32 | 14.13 | 1.314 |
| | Masters | 2 | 13.00 | .000 |
| Medical Care | Bachelor | 32 | 14.50 | 1.320 |
| | Masters | 2 | 14.00 | .000 |
| Knowledge of Students | Bachelor | 32 | 13.50 | 1.796 |
| | Masters | 2 | 13.50 | .707 |
| Matching of Students | Bachelor | 32 | 13.00 | 2.314 |
| | Masters | 2 | 13.50 | .707 |

P values = ($p > 0.05$)

The result from the table above showed p values of all the legal items more than 0.05 ($p > 0.05$) and therefore showed no statistical significant difference between the Physical Education teachers' Educational Levels on their Legal Knowledge pertaining to the teaching of Physical Education.

4.5 Correlation between Supervision, Warning of Risk and Medical Care

Table 10: Correlation between supervision, warning of risk and medical care

| | Supervision | Warning of Risk | Medical Care |
|-----------------|--------------------|------------------------|---------------------|
| Supervision | 1 | .57 | .60 |
| Warning of Risk | .57 | 1 | .63 |
| Medical Care | .60 | .63 | 1 |

P = .00

The analysis from the table above showed a statistical correlation between Supervision, Warning of Risk and Medical Care. Their p values are equal to $.00$ ($p = .00$). The data indicated a moderate correlation of ($r = .6$) between them. The Coefficient of Determination (CoD) which is interpreted as $r^2 = .36$ and is equivalent to 36%. Therefore, Supervision, Warning of Risk and Medical Care contributed only 36% between them on the Knowledge of the Physical Education teacher's Legal Duties.

4.6 Discussion

Significant and noteworthy point is the Legal Liability and responsibility of teachers and coaches in preventing and managing sports injuries, and Sports teachers must accept that the process of preventing and managing injuries is part of the philosophy and method of sports coaching (Aghaeinia, 2007). Obviously, it does not mean that the sports teacher must have professional information about serious damages and injuries and provide a complete function for any kind of damage, but it means that s/he must have basic information about injuries, first aid and calling specialized centers in distinct cases (Nokhostin, 2004). The familiarity of Physical Education teachers/coaches with their Legal liabilities and responsibilities and the way of using them will disclaim their liabilities for future events (Alavi & Maqdadi, 2011). Physical education teachers, trainers, and coaches have liabilities in line with all their actions and they are obliged to compensate probable damage that has been incurred on students.

4.6.1 Physical education teachers' knowledge level regarding their legal duties toward teaching in the ho municipality

Legal knowledge in sports and Physical Education has become essential and it has required that all its teachers must have insight about it to ensure effective teaching and prevent negligence of duty. The findings of statistics indicated that Physical Education teachers in the Ho municipality possess high level of knowledge in all the aspects regarding their Legal Duties with reference to Supervision, Instruction and Training, Facilities and Equipment, Warning of Risk, Medical Care, Knowledge of Students and Matching of Students. Their mean ranks were 13.65, 13.53, 14.71, 14.06, 14.47, 13.50 and 13.03 respectively and this data showed that, teacher's responses on the Knowledge of their Legal Duties were between agree and strongly agree. Physical Education teachers have attached much importance to the legal aspects of teaching and are equipped with much knowledge in that domain during their training. The results clearly indicates that physical education teachers have in-depth knowledge about legal aspects of the teaching and learning of physical education in the Ho municipality. They have become fully aware of some of the effects and consequences of the legal aspects of teaching physical education. In view of this, a lot of considerations and effective preparation is done in order to prevent negligence of duty. This legal knowledge is clearly exhibited and demonstrated from the planning, preparation, delivery and post-delivery stages of most physical education lessons. For example, warm ups are effectively guided and supervised by most physical education teachers during lessons than leaving students to choose their preferred warm up activities which might cause injuries.

The findings of this study were in line with what was found by Mostahfezian et al, (2018) on the Evaluation of familiarity rate of Physical Education teachers with the

sports law in Isfahan province. They identified that teacher's knowledge on legal responsibilities and issues was above average. In addition, the findings supported that of Kashef & Anzali (2016). In their research, entitled "Practical Obligation of Sports Coaches to the Legal Responsibility from Athletes Viewpoint" indicated that 73.28 % of sports coaches had knowledge of their legal duties and liabilities. Opposing this, McGrath (2012) assessed the knowledge of secondary school football coaches with reference to sudden death in sport. He identified that many coaches were not aware of the potential causes of sudden death in sport and signs prior to it. Azadeh (2014), in his Assessment of Coaches' Knowledge Regarding Their Legal Duties toward Athletes, identified that Iranian university coaches do not have adequate knowledge about some legal duties including supervision, facilities and equipment, warning of risk, knowledge of the player, and medical care. The results of this study also opposed the results of other investigation, which are similar in several other countries. Barron et al. (2009) and Bezdicek, (2009) also identified that teachers and coaches do not have much knowledge on their legal duties. Singh & Surujlal (2010) also found out that teachers do not have much knowledge of supervisory duties in coaching and this result opposes that of this study. Again, Carter & Muller (2008) revealed that rugby coaches in North Queensland, Australia do not have sufficient knowledge about their duties regarding medical care and injury management. In conclusion, physical education teachers in the Ho municipality are highly knowledgeable in their legal duties in the teaching and learning of physical education and coaching in sports.

4.6.2 Differences of knowledge of legal duties with regards to gender

Both male and female teachers demonstrate certain levels of their legal knowledge during the teaching, learning of physical education, and coaching. The results from the analysis indicated no statistical significant difference on the knowledge of legal

duties pertaining to teaching physical education lessons with reference to the opinions of male and female physical educators. The p values of all the legal knowledge aspects were more than 0.05 ($p > 0.05$) and simply means that, both genders share the same opinion. Physical education and sports have transformed in nature and as such, teachers require high level of legal knowledge about their duties to enable them function diligently. Physical education teachers acquired the knowledge of legal duties from their formal education in the universities (Legal and Ethical Issues in Sports) at the same time and do not differ on the demonstration and application of it with reference to their gender. In addition, this is further improved through experience on the job (teaching and coaching). They do this by strictly following the curriculum available to them and neglecting the ones that are not developmentally appropriate for students. The finding of this study opposes other studies in the same area under review. Bonyan & Kashef (2014) in a research entitled “The different Legal viewpoints between Male and Female Sport Coaches in the Sport Events” indicated that there is a significant difference between women and men views on legal liabilities, which means that female coaches have a greater awareness of legal liability than male coaches do. There are several researches, which studied the differences between male and female coaches in various areas; most of them found considerable differences between the coaches’ characteristics based on their gender (Benari, 2010; Bon, 1996; Dubois, 1990; Hart, 1986; Johnson, 2008; Kajtna, 2008; Krečič, 2002; Millard, 1996; Newell, 2007; Newsom & Dent, 2011; Reade et al., 2009). For instance, Bon (1996) emphasized that the female coaches are simply different from the male coaches; not necessarily better or worse, but different in their ways of thinking, abilities to communicate and to adapt themselves and in their attitudes toward coaching career. At the same time, there are serious discrepancies between the

image of an ideal female coach and the female coaches as they really are. The perceived image of a female coach is closer to the traditional image of a female (being considerate, paying attention to the quality of communication and the quality of the coach-athlete relationship, minding the athlete's health etc.). Finally, female coaches clash with a very old stereotype: "She cannot be a coach, she's a woman!" (Bon 1996, p. 56.). In conclusion, physical education teachers (both gender) in the Ho Municipality have adequate legal knowledge.

4.6.3 Differences of knowledge of legal duties regarding level of education

The level of legal knowledge demonstrated by the Physical education teachers is normally based on their Educational Level, which influences teaching, learning and coaching in sports. The result showed p values of legal knowledge of more than 0.05 ($p > 0.05$) and therefore showed no statistical significant difference between the PE teachers Educational Levels on their legal knowledge pertaining to the teaching of physical education. PE teachers in the Ho municipality exhibited high level of legal knowledge irrespective of their level of education. This is because of the sort tuition and intensive education they received at their various universities of training. Moreover, Gilliat (1999: 34) supports this that:

„... just as a car driver needs to have a rudimentary understanding of the law affecting their use of the public highway, so any professional teacher needs to understand the legal framework in which their role sits“.

Teachers/coaches took courses like Legal and Ethical Issues in Sports at the Universities and this equips them with a lot of knowledge. Due to this acquired knowledge, teachers/coaches always do due diligence in discharging their duties to avoid being liable.

The findings of this study opposed the outcomes of many other studies, which identified differences on teachers /coaches' level of education on their legal knowledge. Bonyan & Kashef (2014) identified a significant difference between educational level and their legal knowledge. Coaches with a master's or degree higher were more aware than others, regarding service experience, there was a significant difference between coaches' perspectives, which means that coaches with a medium to high (15 years or more) work experience were more aware of legal knowledge. Kashef & Anzali (2016) also found out a difference between women and men perspectives, academic certificate, experience and skills regarding the level of commitment of sports instructors to legal responsibilities. In the same way, Pepe, et. al. (2015) on the physical education and sports teachers' attitudes towards their profession, identified significant differences in attitude with reference to the educational level of Physical Education and Sports teachers' attitude and legal knowledge. In addition, Azadeh (2014), in his findings identified significant difference in the educational level and the legal knowledge of coaches. He feels more education means a greater level of awareness in general concerning the legal issues in particular. It was concluded that, physical educators with different educational levels in the Ho municipality had the same level of legal knowledge in their duties.

4.6.4 Correlation between Supervision, Warning of Risk and Medical Care

The modern parent is very quick in seeking legal recourse against unfair treatment to their child. Before an offending teacher knows it, his or her next knock at the door could be a contentious parent threatening litigation. Knowledge of the teacher's legal duties is categorized into various aspect and these exhibit different levels of relationship between them with reference to teaching, learning and coaching. A correlation was drawn between Supervision, Warning of Risk and Medical Care as

aspects of knowledge of teacher's Legal Duties. The analysis from the table showed a high statistical correlation between Supervision, Warning of Risk and Medical Care. Their p values equals $.00$ ($p = .00$). The data indicated a moderate correlation of ($r = .6$) between them. The Coefficient of Determination (CoD) which is interpreted as $r^2 = .36$ and is equivalent to 36%. Therefore, supervision, warning of risk and medical care contributed only 36% to the knowledge of physical education teachers' legal duties. This simply means that, the selected aspects of legal knowledge on the teachers' duties shared minimal relationship between them on teaching, learning and coaching in the Ho Municipality. Monitoring and keeping a close eye on students during teaching and coaching as an aspect of supervision exhibits relationship with warning of risk. According to Doleschal (2006), athletes have a right to be informed regarding the possibility of injury, paralysis, and death that is inherent in all sports and must be done before, during and after the lesson just like supervision. More so, warning of risk in teaching relates with medical care and supervision because students may be injured and may need medical care when they are not warned of the risk in certain activities and supervised properly. The teachers/coaches also have to act as a part of the athletic medical team in the absence of a certified athletic trainer, within his/her scope of practice. Most negligence cases arise from lack of supervision (Hensch, 2006) and leads to injury, which require medical care on the part of the teacher/coach.

The findings of this analysis opposed that of Izadi et al (2013) in their research entitled "The Role of Risk Management Practices in Decrease of Lawsuits Concerning Tehran Swimming Pools". They concluded that there was no significant relationship between experience and risk management operations. To conclude,

Supervision, Warning of Risk and Medical Care are related and affect each other in the execution of Legal Duties of the physical education teacher/coach.



CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATION

5.1 Summary

Teachers' knowledge of their legal duties has become an essential part in the teaching, learning of physical education, and coaching in our various schools. This is necessary because of the many lawsuits against teachers/coaches and organizations that they work. In view of this, the purpose of the study was to assess the Physical Education teachers' knowledge of legal aspects/issues pertaining to their profession in the Ho Municipality of the Volta Region, and reveal the impact of various demographics (gender, experience, age and qualification) on their knowledge.

The theoretical framework of this study was based on the Theory of Reasoned Action (TRA) by Fishbein & Ajzen (1980) which states that, a person's intention to perform a behavior is the main predictor of whether or not they actually perform that behavior. Classifications and various recommendations from legal authors and different relevant court precedents (Hensch, 2006) which included seven major duties of coaches toward their athletes: supervision, instruction matching of players and several literatures were reviewed in line with these themes.

Cross-sectional survey design was employed for the study whereby an adapted questionnaire by Gray & McKinstrey, (1994) was used to collect data on 34 physical education teachers' legal knowledge. The data collection procedure and the data analysis were clearly explained. Finally, results and findings of this study were shown and properly discussed. The results from this analysis indicated that physical education teachers in the Ho municipality possess high level of knowledge regarding their legal duties. In addition, it was indicated that male and female teachers did not

differ in their opinion of legal duties. Again, there was no significant difference between the physical education teachers' educational levels on their legal knowledge pertaining to the teaching of physical education. Lastly, the results indicated a moderate correlation of only 36% between supervision, warning of risk and medical care among teacher's knowledge in the Ho municipality.

5.2 Conclusion

In order to protect themselves from sport related litigation, the teachers/coaches should be aware of their legal duties and liabilities related to such programs. Of course, the teachers/coaches with well-founded legal information might be able to protect their students/athletes better from injuries and possible death and even from psychological and financial damages. In conclusion, the knowledge level in legal duties of the physical education teachers/coaches did not vary according to their gender, age, level of education, and the number of years in service. All responses and findings reveal very high knowledge of their legal duties. Therefore, Physical Education teachers/coaches in the Ho municipality are highly knowledgeable in their legal duties toward the teaching, learning of physical education and coaching in sports.

5.3 Recommendations

1. More safety practices should be encouraged in all educational facilities in the Ho Municipality to prevent parents who are more discerning in lawsuits against teachers/coaches from suing them.
2. Teachers/coaches in the Municipality must carefully plan their lessons effectively to avoid being liable. They should always ensure effective

supervision before, during and after lessons while taking into consideration the assumption of risk of certain activities.

3. Again, teachers should seek for help from other colleagues during lessons due to the large numbers in their classes to boost supervision and keep close eye contact on students/athletes in the municipality.
4. Training courses should be held, sports court experts must be used, and as soon as new rules and regulations are issued, in-service training courses must be held for teachers.
5. Again, as soon as they receive research findings on the pathology of sport events, teachers and managers should be informed as early as possible to reduce sports accidents, while civil liability will be a national discourse, especially among physical education teachers.
6. Sport newspapers, magazines, radio and television channels could be a reminder to teachers/coaches in this area if they devote separate programs to sport related legal issues which is almost missing in the Ghanaian mass media.
7. Legislators and sports law experts must formulate clear and transparent rules about the rights of physical education teachers.
8. Departments of Education must use the sports engineers in the construction of sports grounds and pay attention to the age of students in line with purchasing sport equipment and facilities.

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APPENDIX A

LEGAL ISSUES

Dear Sir/ Madam,

This questionnaire is designed to find out your opinion about the legal aspects pertaining to teaching physical education lessons. Please indicate your opinion to each question. All responses will be treated confidentially. Thanks for your cooperation.

The questionnaire is in two sections. Section A requests background information; Section B asks that you report the frequency with which you manage risks.

SECTION A

TEACHER INFORMATION

Directions: Please circle your response

Gender: (1) Female (2) Male

Educational Level: (1) Diploma (2) Bachelor (3)

Masters

Current Grade teaching: (1) Basic (2) Senior High School

How many years' experience do you have teaching P.E.: (1) Lower Than 5 Years

(2) 5-10 Years (3) Higher than 10 Years

Please write your response

Age-----

Number of years taught in present school-----

SECTION B

Instruction: in section B indicate your response by circling one of the following items: Strongly Agree (SA), Agree (A), Disagree (D), Strongly Disagree (SD)

| Which of the Following Statements Are Considered as PE teachers' Legal Duty toward His/ Her students? | Please circle response | | | |
|--|-------------------------------|---|---|----|
| 1. A PE teacher has a duty to be physically present during practice and contests. | SA | A | D | SD |
| 2. A PE teacher has a duty to assign a competent supervisor to supervise practice and contest when s/he absent. | SA | A | D | SD |
| 3. A PE teacher has a duty to have specific plan for whole year and each teaching section. | SA | A | D | SD |
| 4. A PE teacher has a duty to explain to each student the necessary rules and regulation of the discipline or sport. | SA | A | D | SD |
| 5. A PE teacher has a duty to instruct students" the proper use of equipment | SA | A | D | SD |
| 6. A PE teacher has a duty to know about the standard of sport equipment used in contests or practice. | SA | A | D | SD |
| 7. A PE teacher should realize the legal implication of giving students food or dietary supplement. | SA | A | D | SD |
| 8. A PE teacher has a duty to refrain from actions that might aggravate an injury. | SA | A | D | SD |
| 9. A PE teacher has a duty to be sure that the first aid kits are available at all practices and contests. | SA | A | D | SD |
| 10. A PE teacher should be able to recognize symptoms that indicate injuries. | SA | A | D | SD |

| | | | | |
|--|----|---|---|----|
| 11. A PE teacher has a duty to prevent students return to play if his injury is severe. | SA | A | D | SD |
| 12. A PE teacher has a duty to know about the athlete's medical history. | SA | A | D | SD |
| 13. A PE teacher has a duty to organize activities according to age and maturity of students. | SA | A | D | SD |
| 14 A PE teacher has a duty to organize activities according to, size, height and weight of students. | SA | A | D | SD |
| 15. A PE teacher has a duty to record all medical treatment given to students. | SA | A | D | SD |
| 16. A PE teacher has a duty to know about the students' physical condition | SA | A | D | SD |
| 17. A PE teacher has a duty to warn certain dangers about the nature of the activity. | SA | A | D | SD |
| 18. A PE teacher has a duty to explain clearly to students the inherent risks in practice | SA | A | D | SD |
| 19. A PE teacher has a duty to organize activities according to strength and skill or fitness level of students. | SA | A | D | SD |
| 20. A PE teacher has a duty to perform the proper matching in both non-contact and contact activities. | SA | A | D | SD |
| 21 A PE teacher has a duty to explain to each student all of the up to date techniques and tactics of the sport or discipline. | SA | A | D | SD |
| 22. A PE teacher has a duty to correct student's mistakes. | SA | A | D | SD |
| 23. A PE teacher has a duty to know when to apply first aid and when to seek medical aid. | SA | A | D | SD |

| | | | | |
|--|----|---|---|----|
| 24. A PE teacher has a duty to render assistance before the medical personnel arrive. | SA | A | D | SD |
| 25. A PE teacher has a duty to see that the efforts of students are coordinated with the instruction. | SA | A | D | SD |
| 26. A PE teacher should not leave the students during the practice and contests, even if there is a necessity. | SA | A | D | SD |
| 27. A PE teacher has a duty to know about the safety of sport equipment used in contests or practice. | SA | A | D | SD |
| 28. A PE teacher has a duty to prevent students from using unsafe equipment and facilities | SA | A | D | SD |



THANK YOU!