



Managing Coaches

Contracts, Compensation, Evaluation, and Training

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General Requirements- Pupil Activity Permit

- Coaches must pass a background check (licensed or non-licensed)
- Coaches must have a valid pupil activity permit from ODE
 - Requirement applies to licensed and non-licensed coaches
 - Must demonstrate good moral character
 - Must have completed approved CPR and first aid courses

General Requirements – Pupil Activity Permit

- Must complete specific training regarding head injuries
 - First time applicants for permit must complete approved program re brain trauma and brain injury management
 - Renewal applicants must complete approved program re concussions and head injuries or other approved OHSAA program within previous three years

General Requirements – Pupil Activity Permit

- Pupil activity permits are valid for three years
- If permit is suspended, revoked or limited, coach's contract may be suspended or terminated

Licensed v. non-licensed

- Law gives preference for coaching positions to licensed employees (teachers)
- To hire a non-licensed coach:
 - Board must have offered position to licensed employees
 - Board must have advertised position to outside licensed employees
 - Board resolution indicating no licensed person has accepted position

Licensed v. non-licensed

- If licensed person applies but is not qualified, may hire non-licensed person
- Qualifications generally left to the discretion of the Board
- Contract of non-licensed coach may be renewed without offering to licensed individuals

Types of coaching contract

- Supplemental contracts
- Pupil activity contracts

Supplemental contracts

- Limited contracts given to licensed teachers or qualified administrators
- Duties are outside regular teaching duties
- Must be in addition to a regular teaching or administrative contract
- Initial contract requires recommendation of Superintendent

Supplemental contracts (ORC 3319.08)

- Must be in writing
- Must specify additional duties to be performed
- Must state the term of the contract
 - Typically one year
 - May be up to five years
- Cannot achieve continuing contract status for a supplemental position

Supplemental contracts

- Contract should include automatic termination date
 - When the season/activity ends
 - Specific calendar date
- No automatic renewal of supplemental contracts

Supplemental contracts

- Terms may also be addressed in Collective Bargaining Agreement
- If separate requirements re non-renewal, be careful to comply

Pupil Activity contracts

- Issued to non-licensed employees for coaching or direction of other student activities
- Not the same as a supplemental contract

Pupil Activity contracts

- Must be in writing
- Must detail compensation and other terms
- Must specify duration – should be limited to one year

Pupil Activity contracts

- Considered non-teaching employees
 - Entitled to notice of non-renewal in same manner as other non-teaching employees
 - Will be reemployed if Board doesn't provide notice of non-renewal by June 1
 - Board should non-renew all pupil activity contracts annually and give notice by June
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Compensation

- For licensed employees, compensation often dictated by CBA
- Compensation for non-licensed coaches must be same as that offered to teachers in same position
- Boosters may not provide additional compensation to coaches

Compensation

- Contract should address compensation if coach is unable to complete duties for full term
- Best practice is to pay supplemental pay during the season
 - Avoids overpayments if coach is unable to complete season
- If district spreads supplemental pay across the full year, contract should address how overpayments will be repaid

Compensation – Overtime

- Teachers are exempt from over-time
 - Non-teaching employees (except supervisors) entitled to overtime for over 40 hours
 - For non-teaching employees hours of two positions will be combined for purposes of overtime
 - Overtime paid at “blended rate”
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Compensation – Overtime

- Potential problems with employing non-teachers in coaching positions
 - Coaches typically don't track hours
 - Administration has less control over hours of coaches
 - Coaching compensation typically lump sum, not an hourly rate
 - Difficult to determine rate until season is over

Compensation – Overtime

- Most districts reluctant to hire own non-teachers as coaches
- If do so, should have coaches keep track of hours

Evaluation

- Law does not mandate specific evaluation process for coaches
- Why evaluate?
 - Identifies critical coaching competencies
 - Monitor and improve coaching performance
 - Identify and reward quality coaching and instruction
 - Identify barriers to successful coaching
 - Avoid discrimination claims

Evaluation

- Comprehensive evaluation program should include:
 - Job description
 - Identification of coaching competencies
 - Philosophy and ethics
 - Safety and injury prevention
 - Physical conditioning
 - Growth and development
 - Teaching and communication
 - Sports, skills and tactics
 - Organization and Administration
 - Ability to evaluate and make decisions

Evaluation

- Comprehensive evaluation program should include:
 - Identification (and training) of evaluators
 - Athletic Director
 - Head Coach
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 - In season observation
 - Attend practices and contests
 - Don't rely on team record as primary indicator of coaching performance
- Method for in season assessment and communication
 - Mechanism for addressing complaints/concerns
 - Don't wait until end of season to address issues

Evaluation

- Comprehensive evaluation program should include:
 - Comprehensive written evaluation
 - Complete at end of season
 - Include in-season concerns, solutions, progress
 - Meeting
 - Opportunity for rebuttal
 - Contract recommendation

Evaluation

- Content of written evaluation
 - Should be consistent with and mirror identified competencies
 - Should include assessment of relationships/interactions with:
 - Students
 - Administration
 - Coaching staff
 - Game officials and other coaches
 - Media

Evaluation

- Content of written evaluation
 - Status as role model to students
 - Sportsmanship
 - Ability to supervise
 - Ability to teach and motivate students
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Termination of coaching contract

- Board may suspend or terminate coaching contract if required license is suspended or terminated
- Supplemental contract
 - Termination of supplemental contract of teacher or administrator before its expiration date must be in accordance with law regarding termination of regular teaching or administrative contract
 - If regular teaching or administrative contract is terminated, supplemental contracts are terminated
- Pupil activity contract
 - Considered a non-teaching limited contract, so should follow law for termination of non-teaching employees if terminating during term

Termination of coaching contract

- Resignation may be preferable for teachers/administrators
- Must report to Ohio Department of Education any violation of Licensure Code of Professional Conduct
- Be aware of and prepared for public reaction and media interest

Termination of coaching contract

- Recent examples of conduct leading to non-renewal/resignation/termination:
 - Cincinnati area coach non-renewed for recruiting violations (text-messaging and contacting players in violation of OHSAA rules)
 - Cincinnati area coach terminated for insubordination for playing student whose eligibility was questioned – administration directed him not to use student. Student was later ruled eligible.
 - Assistant swim coach terminated after arrest for taking photos of nude juvenile girl in locker room and posting on line.

Termination of coaching contract

- Recent examples of conduct leading to non-renewal/resignation/termination:
 - Cleveland area baseball coach terminated after players and parents filed petitions regarding bullying – coach reprimanded after first investigation
 - Assistant wrestling coach in Morrow county terminated for hosting party where minors were drinking

Training Coaches – Mandatory Training

- Mandated Training
 - CPR and First Aid
 - Concussion
 - Sudden Cardiac Arrest

Coaches Training – Health and Safety

- Other health and safety training
 - Heat Illness
 - Emergency response plan
- Anyone Can Save A Life (NFHS website)
 - Establish protocols for safety events
 - Prepare coaches/students for after school incidents
 - Ensure that first responders will have access (gates, doors)
 - AED – location and use
 - Practice safety incidents

Coaches Training - Resources

- Coaches training resources
 - OHSAA website
 - OHSAA Bylaws
 - OHSAA rules for your sport
 - Board Policies
 - OCR Dear Colleague letters

Coaches Training - Eligibility

- OHSAA Eligibility
 - Best guidance is OHSAA's "Eligibility Guide for Participation in High School Athletics", 2017-18 Edition
 - Eligibility checklist
 - Same documents for 7th and 8th grade
 - All on OHSAA website – <http://www.ohsaa.org/Eligibility>

Coaches Training - Eligibility

- OHSAA Eligibility
 - Procedure if new student
 - No conversation until registered student
 - Refer to school administration
 - Non-enrolled students may participate
 - Home school, charter school
 - Same requirements as enrolled students (tryouts, eligibility)
 - Academic eligibility
 - ADs work with principal and counselors to make sure regulations are followed

Coaches Training - Eligibility

- Eligibility Checklist
- Officially enrolled in OHSAA school (except home school or charter student)
- Passing grades in at least five subjects
- One parent living in Ohio
- Did not turn 15 before August 1 of current school year
- Have not received an award valued at >\$400 (no cash award)
- Competing under true name, correct home address
- Have not competed in mandatory open gym, conditioning, or ins program

Coaches Training - Eligibility

- Eligibility Checklist
 - Have not been coached or provided instruction by a school coach in a team sport other than during sport season, during an instructional period approved by OHSAA or for no more than 10 days between June 1 and July 31.
 - Not competing on non-school team during season
 - Not been recruited for athletic purposes to attend
 - Had a physical exam within past year, on file
 - Not using anabolic steroids, other PE drugs
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Coaches Training - Eligibility

- Eligibility Checklist
 - Parents and student attended a preseason meeting at school no later than two weeks after beginning of sports season
 - School reviewed with parents and student concussion management protocol and signed
 - Parents sign OHSAA Authorization Form and OHSAA Eligibility and Authorization Statement

Coaches Training - Eligibility

- Reporting use of ineligible student
 - Bylaw 10-2-1 requires that “All contests in which ineligible players have participated shall be forfeited.”
 - Also states “All forfeitures shall be reported immediately in writing to OHSAA and all opponents.”
 - Report contains:
 - Name of school reporting
 - Sport and level of participation
 - Bylaw or regulation violated
 - Date of contest(s)
 - Whether offending school was victorious

Coaches Training - Recruiting

OHSAA Recruiting – General rule

Any attempt to recruit a prospective student-athlete for athletic purposes is strictly prohibited.”

- Recruiting is “use of influence by any person connected or not connected with the school to secure the enrollment of a prospective student-athlete.”
 - Includes anyone - staff, district representatives, and current or former players

Coaches Training - Recruiting

Recruiting Rule Exception

EXCEPTION: Coaches and other school employees may have casual contact with, speak to, encourage, work with during the off season as permitted by regulations students in grades 7 and 8 who are assigned to the specific high school feeder pattern.

- The exception does not apply to students rising into grade 9 who may choose their high school in the district.

Coaches Training - Recruiting

Recruiting Rule Penalties

- Penalty for a student who has been recruited is ineligibility for one calendar year at the school into which the student has been recruited
- Additional penalties may accrue to the school that the recruiting efforts were intended to benefit (Bylaw 11)
- If coach is found to have violated the recruiting rules and is employed the following school year, coach and school (even if different school) ineligible for OHSAA tournament competition in that sport for one year

Coaches Training – Communication with Parents

Communication with Parents

- Mandatory Pre-season meeting OHSAA – Bylaw 3-1-4
- No later than two weeks after the beginning of each sports season
 - Parents, students, coaches, booster club members and other personnel deemed necessary by the principal or athletic administrator
 - Review of student eligibility, school's athletic code of conduct; sporting conduct, ethics and integrity; concussions and anabolic steroids
 - Must register each meeting on myohsaa
 - Failure to conduct - \$500 fine per meeting

Coaches Training – Communication with Parents

Communication with Parents

To assist you with preseason mtg, OHSAA has provided:

- Eligibility Publication – PDF on the website
- Handbooks for senior administrators
- Sample agenda and letter for pre-season meetings
- PowerPoint for pre-season meetings
- Ability to track meetings and populate your school calendar

Coaches Training – Communication with parents

- OHSAA Guide says parents should expect this communication from the Coach:
 - Philosophy of the coach
 - Expectations the coach has for your child as well as all players on the squad
 - Locations and times of all practices and contests
 - Team requirements (fees, equipment, conditioning)
 - Procedure should your child be injured
 - Discipline that results in the denial of your child's participation

Coaches Training –Problem parents

- Board of Education has authority over Board property
- Does Board have parent/spectator guidelines for student extra-curricular activities?
- Procedure for reporting/responding to problem parents
- Protocol for enforcing any limitations on parents' ability to attend activities on school property
- Communication regarding limitations

Coaches Training – Communication with Athletes

Electronic communication

- Everything is public and permanent
- Review Board policy
- No communication with individual student
- Slippery slope; start innocent, becomes overly familiar, co-dependent
- Courts and OHSAA and ODE look at nature of communication, time, gender, tone, purpose, age
- Best to text or email entire team

Coaches Training - Supervision

Coaches Supervisory Requirements

- No specific rules or laws
- Licensure Code of Professional Conduct for Ohio Educators is "2. Educators maintain a professional relationship with all students at all times, both in and outside the classroom."
- The Licensure Code states that conduct unbecoming under this principle includes "g) Failing to provide appropriate supervision of students, within the scope of the educator's official capacity, which risks the health, safety, and welfare of students or others in school community."

Coaches Training- Bullying and Harassment

Bullying and Harassment

- Districts have policies prohibiting harassment, intimidation, or bullying of any student on school property, on a school bus, or at school-sponsored events and expressly providing for the possibility of suspension of a student found responsible for harassment, intimidation, or bullying by an electronic act.
- School personnel are required to report prohibited incidents of which they are aware to the school principal or other administrator designated by the principal.

Coaches Training – Bullying and Harassment

Bullying and Harassment by players

The coach or other adult leader must report bullying and take appropriate action to stop it.

- 6th Circuit case – *Mathis v. Wayne Cty. BOE (Tennessee)*
- Parents of two seventh-grade male students brought an action against the school board on the basis that the board was deliberately indifferent to student-on-student sexual harassment in violation of Title IX. Jury awarded \$100,000 to each of the plaintiffs; court of appeals affirmed.

Coaches Training- Bullying and Harassment

Bullying and Harassment by coaches

- Canton OH baseball coach punched fellow coach for stopping game that was tied – concussion and broken teeth
- St. Louis coach was suspended because of four videos show him yelling, cursing and making threats against players of another team

Coaches Training- Bullying and Harassment

Bullying and Harassment by parents

- 23 coaches, parents and players brawled after a New York basketball game.
- New Jersey man became enraged and tackled a coach after his son lost a wrestling match.
- Connecticut woman was charged with twisting a Little League coach's arm in anger over her son's playing position.
- Mentor OH police officer hurled insults at his son's baseball coach throughout the game, then head-butted him afterward.
- Geauga OH dad filed a lawsuit against a coach because his son a pitch.

Coaches Training – Sexual Relationships

Sexual relationship between student and coach is criminal – sexual battery

RC 2907.03

(A) No person shall engage in sexual conduct with another, when any of the following apply: (7) The offender is a teacher, administrator, coach, or other person in authority employed by or serving in a school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code, the other person is enrolled in or attends that school, and the offender is not enrolled in and does not attend that school.

Coaches Training – Mandatory Reporting

- School employees are mandated reporters
- “No person ... who knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in a similar position to suspect, that a child under eighteen has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child shall fail to immediately report that knowledge or reasonable cause to suspect to the entity or persons specified in this division.”

Coaches Training – Mandatory Reporting

Failure to report - Steubenville rape case - 2014

- West Virginia girl who was raped after an alcohol-fueled house party in August 2012.
- Football coach – charged with failure to report sexual battery; convicted and sentenced to 1 year probation and community service
- Elementary school principal and conditioning coach for wrestlers charged with failing to report rumors of a teenage sex and drinking party in April 2012 unrelated to the later rape.

Coaches Training - Hazing

- (A) “Hazing” means doing any act or coercing another, including the victim, to do any act of initiation into any student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person.
 - (B) (1) No person shall recklessly participate in the hazing of another.
 - (2) No administrator, employee, or faculty member of any primary, secondary, or post-secondary school or of any other educational institution, public or private, shall recklessly permit the hazing of any person.
 - (C) Whoever violates this section is guilty of hazing, a misdemeanor of the fourth degree

Coaches Training – Hazing – Civil liability

2307.44 Hazing civil liability.

Any person who is subjected to hazing, as defined in division (A) of section 2903.31 may commence a civil action for injury or damages, including mental and physical pain and suffering, that result from the hazing. If the hazing involves students in a primary, secondary, or post-secondary school, an action may also be brought against any administrator, employee, or faculty member of the school who knew or reasonably should have known of the hazing and who did not make reasonable attempts to prevent it and against the school.

Coaches Training – Hazing – Civil liability

- If an administrator, employee, or faculty member is found liable in a civil action for hazing, then the school that employed the administrator, employee, or faculty member may also be held liable.
- The negligence or consent of the plaintiff or any assumption of the risk by the plaintiff is not a defense to an action brought pursuant to this section. In an action against a school, it is an affirmative defense that the school was actively enforcing a policy against hazing at the time the cause of action arose.

Coaches Training – Hazing

- Participants and victims often hide and fail to report hazing. Coaches need to create environment where students feel safe speaking up.
- Coaches can encourage productive methods of bonding- nothing should be secret
- Need to create culture of mutual support

Coaches Training - Discrimination

Unlawful discrimination

- Gender or Sexual Orientation, Disability, Race, National Origin, Religious Affiliation
- Race
- Disability – asthma or diabetes, need regular checks or water
- Religion – need certain days or hours off
- Sexual advances are not only potentially criminal, but are harassment as well

Coaches Training –Title IX

To comply with Title IX's non-discrimination requirements, schools must provide equal opportunity to male and female athletes in three primary areas

Awarding scholarships

Participation opportunities (number, selection of sports, level of competition)

Treatment and benefits

Coaches Training –Title IX

Title IX issues:

Variety of sports and level of competition

Access to and quality of equipment and facilities

Scheduling of games and practices

Travel and per diem allowances

Opportunities for extra coaching or tutoring

Provision of training and medical services

Provision of housing and dining facilities

Publicity

Coaches Training – Transgender athletes

- OHSAA adopted formal policy in 2015
- Policy states that transgender students should have equal opportunity to participate in sports.
- Policies should be based on sound medical knowledge and scientific validity and developed in a way that preserves the medical privacy of transgender students.
- Requests for a transgender student to be on a team that is inconsistent with that student's gender at birth must be submitted to the school in writing and approved by the OHSAA Commission Office.

Coaches Training – Transgender athletes

- Students must have completed a minimum period of hormone treatments and be able to prove by way of "sound medical evidence" that their physical characteristics, including muscle mass, do not dramatically differ from other teammates.
- All medical treatments must be monitored by a physician and regularly reviewed by the Commissioner's Office.
- There is also an appeals process parents can follow if they disagree with the school's decision.

Coaches Training – Boosters

- Coaches should not accept compensation from Boosters for coaching
- Boosters should have no control over playing time/coaching decisions
- Coaches should make sure all fundraisers are approved under Board policy – beware of individual fundraising accounts
- Coaches should not commit to accept or to make specific use of Booster funds without Board approval

contact information

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