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This could be a headache for the coach

By Jim Broadway, Publisher, Illinois School News Service

The coach whose decisions led to a lawsuit in Pennsylvania was ruled immune from liability, [as Education Week reported](#) last week, but only because he made those decisions before it had been established in law that he would be responsible if his decisions resulted in a student suffering brain injuries.

It is just the latest in a series of events that began about fifteen years ago, events adding to the mounting evidence that brain injuries are common in youth sports (and other contexts), and that poor coaching judgments can cause permanent damage to the only brain a youngster will ever have.

This has led to regulatory legislation in most states (including some excellent amendments to the [Illinois School Code](#)), which will surely continue as neuroscientists add more evidence, such as the [recent findings](#) that link "youth football" (players aged 12 and younger) to [chronic traumatic encephalopathy](#) (CTE).

CTE, an insidious progressive brain disease, can be triggered without a concussion ever having been diagnosed in the victim. Repeated hits to the head or body is all it takes for CTE to become apparent later in life, as [post-mortem studies](#) of the brains of more than 200 college and professional athletes revealed.

How much "protection" is enough? There's a new football helmet on the market now, [a \\$1,500-model](#), that is designed to reduce the effects of the force imposed on athletes whose motion is abruptly stopped. "[A step in the right direction](#)," a Stanford researcher says, but not a certain preventer of CTE.

Many neuroscientists believe brain safety in some sports will never be achieved. The problem is how the brain is housed in the skull. It is not affixed in its housing, but, rather, it sloshes around in there. Abrupt changes can damage it. Repeated changes in the speed or direction of the skull's motion can result in CTE.

Not everyone believes science, of course. Some say NFL rules limiting "hits" are "[ruining the game](#)." But [reality catches up](#) with the human inclination toward denial. As parents learn the risks, they increasingly prevent their children from playing high-impact sports. Youth football (2.3 million players) [is on the decline](#).

UC Berkeley [professor emeritus Harry Edwards](#) - a longtime consultant to the San Francisco 49ers - told me he would not encourage his grandchildren to play football, but he believes almost all NFL players will eventually be African American. In spite of the risks, it will remain for them a rare path out of poverty, he said.

One more point. American football is not the only recreational activity that carries the risk of serious brain injuries. In 2009, about [447,000 head injuries were treated](#) in U.S. hospital emergency rooms, according to the American Association of Neurological Surgeons. Cycling was a factor in 85,380 of them.

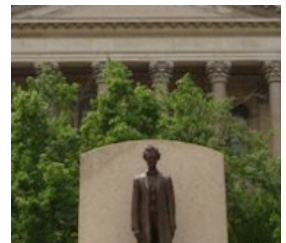
Football ranked second in 2009 with about 47,000 players treated for head injuries in an ER. Next came baseball/softball with about 38,400, then basketball with 34,700. Down the list a bit is soccer; concussions may be rare but repetitive hits to the head are designed into the game. (24,200 ER visits in 2009.)

Of even more serious concern would be the number of children aged 14 and younger who would end up in an ER with injuries to their heads in 2009: cyclists, 40,270; football, 21,870; baseball/softball, 18,240; basketball, 15,000; soccer, 8,400. Clearly, helmets are important even in games where head hits are not designed in.

None of this is intended to deflate the highly emotional enjoyment of football games for players and their parents. It is just to remind you of the importance of avoiding brain injuries - they can be lifelong disabilities - and to remind coaches that, under current law, extreme caution might avert costly litigation.

The legislature is to convene this month. The fall "[veto session](#)" runs for three days starting October 24, then will finish for 2017 with three more days starting November 7. Despite being convened for something called a veto session, the legislature is not restricted to responding to Gov. Bruce Rauner's vetoes.

For example, perhaps they'll enact an initiative aimed at economic development. Two House committees are scheduled to meet jointly on the 25th to take testimony on the subject matter of "[Why Illinois lost the Foxconn deal](#)."



Foxconn is a Taiwanese company that manufactures electronics products. It dangled a purported \$10 billion investment in a facility to employ "up to" \$13,000 high-paid workers and encouraged states to "bid" on the project by offering tax breaks and land and other such bribes. Wisconsin "won" with a \$3 billion-plus bid.

But Illinois actually was the winner of the Foxconn competition, in the view of [Crain's Chicago Business](#). While doubting the likely eventual size of the Foxconn project, the Crains editorial board noted that it is to be located "within an Illinois commuter's reach [and also] Illinois service providers, airports and railways stand to benefit as the plant ramps up its supply chain and logistics operations—without having to shell out a dime."

Without having to shell out a dime, they said. The House committees should thank Wisconsin for making Illinois a winner.

Meanwhile, there's plenty of vetoed bills to consider. [Thirty-eight bills were vetoed](#) outright this year; three vetoes were overridden (the long-delayed budget, the revenue to pay for the budget, and the detailed implementation of the budget) and three other vetoes were sustained or allowed to stand.

Rauner [also imposed on ten bills](#) an action that is known as an "amendatory veto," although the Constitution refers to the action as simply returning a bill to the legislature "with recommendations for change." Here's how the Constitution states this provision of authority given to the governor [[Article IV, Section 9\(e\)](#)]:

"The Governor may return a bill together with specific recommendations for change to the house in which it originated. The bill shall be considered in the same manner as a vetoed bill but the specific recommendations may be accepted by a record vote of a majority of the members elected to each house."

As you recall, Rauner used that authority in an attempt to rewrite SB 1, the evidence-based school funding reform bill that was supported by almost all public education constituencies. In doing so, he almost killed the entire concept. Only a harsh compromise with school privatizers saved him from that shame - and now he's acting as if he authored evidence-based school funding on his kitchen table, an act that was "nothing short of a miracle."

I should probably ease up on Bruce. Since he signed SB 40 - a guarantee of abortion rights in Illinois no matter what the U.S. Supreme Court does about Roe v. Wade - he's been [taking a beating in comments to his FaceBook page](#).

The other bill of educational interest that Rauner returned with recommendations for change is [HB 3211](#), a bill to extend eligibility for food assistance to college students. In his [message to the legislators](#), Rauner supported making food stamps available to students, but objected to requiring that the students be told about it.

Rauner imposed a total veto on [HB 3298](#), a bill that would address a shortage of substitute teachers by refunding the fee paid for substitute teaching certificates by individuals who then teach at least ten days in the year following the payment of that fee. [In his message](#), Rauner says the bill would cost ISBE \$1 million and cites other efforts to ease the shortage of substitute teachers, policy actions already taken that need to be given a chance to work.

He also vetoed outright [HB 3745](#), which would require school districts to allow community organizations to post information about free after-school programs for students in a designated area. His [message cited his opposition](#) to any further "unfunded mandates." This bill may not cost much, he suggested, but the cost of mandate in general do add up. In vetoing [HB 2977](#), the cursive writing instruction mandate bill, the governor [used a similar rationale](#).

Finally (for now), Rauner vetoed outright [SB 1351](#), a bill creating a state process to ensure that college students would not be defrauded by companies that service student loans. [In his message](#), Rauner was able to agree that: "Students should not be defrauded – purposely or through incompetence – by their loan servicer."

But student loans are a federal issue, the governor said, urging legislators to work with the U.S. Department of Education to make sure students' rights are not fraudulently eroded by loan servicing agents under federal government authority. He wants to *rely on the current federal government* not to abet fraud. Amazing.

Was ist Aufklärung? That is the title of an essay that is *important to you and to every other American*, for it surely guided many of our Founding Fathers as they worked to frame the "Rule of Law" by which we would thenceforth be governed, and then to embed that profound concept in the [Constitution of the United States](#).

Who wrote that essay, and when did he write it? What is its central theme? In what regard does the message of the essay have relevance to a current national debate? The essay's author gives his readers this admonition: "Sapere aude!" Does he think very many citizens of his country will do as he admonishes?

If he thinks they won't, what is his basis for believing that? Side issue: How respectful of women is the essay's author? Not very, you say? What on earth gives you that impression? Think of all this as a pop quiz. I know the answers, and if you don't you soon will. To begin the discussion, use the contact link below.

The answers to these questions - and the reason they are asked - will be provided in the next issue of this newsletter. I'm hoping to be able to begin a thoughtful discussion, as opposed to an exchange of irrational rants, with respect to an issue that's been getting much attention (of the worst kind) in the media.

ISNS archives back through 2015 are available again for subscribers. You remember the process. Go to [this web page](#). Remember, this page location is a secret, just between us insiders, so don't go blabbing it around. Thanks. - Jim

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