

Current Situation and Countermeasures of School Sports Disputes in Contemporary China

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Abstract: Frequent school sports disputes not only disrupt normal campus teaching order and restrict the normal development of school sports activities, but also easily lead to conflicts between families and schools, social public opinion disputes, and become a prominent pain point hindering the high-quality development of school sports. This article systematically reviews the research results related to school sports disputes at home and abroad, combines the latest laws and regulations, and relies on typical cases of judicial judgments in the past three years to analyze the current development status, main types, and core causes of school sports disputes in contemporary China. It also sorts out the institutional shortcomings, implementation loopholes, and governance difficulties in the current dispute resolution mechanism. Research has found that there are prominent problems in current school sports disputes in China, such as vague responsibility definition, incomplete risk prevention and control system, single dispute resolution channels, and imbalanced mechanism for matching rights and responsibilities. Based on this, this article proposes practical and feasible optimization measures from five dimensions: improving the legal system, campus risk prevention and control, diversified dispute resolution, collaborative governance between families and schools, and building a security system. The aim is to construct a full chain governance system of "prevention in advance, control during the event, and proper disposal after the event".

Keywords: School Physical Education; Sports Disputes; Risk Prevention and Control; Responsibility Identification; Countermeasures

1. Introduction

Since 2020, the state has intensively issued a

number of policies to promote the reform of school physical education. The opinions on deepening the integration of sports and education to promote the healthy development of teenagers, the opinions on Comprehensively Strengthening and improving school physical education in the new era and other documents clearly require the comprehensive popularization of campus sports activities, the normalization of sports competitions, and the strengthening of students' physical quality cultivation. The sports law of the people's Republic of China, revised and implemented in 2023, specifically added a chapter of "school sports", which established the legal status of school sports from the legal level and clarified the legal responsibilities of schools to carry out sports teaching and events. Driven by both policies and laws, the coverage of sports activities in primary and secondary schools and universities across the country has continued to expand, and the number of students participating in physical exercise and competitive events has increased year by year.

However, sports naturally have the characteristics of confrontation, risk and sudden. The increase in the frequency of campus sports activities is bound to be accompanied by security risks and potential disputes. According to the judicial big data of the Supreme People's court, sports dispute related cases accounted for 42.7% of the national campus personal injury compensation cases from 2022 to 2025, and the number of cases increased year by year. Such disputes are mostly concentrated in physical education teaching, extracurricular sports activities, campus games, extracurricular sports research and other scenes, and the focus of the dispute is mainly the identification of school responsibility, fault division, compensation standards, risk-taking, etc. At the same time, the problems exposed in the process of dispute resolution, such as the non-uniform application of laws, the lack of risk prevention and control mechanism, the cognitive bias of home and

school, and the poor channel for resolution, have led to the phenomenon of "giving up food for choking", deliberately reducing physical education courses, canceling competitive events, avoiding outdoor sports activities, forming a vicious circle of "imbalance between sports development and risk prevention and control", which seriously restricts the implementation and effectiveness of the strategy of sports and education integration. In this context, it is of great practical significance to systematically study the current situation, problems and Countermeasures of school sports disputes in contemporary China.

2. Review of Research Status at Home and Abroad

2.1 Foreign Research Status (2020-2025)

Developed countries such as Europe, America and Japan have a long history of school sports development, and the sports legal system is perfect. The research on campus sports risk prevention and control and dispute management started early and achieved mature results. In recent years, research has focused on the direction of fine governance, risk pre prevention and control, and multiple responsibility sharing, forming a relatively perfect research system.

American academic circles have formed a mature theoretical system around the identification of school sports injury liability. The core is to establish the "reasonable care standard" as the basis for judging the performance of school duties, clarify the three-level responsibility subjects of school districts, schools and teachers, and define the three elements of liability, namely, the fact of damage, the fault of performance of duties, and causality. At the same time, it focuses on the four major defense situations of risk-taking, joint negligence, government exemption and exemption agreement, forming a clear boundary of liability exemption. In 2024, the relevant research of American sports law pointed out that the core of the settlement of campus sports disputes is the "precise definition of fault", which distinguishes the risk difference between antagonistic sports events and conventional sports teaching, applies the "self willing risk" principle to students who voluntarily participate in competitive sports activities, and greatly reduces the scope of school no fault liability. In addition, the United States attaches great

importance to the research on the insurance sharing mechanism, and has formed a risk sharing mode of "campus compulsory insurance+ commercial supplementary insurance+ government disclosure", which effectively reduces the pressure of dispute compensation.

The research on school sports disputes in Japan focuses on the refined management of campus sports safety and risk pre prevention and control. From 2022 to 2025, relevant research focuses on the standardized construction of sports facilities, classroom safety process control, and students' hierarchical risk education. Japanese academic circles generally believe that the core cause of campus sports disputes is not the accident itself, but the lack of safety management process and inadequate risk notification. Therefore, the research focuses on the construction of standardized teaching process, normalized safety inspection and layered risk notification system. At the same time, Japan has established a special mediation agency for campus sports disputes, which is independent of schools and departments

Foreign scholars generally attach importance to the study of "cold cicada effect", and believe that excessive and strict identification of school responsibility will restrict the development of campus sports, and advocate balancing the protection of students' rights and interests and the autonomy of school sports development, so as to avoid excessive interference of judicial judgment in Campus Sports teaching activities [1].

In general, foreign research has formed a mature system of "clear legal definition, fine risk prevention and control, diversified responsibility sharing, and efficient dispute resolution". The research focus has shifted from post dispute resolution to pre event risk prevention, and from single legal regulation to multiple collaborative governance. The relevant theories and practical experience are of great significance for China. However, foreign research, based on its legal environment, educational system and social cognition, does not fully adapt to the actual development of campus sports in China, and needs to be localized in combination with the national conditions.

2.2 Domestic Research Status (2020-2025)

With the increasing number of campus sports disputes in China year by year, the domestic

academia has continued to pay more attention to the research of school sports disputes, and the relevant research results have increased significantly since 2020. The research perspective covers law, sports, education, management and other fields, mainly focusing on four aspects.

First, the types and causes of school sports disputes. Through the big data analysis of judicial documents, many scholars sorted out the main scenes and causes of campus sports disputes. Relevant research in 2024 was based on 187 campus sports injury judgment documents. Through the social network analysis method, it was found that the causes of school sports disputes showed the characteristics of networking and correlation. Students' own dangerous behavior and lack of safety consciousness were the primary inducements, while the lack of classroom safety management, hidden dangers of school facilities and nonstandard organizational processes were secondary inducements, and various causes were interrelated and superimposed to trigger disputes. At the same time, the research points out that the sports classroom teaching scene is the field with high incidence of disputes, accounting for more than 60%, followed by campus events and extracurricular sports training scenes. Other scholars have pointed out that the underlying reasons for the current frequent disputes include the vague application of legal provisions, the dislocation of home school risk perception, and the absence of school safety management system [2].

The second is the research on the legal liability of sports disputes. This is the core focus of domestic research. After the implementation of the civil code in 2021, the academic circle focused on the application of the "self willing risk" rule in campus sports disputes, and discussed the risk-taking boundary of primary and secondary school students' restricting the participation of people with civil capacity and those without civil capacity in sports activities. After the implementation of the newly revised sports law in 2023, the research focused on the legal responsibilities and fault liability identification standards of school sports, and made it clear that the development of sports activities in schools is a legal responsibility, and physical education teaching content should not be reduced due to risk aversion. The latest legal research in 2024 pointed out that the current

judicial practice has the problem of inconsistent standards of liability determination, and similar cases have the phenomenon of "different judgments in the same case". The core disputes focus on the boundary of school safety and security obligations, the division of students' fault proportion, the scope of application of exemption, etc [3].

The third is the risk prevention and control of sports disputes. The importance of prevention and control in advance is generally recognized in the domestic academic community. The existing researches mostly put forward countermeasures from the perspective of school management, including improving the sports safety management system, standardizing the teaching process, strengthening the safety education of teachers and students, regularly overhauling the site facilities and other basic prevention and control measures. Part of the research constructed the "prevention response" integrated risk management system, emphasizing the whole process control of campus sports risk. However, most of the existing prevention and control studies are macro countermeasures, lack of hierarchical and classified refined control schemes, and lack of pertinence and operability.

Fourth, research on the mechanism of resolving sports disputes. Relevant studies have pointed out that there are some problems in the resolution of school sports disputes in China, such as single channel, excessive reliance on litigation, imperfect mediation mechanism, and imperfect compensation mechanism. Some scholars proposed to build a diversified system of litigation, mediation, reconciliation and arbitration, improve the campus sports insurance system, and establish a special compensation fund. However, the existing research on the landing process, division of rights and responsibilities, and coordination mechanism of the diversified resolution mechanism is insufficient, and a systematic landing plan has not yet been formed [4].

2.3 Research Review at Home and Abroad

On the whole, the existing research at home and abroad has laid a solid theoretical foundation for this topic, and defined the core characteristics, main causes and governance direction of school sports disputes, but there are still obvious deficiencies: first, the timeliness is insufficient. Most studies have not analyzed the newly

revised sports law in 2023 and the latest judicial precedents in recent three years, and there is a lack of research on the changes in liability determination and the new direction of judicial adjudication after the implementation of the new law; second, there is a lack of systematicness. The existing research focuses on a single dimension and lacks a systematic analysis of the whole chain of "status quo - problems - causes - Countermeasures". The countermeasures are fragmented and unsystematic; Third, the lack of practicality, more macro theoretical research, and fewer refined and feasible governance schemes that fit the reality of primary and secondary schools and colleges' campuses; Fourth, quantitative research is insufficient. Most studies focus on qualitative analysis, lack quantitative support of big data, and lack accurate analysis of dispute distribution characteristics and cause weight. Based on the existing research shortcomings, this paper is based on the latest legal norms and judicial practice, combined with quantitative data and typical cases, to systematically carry out status analysis, problem sorting and countermeasure construction, and make up for the existing research defects.

3. Current Situation and Case Analysis of School Sports Disputes in Contemporary China

3.1 Sorting out the Core Legal Basis (2023-2025 Latest)

At present, China's school sports dispute resolution has formed a legal system based on the civil code, with the sports law (revised in 2023) as the core and departmental rules as the supplement. The latest legal norms clarify the boundaries of power and responsibility, the rules of adjudication and the requirements for prevention and control, which are the core basis for dispute resolution.

Article 1176 of the civil code of the People's Republic of China (the rule of voluntary risk): if a person voluntarily participates in a recreational or sports activity with certain risks and is injured by the acts of other participants, the victim may not request other participants to bear tort liability; However, the other participants have intentional or gross negligence in the occurrence of the damage. This rule is the core clause of the current campus sports dispute responsibility determination, which defines the

basic principle of sports activities' risk taking, and delimits the responsibility boundary between participants and organizers. At the same time, articles 1200 and 1201 of the civil code specify the criteria for determining the fault liability for personal injury of students with limited or no capacity for civil conduct at school, and stipulate that if the school fails to fulfill its duties of education, management and security, it shall bear the liability for infringement.

Chapter III "school physical education" of the sports law of the people's Republic of China (revised in 2023): it is clear that schools must offer physical education courses, regularly carry out sports activities and events, and protect students' right to physical exercise; It is stipulated that schools should establish and improve the sports safety management system, equip with safety protection facilities, carry out sports safety education, and prevent the risks of sports activities. At the same time, the new law clearly prohibits schools from reducing physical education courses and canceling sports events on the grounds of avoiding risks, and puts an end to the risk avoidance behavior of "giving up food for choking" from the legal level, providing a legal basis for the identification of school performance in the treatment of sports disputes.

The Interim Measures for risk prevention and control of school sports (implemented in 2015, revised and improved in 2024): it is the direct department regulation basis for the safety management of campus sports to refine the specific requirements for risk prevention and control of school sports, clarify the safety management process of sports teaching, events and extracurricular activities, define the risk responsibilities of schools, teachers, students and parents, and standardize the disposal process and reporting mechanism of sports injury accidents.

The interpretation of the Supreme People's Court on Several Issues concerning the application of law in the trial of cases of compensation for personal injury (revised in 2022): it defines the compensation standard for personal injury in campus sports and the rules for the allocation of the burden of proof, and stipulates that schools should bear the corresponding liability for compensation if students' injuries are caused by defects in venues and facilities, dereliction of duty in

management, and teaching violations, which unifies the compensation scale of judicial decisions.

3.2 Main Types and Distribution Characteristics of School Sports Disputes

Based on the statistical data of 1246 valid

referee documents from 2022 to 2025 on the China referee documents network, the current school sports disputes in China can be divided into four core types, with significant differences in the proportion, causes and focus of disputes. The specific distribution is shown in the Table 1.

Table 1. The Four Major Core Types of School Sports Disputes in China Currently

Type of Dispute	Case Percentage	High-incidence scenarios	Core points of contention
Disputes regarding injuries resulting from competitive activities among students	58.2%	Competitive sports classes such as basketball, football, and badminton, as well as class-level competitions	Whether the principle of voluntary assumption of risk applies, how to determine the proportion of student fault, and whether the school has fulfilled its supervisory responsibilities.
Disputes regarding potential safety hazards and injuries on campus facilities	21.5%	Old sports facilities, damaged equipment, and situations lacking protective measures	The fulfillment of responsibilities regarding school facility maintenance, the obligation to identify potential hazards, and the determination of causality in cases of damage
Disputes regarding negligence in teaching management	14.3%	Engaging in high-risk sports in violation of regulations, failure to provide prior safety education, and absence of on-site supervision.	Whether teachers have fulfilled their compliance obligations in teaching duties, whether they have properly communicated safety information, and whether emergency responses were provided promptly.
Disputes regarding violations in event organization practices	6.0%	School-level and district-level sports competitions; extracurricular sports research activities	Whether the event organization process complies with regulations, whether the risk contingency plans are comprehensive, and whether emergency support measures are in place.

From the statistics, it can be seen that competitive injury among students is the absolute mainstream of current school sports disputes, accounting for more than half, and the core disputes are concentrated on the application boundary of the self willing risk rule; The disputes caused by hidden dangers of facilities and dereliction of duty in teaching management take the second place. The proportion of disputes caused by event organization is relatively low, but the social attention is high and the public opinion has great influence. From the perspective of school segment distribution, primary and secondary school dispute cases accounted for 83.7% and colleges and universities accounted for 16.3%. Primary and secondary school students' weak self-protection ability and lack of risk awareness are the groups with high incidence of disputes. Judging from the judgment results, in the cases from 2022 to 2025, 45.2% of the schools will bear all or part of the responsibility, and 54.8% of the cases will not be exempted from liability. The overall trend of judicial judgment is "fault attribution and reasonable responsibility", and the schools will no longer be unilaterally required to pay compensation [5].

3.3 In Depth Analysis of Typical Cases (2023-2025)

Case 1: primary and secondary school

basketball fight injury dispute case (typical application of voluntary risk)

In March, 2024, Zhang, a fifth grade student of a primary school, collided with his classmate Li in free confrontation practice in campus basketball class. Zhang fell down and fractured his right hand, costing 38000 yuan in medical expenses. Zhang's parents believed that the school did not monitor the whole process, did not stop the fierce confrontation in time, and there was dereliction of duty in management, requiring the school and Li to jointly bear all the liability for compensation. The school argued that basketball has a natural risk of confrontation. Safety education has been carried out before class, and teachers are on duty in the classroom. They have fulfilled their legal management responsibilities and should not be held responsible.

The court held that: basketball is a typical risky sports activity, and Zhang volunteered to participate in classroom confrontation exercises, should be aware of the inherent risks of sports, and apply the self willing risk rule of the civil code; Li's collision behavior belongs to normal competitive confrontation, without intention or gross negligence, and without responsibility; the school has completed safety education before class, equipped with full-time teachers in the classroom for monitoring, and carried out emergency disposal in time after the accident. It

has fully performed the duties of education, management and safety guarantee without fault. The final judgment was that the school was not responsible, the students were not responsible for each other, and the damage consequences were borne by Zhang.

Case enlightenment: judicial practice has made it clear that in conventional campus antagonistic sports activities, schools that have fulfilled their duties and obligations without management fault are not required to bear the liability for compensation. The self willing risk rule has become the core basis for school exemption, effectively breaking the inherent cognition of "students' injury, schools must compensate".

Case 2: Disputes over hidden dangers of college facilities (typical cases of school fault bearing)

In October 2023, Wang, a college student, fell down inadvertently due to local damage and collapse of the track during running training on the campus plastic track, causing knee ligament injury. The follow-up rehabilitation treatment cost 62000 yuan. After verification, the runway damage problem has existed for half a month, and the school did not check and repair in time and set warning signs. Wang appealed to the court and asked the school to bear all the liability for compensation.

The court held that: according to the relevant provisions of the sports law and the judicial interpretation of compensation for personal injury, the school has the legal responsibility to ensure the safety and integrity of sports venues and facilities. The school failed to fulfill its obligations of regular troubleshooting, maintenance and warning of potential site hazards, and there is an obvious management fault, and the fault has a direct causal relationship with the damage results of students. Finally, it was decided that the school should bear 100% liability for compensation and compensate Mr. Wang in full for medical treatment, work delay, rehabilitation and other expenses.

Case enlightenment: the safety guarantee of school sports facilities is a rigid legal responsibility. For sports injuries caused by the absence of hidden danger investigation, daily maintenance and warning notification, the school must bear the fault liability. The neglect of facility management is the most common cause of responsibility in school sports disputes.

Case 3: Disputes over illegal high-risk physical education teaching (typical of dereliction of

duty in teaching management)

In January 2025, a junior high school physical education teacher organized junior high school students to carry out high-altitude jumping training without protective measures and professional guidance. Student Zhao's landing error led to a comminuted ankle fracture. Parents believed that the school's teaching organization was in violation of rules and lacked risk prevention and control, and demanded compensation of 85000 yuan for various losses. The school argued that the teacher's personal teaching behavior was wrong, and the school had no overall fault.

The court held that: the school has the responsibility of overall management, supervision and standardization of physical education teaching activities. The school has not established a high-risk sports teaching approval system, has not controlled teachers' illegal teaching behavior, has not equipped with corresponding safety protection equipment, and has not fulfilled its responsibility of education management; Teachers' violation of high-risk teaching belongs to the fault of performing their duties, and the consequences of their behavior are borne by the school. Finally, it was decided that the school should bear 80% of the main liability for compensation, and the teachers should bear the corresponding internal accountability responsibility.

Case enlightenment: sports teaching activities must adhere to the bottom line of compliance, high-risk sports need to strictly implement the approval, protection and guidance system, and schools must bear corresponding legal responsibilities for sports disputes caused by the absence of school teaching management system and ineffective supervision.

3.4 New Development Trend of School Sports Disputes

Combined with the data and case analysis in the past three years, contemporary Chinese school sports disputes show three new trends. First, the focus of disputes has shifted from "whether to compensate" to "precise definition of fault". With the popularity of the voluntary risk rule, families and schools no longer blindly ask schools to tell the truth, but focus on whether schools perform their duties in place, the division of fault proportion, the determination of responsibility boundary, and the settlement of disputes is more administrative and refined.

Second, the causes of disputes have changed from single student fault to multiple compound faults. In the past, disputes were mostly attributed to students' own accidents. At present, the proportion of compound incentives such as hidden dangers of facilities, teaching violations, lack of management, and cognitive bias between home and school continues to increase, and the causes of disputes are more complex. Third, the dispute resolution mode has changed from "litigation oriented" to "mediation priority and diversified solutions". More and more disputes are resolved through campus mediation, education department mediation and people's mediation. The litigation settlement rate has decreased year by year, and flexible resolution has become the mainstream trend [6,7].

4. Core Issues and Deep Causes of School Sports Disputes in Contemporary China

4.1 Legal System Level: Insufficient Specification and Vague Applicable Standards

At present, although the relevant legal system of school sports disputes in China has basically taken shape, the lack of refinement of the provisions and the inconsistency of judicial application standards are the core system problems of frequent disputes and large disputes. First of all, the application boundary of the voluntary risk rule is vague. The civil code only makes principled provisions, and does not make differentiated definitions for students with no or limited civil capacity. It lacks detailed provisions on the risk distinction between "classroom teaching" and "independent competition", and the judgment standards of "minor negligence" and "gross negligence", resulting in different judgment standards for similar cases and the phenomenon of "different judgments for the same case". Secondly, the boundary of school safety and security obligations is not clear. The law only stipulates that schools need to perform the duties of education, management and security in general, but does not specify the standards for the performance of students in different sports, different activity scenes and different classes. There is no quantitative basis for judging whether the school performance is in place, and there is too much room for judicial discretion. Finally, the connection between the old and new laws is not smooth enough. The new sports law

of 2023 defines the legal responsibility for the normalization of school sports, but the supporting judicial interpretation and implementation rules are not yet perfect, the supporting systems of risk prevention and control and responsibility division lag behind, and the effect of law implementation is limited [8].

4.2 School Management: Lack of Prevention and Control System and Loopholes in Performance

Schools are the core subject of sports risk prevention and control. At present, most primary and secondary schools and colleges have not yet established a systematic sports risk prevention and control system. There are many loopholes in daily management, which is the direct cause of frequent disputes. First, the risk prevention mechanism is not perfect. Most schools lack a hierarchical risk control mechanism for sports activities, and have not formulated special control plans for high-risk sports such as confrontation, high altitude and strength; The system of regular screening, maintenance and updating of sports facilities is a mere formality, and the hidden danger screening is not timely and the warning is not in place; Sports safety education is fragmented, and a normalized and layered safety education system has not been formed. Students' risk awareness and self-protection ability are insufficient. Second, the management of teaching and events is not standardized, some physical education teachers' professional ability is insufficient, and there are problems such as carrying out high-risk sports in violation of regulations, failing to inform the sports risk in advance, failing to monitor the whole process on site, and failing to organize teaching in a standardized way; There is a lack of standardized process for campus events and extracurricular sports activities, and the risk plan, emergency support and staffing are not perfect. Third, the ability of emergency response is weak. After sports injury accidents in some schools, there are problems such as untimely emergency response, nonstandard treatment process, lack of evidence retention, and delayed communication and feedback. Small accidents escalate into major disputes due to improper handling, aggravating the contradiction between home and school.

4.3 Dispute Resolution Level: Single Channel,

Multiple Mechanism Failure

At present, there are obvious shortcomings in the resolution mechanism of school sports disputes in China, the diversified resolution system has not yet been implemented, the handling efficiency is low, and the contradiction resolution is not complete. First, the non litigation resolution mechanism is not perfect, the campus internal mediation mechanism is not perfect, and there is a lack of professional mediators and standardized mediation processes; The mediation authority of the education administrative department is insufficient and the executive force is weak; The channels for people's mediation and administrative mediation to intervene in campus sports disputes are not smooth. Most disputes still rely on litigation to solve, which has high cost and long cycle. Second, the insurance sharing mechanism is not perfect, the coverage of campus sports liability insurance is uneven, and some schools' insurance coverage is insufficient and the compensation scope is narrow, which can not cover major sports injury losses; The popularity of students' personal sports accident insurance is low, the risk transfer ability is weak, and most of the losses are directly borne by schools and families, aggravating the compensation dispute. Third, the dispute proof mechanism is unreasonable. In campus sports disputes, students' and parents' ability to provide evidence is weak, and the school has the teaching, management and on-site evidence. The current allocation of the burden of proof does not fully take into account the particularity of the campus scene, resulting in difficulties in determining the facts of some cases and affecting the fair handling of disputes [9].

4.4 Cognitive Concept Level: Cognitive Dislocation at Home and School, with Cognitive Bias

The cognitive dislocation between home and school on the risk and responsibility of campus sports is the deep subjective cause of frequent disputes and intensified contradictions. From the perspective of parents, some parents have misconceptions about "absolute safety". They believe that all safety risks of students should be borne by the school during school. They ignore the natural risk of sports and students' self risk responsibility. Once students are injured, they will blindly pursue responsibility and claim for

compensation, do not recognize the self willing risk rule, and refuse to bear the reasonable risk consequences. At the same time, some parents do not understand the law of school physical education teaching and risk prevention and control standards, and over magnify the school management fault and intensify the contradiction between home and school. From the perspective of schools, some schools have a serious "risk averse mentality". For fear of disputes and liability, they deliberately reduce antagonistic sports, cancel campus events, and reduce the difficulty of physical education teaching, forming a negative mentality of "dare not teach, dare not compete, and dare not practice", which restricts the development of school physical education; Some teachers lack the sense of responsibility, ignore the daily safety management and safety education, perform their duties in a mere formality, and bury hidden risks.

4.5 Supervision Guarantee Level: Lack of Supervision and Insufficient Supporting Support

The imperfect cooperative supervision mechanism of education, sports and judicial departments and the lagging supporting security system are the important short boards of sports dispute governance. On the one hand, the administrative supervision is insufficient, the education department's normalized supervision on the implementation of the school's sports safety management system is insufficient, and the investigation and treatment of problems such as illegal teaching, hidden dangers of facilities, and lack of management are insufficient, and there is a lack of normalized supervision and assessment mechanism; On the other hand, professional support is insufficient. Most schools lack professionals in sports safety management, legal rights protection and dispute mediation. Teachers' sports risk prevention, emergency disposal and dispute communication skills are insufficient, which makes it difficult to effectively prevent and resolve sports disputes. At the same time, the campus sports safety standard system is not perfect, and the safety operation specifications, site facilities standards and staffing standards of different stages and different sports events are not unified, and there is a lack of unified industry guidance [10].

5. Optimization Countermeasures and

Suggestions on the Governance of School Sports Disputes in Contemporary China

5.1 Improve the Legal System and Unify the Judicial Application Standards

In view of the problems of insufficient refinement and vague application of current legal norms, it is necessary to accelerate the improvement of supporting system norms and build an accurate and standardized legal application system. First, refine the rules for the application of the voluntary risk rule, combine the particularity of the campus sports scene, distinguish between primary and secondary schools and colleges, divide the different scenes of classroom teaching, independent practice and competition, clarify the risk-taking boundary of students with no civil capacity and limited civil capacity, define the judgment criteria of "general negligence" and "gross negligence" in sports activities, and eliminate "different judgments in the same case" from the system level. Second, quantify the school safety and security performance standards, issue the campus sports safety management industry norms, clarify the teaching process, safety protection, venues and facilities, staffing, risk disclosure standards of different sports, refine the specific performance obligations of schools and teachers, and provide a clear basis for the school performance judgment and judicial judgment. Third, improve the supporting system of the new law, speed up the introduction of detailed rules for the implementation of school sports safety management and measures for the disposal of sports injury accidents in combination with the revision of the sports law in 2023, link up with the relevant provisions of the civil code on tort liability, straighten out the logic of law application, and build a complete legal system of "superior law+ judicial interpretation+ industry norms". Fourth, unify the judicial judgment scale. The supreme law can publish typical cases of campus sports disputes, clarify the judgment guidance, responsibility division standards and compensation scale of various disputes, guide the grass-roots courts to regulate the judgment behavior, and enhance the judicial credibility.

5.2 Build the Whole Chain Risk Prevention and Control System and Compact the Main Responsibility of the School

As the core subject of risk prevention and

control, schools need to build a full chain sports risk prevention and control system of "pre prevention, in-process control and post disposal" to reduce disputes from the source.

Precise prevention in advance: establish a hierarchical management and control mechanism for sports risk. According to the risk level of sports events, it is divided into three risk levels: low, medium and high. Differentiated management and control plans are formulated. High risk sports must implement the system of teaching approval, professional guidance, whole process protection and risk notification; Establish a regular inspection and maintenance mechanism for site facilities, implement the system of "daily inspection, weekly maintenance and monthly publicity", timely repair and replace damaged, aging and unqualified facilities, set up eye-catching warning signs for risk areas, and keep the inspection records; Build a layered safety education system, set up compulsory courses and special lectures on sports safety according to the cognitive characteristics of students in primary and secondary schools and colleges, popularize sports risk knowledge, self-protection skills and emergency self-help methods, and improve the awareness and ability of risk prevention and control of teachers and students.

Standardized management and control in the process: standardize the process of physical education teaching and event organization, clarify the post responsibilities of physical education teachers, and prohibit the illegal development of high-risk teaching activities. Classroom teaching must implement the system of risk notification before class, full monitoring during class, and safety summary after class; The campus games, extracurricular events and extracurricular sports activities must be prepared in advance, equipped with emergency supplies and medical personnel, and the safety and security measures must be improved; We will strengthen teachers' professional training, regularly carry out special training on sports safety teaching, risk prevention and control, and emergency response, and improve teachers' abilities in standardized teaching, risk identification, and on-site management and control.

Efficient disposal after the event: establish a standardized disposal process for sports injury accidents, and specify the whole process

specification for accident reporting, on-site treatment, evidence retention, home school communication, and follow-up; Carry out emergency treatment at the first time after the accident, keep on-site videos, teaching records, hidden danger investigation records and other evidence, communicate with parents in time, and actively disclose the disposal process to avoid contradictions caused by information asymmetry; Establish an accident review mechanism, review all sports injury accidents one by one, sort out problems, rectify loopholes, and form closed-loop management.

5.3 Improve the Diversified Resolution Mechanism and Improve the Efficiency of Dispute Resolution

Break the single litigation resolution mode, build a diversified dispute resolution system of "reconciliation first, mediation second, litigation disclosure, insurance support", and effectively resolve sports disputes. First, improve the reconciliation and mediation mechanism in the school, set up a campus sports dispute mediation studio, equipped with professional mediators in sports, law and education, establish a standardized mediation process, give priority to resolving small and minor disputes through flexible mediation in the school, and realize the local resolution of contradictions. Second, we should strengthen the connection between administrative mediation and people's mediation. The education administrative department should take the lead in establishing a special mediation mechanism for campus sports disputes, and cooperate with the judicial and sports departments to form a professional mediation team to carry out professional mediation for complex disputes; Smooth the channels of people's mediation and intervention, and promote the diversified and professional resolution of campus sports disputes. Third, optimize the distribution of the burden of proof, and combine the particularity of the campus scene to implement the rule of "giving priority to school evidence, supplemented by students' evidence". Schools need to provide evidence to prove that they have fulfilled their responsibilities of education, management and security, reduce the difficulty of students' evidence, and ensure the fair treatment of disputes. Fourth, improve the sports insurance sharing system, fully implement the compulsory campus sports liability insurance, increase the

amount of insurance, expand the scope of compensation, and cover the whole scene of teaching, sports events and extracurricular training; Promote the personal insurance of students' Sports accidental injury, and establish a triple guarantee mechanism of "school liability insurance+ student accident insurance+ special risk fund", so as to effectively transfer risks and resolve compensation disputes.

5.4 Reshape the Family School Cognitive System and Build a Collaborative Governance Pattern

We should solve the problem of cognitive dislocation between home and school, strengthen the cooperation between home and school, and create an inclusive and rational campus sports risk atmosphere. On the one hand, we should strengthen the guidance of parents' science popularization. Through various forms such as parents' meetings, home school groups, science popularization lectures, case presentations and so on, the school should popularize the natural risks of sports, the legal rules of self willing risks, and the boundaries of legal responsibilities of the school, break the misunderstanding of parents' idea of "absolute safety" and "injury must be compensated", and guide parents to treat sports injuries rationally and take the initiative to bear reasonable risk responsibilities. On the other hand, to reverse the school's risk aversion mentality, the education administrative department clearly stipulated that physical education courses should not be reduced and confrontational events should not be canceled due to sports risk aversion, and the development of campus sports activities should be included in the school assessment system; Through the publicity of law popularization and the interpretation of typical cases, schools and teachers can clearly grasp the exemption situation, eliminate the worry of performing their duties, and actively and regularly carry out campus sports activities. At the same time, we should establish a risk prevention and control mechanism for home school collaboration, sign the informed consent on campus sports risk, clarify the risk responsibilities of home and school, inform sports risks in advance, and reduce cognitive differences and potential disputes from the source.

5.5 Strengthen Supervision and Talent

Protection, and Consolidate Governance Foundation

Build a multi sectoral collaborative supervision mechanism, improve the supporting security system, and provide support for the governance of sports disputes. First, we should improve the normalized supervision mechanism, and the education, sports, and market supervision departments should jointly carry out special supervision on campus sports safety, focusing on the investigation of hidden dangers in venues and facilities, teaching violations, and the absence of systems, and establish a problem account, a deadline for rectification, and a closed-loop accountability mechanism, so as to consolidate the main responsibility of the school; The effectiveness of sports risk prevention and control and dispute management will be incorporated into the school performance appraisal and teacher evaluation system, forcing the implementation of the management system. Second, strengthen the construction of professional talent team. Colleges and universities, primary and secondary schools are equipped with full-time sports safety management personnel and legal counselors, and regularly carry out special training on sports law, risk prevention and control, dispute mediation and emergency response, so as to build a professional governance team. Third, improve the industry standard system, unify the campus sports safety operation standards, site facilities standards and emergency protection standards for different stages and different sports events, and provide a unified industry basis for school management, administrative supervision and judicial adjudication. Fourth, establish a big data monitoring mechanism for disputes. The education department regularly counts the data of campus sports disputes, analyzes the types, causes and trends of disputes, and accurately identifies governance weaknesses to achieve precise risk prevention and control and targeted governance of disputes.

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