S T A T E O F N E W Y O R K

7572

I N S E N A T E

April 22, 2010

Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to directing the commissioner of education to establish rules and regulations for the treatment and monitoring of students who suffer concussions or head injuries

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 305 of the education law is amended by adding a new subdivision 42 to read as follows:

42. A. THE COMMISSIONER, IN CONSULTATION AND COOPERATION WITH THE DEPARTMENT OF HEALTH AND THE NEW YORK STATE PUBLIC HIGH SCHOOL ATHLETIC ASSOCIATION, SHALL:

(1) PROMULGATE, IMPLEMENT AND REGULARLY UPDATE RULES AND REGULATIONS ESTABLISHING THE MINIMUM STANDARDS FOR ALL SCHOOL DISTRICTS, BOARDS OF COOPERATIVE EDUCATIONAL SERVICES AND NONPUBLIC SCHOOLS RELATING TO THE TREATMENT AND MONITORING OF PUPILS WHO SUFFER OR ARE SUSPECTED OF SUFFERING CONCUSSIONS AND HEAD INJURIES WHILE RECEIVING INSTRUCTION OR ENGAGING IN ANY SCHOOL SPONSORED OR RELATED ACTIVITY. SUCH RULES AND REGULATIONS SHALL PROVIDE FOR THE APPROPRIATE LEVEL OF MONITORING THE CONDITION, BOTH MENTAL AND PHYSICAL, OF EVERY PUPIL WHO HAS SUFFERED OR IS SUSPECTED OF SUFFERING A CONCUSSION OR HEAD INJURY, AND PROVIDE APPROPRIATE RESTRICTIONS ON PARTICIPATION IN ATHLETIC ACTIVITIES BY SUCH PUPILS, INCLUDING, BUT NOT LIMITED TO, REQUIRING A WRITTEN RELEASE FORM FROM A LICENSED HEALTH CARE PROVIDER TRAINED IN THE EVALUATION AND MANAGEMENT OF CONCUSSIONS AND HEAD INJURIES PRIOR TO THE RESUMPTION OF ATHLETIC ACTIVITIES BY A PUPIL WHO HAS SUFFERED OR IS SUSPECTED OF SUFFERING A CONCUSSION OR HEAD INJURY;

(2) PROMULGATE AND DISTRIBUTE TO ALL SCHOOL DISTRICTS, BOARDS OF COOPERATIVE EDUCATIONAL SERVICES AND NONPUBLIC SCHOOLS AN INFORMATION PAMPHLET TO EDUCATE COACHES, PUPILS PARTICIPATING IN INTERSCHOLASTIC SPORTS, PUPILS WHO HAVE SUFFERED OR ARE SUSPECTED OF SUFFERING CONCUSSIONS OR HEAD INJURIES AND PERSONS IN PARENTAL RELATION TO A PUPIL ON THE NATURE AND RISKS OF CONCUSSIONS AND HEAD INJURIES. A COPY OF SUCH

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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PAMPHLET SHALL BE PROVIDED ANNUALLY TO EVERY TEACHER OF PHYSICAL EDUCATION, COACH OF INTERSCHOLASTIC TEAMS, EVERY INTERSCHOLASTIC STUDENT-ATHLETE, EVERY PUPIL WHO SUFFERS OR IS SUSPECTED OF SUFFERING A CONCUSSION OR HEAD INJURY AND THE PERSON IN PARENTAL RELATION TO EACH PUPIL WHO PARTICIPATES IN AN INTERSCHOLASTIC SPORT OR HAS SUFFERED OR IS SUSPECTED OF SUFFERING A CONCUSSION OR HEAD INJURY; AND

(3) PROMULGATE AND DISTRIBUTE TO ALL SCHOOL DISTRICTS, BOARDS OF COOPERATIVE EDUCATIONAL SERVICES AND NONPUBLIC SCHOOLS A FORM WHICH ATTESTS TO RECEIPT OF THE PAMPHLET ESTABLISHED PURSUANT TO SUBPARAGRAPH TWO OF THIS PARAGRAPH AND THAT THE SIGNATORS HAVE READ AND UNDERSTAND THE NATURE AND RISKS OF CONCUSSIONS AND HEAD INJURIES. NO PUPIL SHALL PRACTICE FOR OR ENGAGE IN INTERSCHOLASTIC SPORTS UNTIL SUCH PUPIL AND THE PERSON IN PARENTAL RELATION TO HIM OR HER HAVE SIGNED SUCH FORM. A NEW FORM SHALL BE SIGNED BY THE PUPIL AND THE PERSON IN PARENTAL RELATION TO HIM OR HER IN EVERY YEAR IN WHICH SUCH PUPIL PRACTICES FOR OR ENGAGES IN INTERSCHOLASTIC SPORTS.

B. THE RULES AND REGULATIONS ESTABLISHED PURSUANT TO THIS SUBDIVISION SHALL BE DEEMED TO BE THE MINIMUM STANDARDS THAT MUST BE COMPLIED WITH BY EVERY SCHOOL DISTRICT, BOARD OF COOPERATIVE EDUCATIONAL SERVICES AND NONPUBLIC SCHOOL RELATING TO CONCUSSIONS AND HEAD INJURIES. NOTHING IN THIS SUBDIVISION SHALL PROHIBIT ANY SCHOOL DISTRICT, BOARD OF COOPERATIVE EDUCATIONAL SERVICES OR NONPUBLIC SCHOOL FROM ADOPTING AND IMPLEMENTING MORE STRINGENT STANDARDS.

S 2. The education law is amended by adding a new section 3001-e to read as follows:

S 3001-E. STUDENTS SUSPECTED OF SUFFERING A CONCUSSION OR HEAD INJURY. 1. ANY TEACHER, COACH, SCHOOL ADMINISTRATOR, SCHOOL GUIDANCE COUNSELOR, SCHOOL PSYCHOLOGIST, SCHOOL DRUG COUNSELOR, SCHOOL NURSE, SUPERVISOR OF ATTENDANCE, ATTENDANCE TEACHER OR ATTENDANCE OFFICER HAVING REASONABLE CAUSE TO SUSPECT THAT A SECONDARY OR ELEMENTARY STUDENT HAS SUFFERED A CONCUSSION OR HEAD INJURY SHALL IMMEDIATELY REMOVE SUCH STUDENT FROM ANY PHYSICAL ACTIVITY OR ATHLETIC COMPETITION.

2. ANY STUDENT WHO HAS BEEN REMOVED FROM ANY PHYSICAL ACTIVITY OR ATHLETIC COMPETITION DUE TO SUSPICION OF SUCH STUDENT HAVING SUFFERED A CONCUSSION OR HEAD INJURY SHALL NOT RETURN TO ANY PHYSICAL ACTIVITY OR ATHLETIC COMPETITION UNTIL SUCH STUDENT HAS PROVIDED A WRITTEN RELEASE FORM FROM A LICENSED HEALTH CARE PROVIDER TRAINED IN THE EVALUATION AND MANAGEMENT OF CONCUSSIONS AND HEAD INJURIES STATING THAT THE STUDENT MAY RETURN TO PHYSICAL ACTIVITY OR ATHLETIC COMPETITION.

S 3. This act shall take effect on the first of July next succeeding the date on which it shall have become a law; provided, that, effective immediately, any rules and regulations necessary to implement the provisions of this act on its effective date are authorized and directed to be completed on or before such date.