

# STATE OF NEW YORK

8550

## IN SENATE

June 12, 2020

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

AN ACT to amend the education law, in relation to updating school concussion management and response protocols and increasing concussion data collection and reporting

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. This act shall be known and may be cited as the "concussion  
2 management and awareness improvement act of 2020".

3 § 2. Subdivision 42 of section 305 of the education law, as added by  
4 chapter 496 of the laws of 2011, is amended to read as follows:

5 42. a. The commissioner, in conjunction with the commissioner of  
6 health, shall promulgate and review as necessary rules and regulations  
7 relating to pupils who suffer mild traumatic brain injuries, also  
8 referred to as a "concussion," while receiving instruction or engaging  
9 in any school sponsored or related activity. In developing such rules  
10 and regulations, the commissioner shall consider comments from stake-  
11 holders and other interested parties including but not limited to  
12 parents, teachers, students, school administrators, school athletic  
13 trainers, sport coaches, medical and health professionals, the public  
14 schools athletic league (PSAL), the New York state public high school  
15 athletic association (NYSPHSAA), and other athletic associations. Such  
16 regulations shall include, but not be limited to:

17 (i) requiring a course of instruction relating to recognizing the  
18 symptoms of mild traumatic brain injuries and monitoring and seeking  
19 proper medical treatment for pupils who suffer mild traumatic brain  
20 injuries. Such course of instruction shall be required to be completed  
21 on a biennial basis by all school coaches, physical education teachers,  
22 nurses and athletic trainers. Such course of instruction or an equiv-  
23 alent hour of continuing medical education shall also be required to be  
24 completed on an annual basis by all medical directors, physicians, nurse  
25 practitioners, and physician assistants employed by a school or school  
26 district. The course of instruction required by this subparagraph shall  
27 include, but not be limited to, the definition of a "concussion," signs

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

LBD15750-01-0

1 and symptoms of mild traumatic brain injuries, how such injuries may  
2 occur, practices regarding prevention, and the guidelines for the return  
3 to school and to certain school activities after a pupil has suffered a  
4 mild traumatic brain injury regardless of whether such injury occurred  
5 outside of school. Such training may be completed by means of courses of  
6 instruction, including but not limited to, courses provided online and  
7 by teleconference approved by the department;

8 (ii) providing that the department and the department of health shall  
9 post on their internet websites information relating to mild traumatic  
10 brain injuries, which shall include but not be limited to, the defi-  
11 nition of a "concussion," signs and symptoms of mild traumatic brain  
12 injuries, how such injuries may occur, and the guidelines for the return  
13 to school and to certain school activities after a pupil has suffered a  
14 mild traumatic brain injury regardless of whether such injury occurred  
15 outside of school. Schools shall be required to include such information  
16 in any permission form or parent or person in parental relation consent  
17 form or similar document that may be required for a pupil's partic-  
18 ipation in interscholastic sports and shall also include such informa-  
19 tion, or reference how to obtain such information from the department  
20 and the department of health internet websites, on the school's internet  
21 website, if one exists;

22 (iii) requiring the immediate removal from athletic activities of any  
23 pupil believed to have sustained or who has sustained a mild traumatic  
24 brain injury. In the event that there is any doubt as to whether a pupil  
25 has sustained a concussion, it shall be presumed that he or she has been  
26 so injured until proven otherwise. No such pupil shall resume athletic  
27 activity until he or she shall have been symptom free for not less than  
28 twenty-four hours, has returned to a full class schedule without academ-  
29 ic adjustments or accommodations made due to the mild traumatic brain  
30 injury, and has been evaluated by and received written and signed  
31 authorization from a licensed physician. Such authorization shall be  
32 kept on file in the pupil's permanent health record. Furthermore, such  
33 rules and regulations shall provide guidelines for limitations and  
34 restrictions on school attendance and activities, as well as athletic  
35 attendance and activities, for pupils who have sustained mild traumatic  
36 brain injuries, consistent with the directives of the pupil's treating  
37 physician.

38 (iv) [~~authorizing~~] requiring each school or school district[~~, in its~~  
39 ~~discretion,~~] to establish a concussion management team which may be  
40 composed of the athletic director (if any), a school nurse, the school  
41 principal, a school guidance counselor, a school teacher, the school  
42 physician, a coach of an interscholastic team, an athletic trainer or  
43 such other appropriate personnel as designated by the school or school  
44 district. The concussion management team shall oversee the implementa-  
45 tion of the rules and regulations promulgated pursuant to this subdivi-  
46 sion as it pertains to their associated school including the requirement  
47 that all school coaches, physical education teachers, nurses and athlet-  
48 ic trainers that work with and provide instruction to pupils engaged in  
49 school sponsored athletic activities complete training relating to mild  
50 traumatic brain injuries. Furthermore, every concussion management team  
51 may establish and implement a program which provides information on mild  
52 traumatic brain injuries to parents and persons in parental relation  
53 throughout each school year. Every concussion management team shall  
54 report annually to their applicable district superintendent or chief  
55 school officer, board of education or governing body, and to the depart-  
56 ment the following information: (a) the number of pupils who sustain a

1 mild traumatic brain injury each year, regardless of the setting in  
2 which such injury is sustained; (b) the cause of such injuries; (c) the  
3 duration of symptoms of such injuries; and (d) any modifications or  
4 accommodations made for pupils that have sustained such injuries.

5 (v) recommending that schools retain access to an athletic trainer to  
6 provide services to students.

7 b. The rules and regulations established pursuant to this subdivision  
8 shall be deemed to be the minimum standards that must be complied with  
9 by every public and nonpublic school and every competitive/travel youth  
10 sports team relating to mild traumatic brain injuries. [~~Such rules and~~  
11 ~~regulations may also be implemented by nonpublic schools if they so~~  
12 ~~authorize.~~] Nothing in this subdivision shall prohibit any public school  
13 or nonpublic school from adopting and implementing more stringent stand-  
14 ards.

15 § 3. This act shall take effect on the first of July next succeeding  
16 the date on which it shall have become a law. Effective immediately, the  
17 addition, amendment, and/or repeal of any rule or regulation necessary  
18 for the implementation of this act on its effective date are authorized  
19 to be made and completed on or before such effective date.