

STATE OF NEW YORK

1977--A

2023-2024 Regular Sessions

IN ASSEMBLY

January 23, 2023

Introduced by M. of A. FALL, STECK -- read once and referred to the Committee on Education -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

1 Section 1. Subdivision 42 of section 305 of the education law, as
2 added by chapter 496 of the laws of 2011 and paragraph b as amended by
3 chapter 617 of the laws of 2022, is amended to read as follows:

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

16 (i) requiring a course of instruction relating to recognizing the
17 symptoms of mild traumatic brain injuries and monitoring and seeking
18 proper medical treatment for pupils who suffer mild traumatic brain
19 injuries. Such course of instruction shall be required to be completed
20 on a biennial basis by all school coaches, physical education teachers,
21 nurses and athletic trainers employed by or under contract with a school
22 or school district. The course of instruction required by this subpara-

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

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

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

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

39 (iv) authorizing each school or school district, in its discretion, to
40 establish a concussion management team which may be composed of the
41 athletic director (if any), a school nurse, the school principal, a
42 school guidance counselor, a school teacher, the school physician, a
43 coach of an interscholastic team, an athletic trainer or such other
44 appropriate personnel as designated by the school or school district.
45 The concussion management team shall oversee the implementation of the
46 rules and regulations promulgated pursuant to this subdivision as it
47 pertains to their associated school including the requirement that all
48 school coaches, physical education teachers, nurses and athletic train-
49 ers that work with and provide instruction to pupils engaged in school
50 sponsored athletic activities complete training relating to mild trau-
51 matic brain injuries. Furthermore, every concussion management team may
52 establish and implement a program which provides information on mild
53 traumatic brain injuries to parents and persons in parental relation
54 throughout each school year.

55 b. The rules and regulations established pursuant to this subdivision
56 shall be deemed to be the minimum standards that must be complied with

1 by every public school and nonpublic school relating to mild traumatic
2 brain injuries. Nothing in this subdivision shall prohibit any public
3 school or nonpublic school from adopting and implementing more stringent
4 standards.

5 § 2. This act shall take effect on the first of July next succeeding
6 the date on which it shall have become a law.