

STATE OF NEW YORK

5499

2025-2026 Regular Sessions

IN SENATE

February 21, 2025

Introduced by Sens. HOYLMAN-SIGAL, MAY, ROLISON -- 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 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 2025".

3 § 2. Subdivision 42 of section 305 of the education law, as added by
4 chapter 496 of the laws of 2011 and paragraph b as amended by chapter
5 617 of the laws of 2022, is amended to read as follows:

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

19 (i) requiring a course of instruction relating to recognizing the
20 symptoms of mild traumatic brain injuries and monitoring and seeking
21 proper medical treatment for pupils who suffer mild traumatic brain
22 injuries. Such course of instruction shall be required to be completed
23 on a biennial basis by all school coaches, physical education teachers,

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

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1 nurses ~~[and]~~, athletic trainers, medical directors, physicians, nurse
2 practitioners, and physician assistants employed by or under contract to
3 a school or school district. The course of instruction required by this
4 subparagraph shall include, but not be limited to, the definition of a
5 "concussion," signs and symptoms of mild traumatic brain injuries, how
6 such injuries may occur, practices regarding prevention, and the guide-
7 lines for the return to school and to certain school activities after a
8 pupil has suffered a mild traumatic brain injury regardless of whether
9 such injury occurred outside of school. Such training may be completed
10 by means of courses of instruction, including but not limited to, cours-
11 es provided online and by teleconference approved by the department;

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

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

42 (iv) ~~[authorizing]~~ requiring each school or school district~~[, in its~~
43 ~~discretion,~~] to establish a concussion management team which may be
44 composed of the athletic director (if any), a school nurse, the school
45 principal, a school guidance counselor, a school teacher, the school
46 physician, a coach of an interscholastic team, an athletic trainer or
47 such other appropriate personnel as designated by a collective bargain-
48 ing organization of the employee or the school or school district if no
49 such collective bargaining organization exists. The concussion manage-
50 ment team shall oversee the implementation of the rules and regulations
51 promulgated pursuant to this subdivision as it pertains to their associ-
52 ated school including the requirement that all school coaches, physical
53 education teachers, nurses and athletic trainers that work with and
54 provide instruction to pupils engaged in school sponsored athletic
55 activities complete training relating to mild traumatic brain injuries.
56 Furthermore, every concussion management team may establish and imple-

1 ment a program which provides information on mild traumatic brain inju-
2 ries to parents and persons in parental relation throughout each school
3 year.

4 Every concussion management team shall report annually to their
5 applicable district superintendent or chief school officer, board of
6 education or governing body, and to the department the following infor-
7 mation: (a) the number, sex, age and grade of pupils who sustain a mild
8 traumatic brain injury each year, regardless of the setting in which
9 such injury is sustained; (b) the cause of such injuries; (c) the dura-
10 tion of symptoms of such injuries; and (d) any modifications or accommo-

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

13 b. The rules and regulations established pursuant to this subdivision
14 shall be deemed to be the minimum standards that must be complied with
15 by every public school and nonpublic school and every group or organiza-
16 tion that uses property or facilities owned by a school district for
17 competitive, travel youth sports, relating to mild traumatic brain inju-
18 ries. Nothing in this subdivision shall prohibit any public school or
19 nonpublic school from adopting and implementing more stringent stand-
20 ards.

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