

STATE OF NEW YORK

5499--A

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 -- 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. This act shall be known and may be cited as the "concussion
2 management and awareness improvement act of 2025".

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

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

18 (i) requiring a course of instruction relating to recognizing the
19 symptoms of mild traumatic brain injuries and monitoring and seeking
20 proper medical treatment for pupils who suffer mild traumatic brain
21 injuries. Such course of instruction shall be required to be completed
22 on a biennial basis by all school coaches, physical education teachers,
23 nurses [~~and~~], athletic trainers, and medical directors employed by or
24 under contract to a school or school district. The course of instruc-
25 tion required by this subparagraph shall include, but not be limited to,
26 the definition of a "concussion," signs and symptoms of mild traumatic

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

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1 brain injuries, how such injuries may occur, practices regarding
2 prevention, and the guidelines for the return to school and to certain
3 school activities after a pupil has suffered a mild traumatic brain
4 injury regardless of whether such injury occurred outside of school.
5 Such training may be completed by means of courses of instruction,
6 including but not limited to, courses provided online and by teleconfer-
7 ence 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~~] such
26 pupil has been so injured until proven otherwise. No such pupil shall
27 resume athletic activity until [~~he or she~~] such pupil shall have been
28 symptom free for not less than twenty-four hours, has returned to a full
29 class schedule without academic accommodations made due to the mild
30 traumatic brain injury, and has been evaluated by and received written
31 and signed authorization from a licensed physician, physician assistant
32 or nurse practitioner. Such authorization shall be kept on file in the
33 pupil's permanent health record. Furthermore, such rules and regulations
34 shall provide guidelines for limitations and restrictions on school and
35 athletic attendance and activities for pupils who have sustained mild
36 traumatic brain injuries, consistent with the directives of the pupil's
37 treating physician.

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

54 § 3. This act shall take effect on the first of July next succeeding
55 the date on which it shall have become a law.