

SENATE BILL No. 82

By Committee on Education

1-23

1 AN ACT concerning education; relating to the school sports head injury
2 prevention act; requiring schools to establish concussion management
3 teams; standards of care protocols; biennial education; amending
4 K.S.A. 72-7119 and repealing the existing section.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 72-7119 is hereby amended to read as follows: 72-
8 7119. (a) This section shall be known and may be cited as the school sports
9 head injury prevention act.

10 (b) As used in this section:

11 (1) ~~"School" means any public or accredited private high school,~~
12 ~~middle school or junior high school.~~ "Athlete" means a student who
13 prepares for or participates in an extracurricular activity.

14 (2) "Athletic director" means an individual employed by a school
15 district who is responsible for administering the athletic program of a
16 school. "Athletic director" includes an individual who acts as an athletic
17 director or an assistant athletic director. If a school does not have an
18 athletic director, "athletic director" means the individual designated to be
19 responsible for administering the athletic programs of the school.

20 (3) "Coach" means a volunteer or employee of a school district who
21 is responsible for organizing and supervising athletes to teach them the
22 fundamental skills of an extracurricular activity. "Coach" includes head
23 and assistant coaches.

24 (4) "Concussion" means a complex pathophysiological process
25 affecting the brain that is caused by traumatic biomechanical forces.

26 (5) "Concussion management team" means an interdisciplinary team
27 of professionals vested in the education of an athlete when a concussion
28 affects the athlete's ability to learn due to either an extracurricular
29 activity or non-extracurricular activity health condition, including
30 individuals employed by a school district or volunteering at a school to
31 create, implement and supervise concussion management policies.

32 (6) "Extracurricular activity" means an organized school-sponsored
33 or school-sanctioned athletic activity for students, generally held outside
34 of school instructional hours under the direction of a coach, athletic
35 director or band leader, including, but not limited to: Baseball, basketball,
36 cheerleading, cross country, football, golf, marching band, soccer,

1 softball, swimming and diving, tennis, indoor and outdoor track,
2 volleyball and wrestling. All interscholastic activities are deemed to be
3 extracurricular activities.

4 (7) "Game official" means an individual who officiates at an
5 extracurricular activity, such as a referee or umpire and includes, but is
6 not limited to, any individual enrolled as a game official by the Kansas
7 state high school activities association.

8 ~~(2)(8)~~ "Health care ~~Healthcare~~ provider" means ~~a person~~ an
9 individual licensed by the state board of healing arts to practice medicine
10 and surgery.

11 (9) "Licensed athletic trainer" means an individual who is licensed
12 by the state board of healing arts as an athletic trainer under the
13 provisions of K.S.A. 65-6906, and amendments thereto, and whose
14 practice includes schools and extracurricular activities.

15 (10) "Licensed school counselor" means an individual who is
16 employed by a school district and who is licensed by the state board of
17 education as a school counselor.

18 (11) "Nurse" means an individual licensed by the board of nursing
19 who is practicing in a school setting as an employee of the school district
20 or volunteer of the school.

21 (12) "Parent" means a natural parent, a stepparent, a guardian or a
22 foster parent of a student.

23 (13) "Return-to-learn protocol" means an evidence-based
24 reintegration program consistent with the best standards of care
25 guidelines designed to return the athlete to school and the classroom
26 setting for the purpose of formal learning.

27 (14) "Return-to-play protocol" means an evidence-based
28 reintegration program consistent with the best standards of care
29 guidelines designed to return the athlete to extracurricular activity
30 practice before formal competition.

31 (15) "School" means any public or accredited nonpublic high school
32 or middle school, including home school entities.

33 (c) The state board of education, in cooperation with the Kansas state
34 high school activities association, shall compile information on the nature
35 and risk of concussion and head injury including the dangers and risks
36 associated with the continuation of playing or practicing after ~~a person~~ an
37 individual suffers a concussion or head injury. Such information shall be
38 provided to school districts for distribution to coaches, ~~school~~ athletes and
39 ~~the athletes' parents or guardians of school athletes.~~

40 (1) Schools shall establish a concussion education program for
41 parents, athletes and school personnel to review the school policies and
42 procedures governing the prevention and management of concussions.
43 Such program shall include, but not be limited to, the prevention and

1 management of concussions, dangers and risks associated with
2 concussions, signs and symptoms of concussions, return-to-learn and
3 return-to-play protocols and school policies and procedures for
4 concussion preventive management.

5 (2) Schools shall establish policies and procedures governing the
6 prevention and management of concussions of students. Policies and
7 procedures shall address concussions occurring in extracurricular
8 activities and may be applied to all concussions of students.

9 (3) Schools shall appoint a concussion management team to establish
10 a return-to-play protocol based on scientific evidence-based practices
11 consistent with the United States centers for disease control and
12 prevention guidelines and the Kansas state high school activities
13 association guidelines for the student's return to play.

14 (4) The school concussion management team shall establish a return-
15 to-learn protocol based on scientific evidence-based practices consistent
16 with the centers for disease control and prevention guidelines and the
17 Kansas state high school activities association guidelines for the student's
18 return to the classroom.

19 (5) The membership of the concussion management team shall
20 include to the extent possible, but shall not be limited to, the:

21 (A) Licensed athletic trainer, if employed or contracted by the school
22 district;

23 (B) athletic director;

24 (C) designated teacher;

25 (D) licensed school counselor;

26 (E) school administrator; and

27 (E) nurse, if any.

28 (6) Schools shall appoint a designee from the concussion
29 management team to supervise the persons responsible for compliance
30 with the return-to-play and return-to-learn protocols. The person who has
31 supervisory responsibilities shall not be a coach of an extracurricular
32 activity.

33 (7) Schools shall establish a return-to-learn protocol for any athlete
34 who has sustained a concussion. The return-to-learn protocol shall
35 recognize that a student who has sustained a concussion and returned to
36 school may need formal or informal accommodations, modifications of
37 curriculum and monitoring by medical or academic staff until the athlete
38 has fully recovered.

39 (8) An athlete may not participate in any extracurricular activity
40 competition or practice session until completely integrated in school
41 without accommodation related to a concussion.

42 (9) The following individuals shall complete, at least biennially, a
43 concussion training program approved by the state board of education and

1 *the Kansas state high school activities association:*

2 (A) *Coach;*

3 (B) *licensed athletic trainer;*

4 (C) *licensed school counselor;*

5 (D) *game official;*

6 (E) *nurse;*

7 (F) *athletic director; and*

8 (G) *school marching band director, whether employed by the school*
9 *district or a volunteer serving in such capacity.*

10 (d) ~~A school~~An athlete may not participate in any ~~sport~~
11 *extracurricular activity* competition or practice session unless such athlete
12 and the athlete's parent ~~or guardian~~ have signed, and returned to the
13 school, a concussion and head injury information release form. A release
14 form shall be signed and returned each school year that ~~a student~~ an athlete
15 participates in ~~sport competitions~~ an *extracurricular activity competition*
16 or practice ~~sessions~~ session.

17 (e) ~~If a school athlete suffers, or is suspected of having suffered, a~~
18 ~~concussion or head injury during a sport competition or practice session,~~
19 ~~such school athlete immediately shall be removed from the sport~~
20 ~~competition or practice session. (1) An athlete shall be removed~~
21 ~~immediately from an extracurricular activity competition or practice~~
22 ~~session if one of the following individuals believes that the athlete might~~
23 ~~have sustained a concussion arising from such competition or practice~~
24 ~~session:~~

25 (A) *Coach;*

26 (B) *healthcare provider;*

27 (C) *game official;*

28 (D) *licensed athletic trainer;*

29 (E) *the athlete's parent or another person with the legal authority to*
30 *make medical decisions on the athlete's behalf;*

31 (F) *the athlete; or*

32 (G) *any other person deemed appropriate under the school's return-*
33 *to-play protocol.*

34 (f) ~~Any school athlete who has been removed from a sport~~
35 ~~competition or practice session shall not return to competition or practice~~
36 ~~until~~(2) *The athlete shall not return to an extracurricular activity*
37 *competition or practice session until the athlete:*

38 (A) *Is evaluated by a ~~health care~~ healthcare provider and the ~~health~~*
39 *care healthcare provider provides such athlete a written clearance to return*
40 *to play or practice. If the ~~health care~~ healthcare provider who provides the*
41 *clearance to return to play or practice is not an employee of the school*
42 *district, such ~~health care~~ healthcare provider shall not be liable for civil*
43 *damages resulting from any act or omission in the rendering of such care,*

1 other than acts or omissions constituting gross negligence or willful or
2 wanton misconduct;

3 *(B) has successfully completed each requirement of the return-to-play*
4 *protocol established by the school, which is necessary for the athlete to*
5 *return to play; and*

6 *(C) has successfully completed each requirement of the return-to-*
7 *learn protocol established by the school necessary for the athlete to return*
8 *to learn.*

9 ~~(g) This section shall take effect on and after July 1, 2011.~~

10 Sec. 2. K.S.A. 72-7119 is hereby repealed.

11 Sec. 3. This act shall take effect and be in force from and after its
12 publication in the statute book.