

SESSION OF 2023

SUPPLEMENTAL NOTE ON SENATE BILL NO. 82

As Amended by Senate Committee on
Education

Brief*

SB 82 would amend the School Sports Head Injury Prevention Act to require schools to establish a comprehensive concussion education program.

Under current law, if a school athlete suffers, or is suspected of having suffered, a concussion or other head injury during a sport competition or practice session, the athlete must be removed from the competition or practice until a health care provider clears the athlete to return to play or to return to practice. The bill would require schools to appoint a concussion management team and to establish a concussion education program that would provide for the policies and procedures governing the prevention and management of concussions.

Definitions

The bill would define new terms to be used throughout the School Sports Head Injury Prevention Act, including:

- “Activity” would mean any school activity or contest in the fields of athletics, music, forensics, dramatics, and any other interschool activity by students in grades 7-12;
- “Athlete” would mean a student who prepares for or participates in an activity;

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- “Concussion” would mean a complex pathophysiological process affecting the brain that is caused by traumatic biochemical forces;
- “Concussion management team” would mean an interdisciplinary team of professionals vested in the education of an athlete when a concussion affects the athlete’s ability to learn due to an activity health condition;
- “Parent” would mean a natural parent, a stepparent, a guardian, or a foster parent of a student; and
- “School” would be amended to mean any public or accredited nonpublic high school or middle school, including home school entities.

In addition, the bill would replace the word “sport” with “activity.” It would also replace the term “school athlete” with the word “athlete.”

Concussion Education Program

The bill would require schools to establish a concussion education program to allow persons to review the school’s policies and procedures governing the prevention and management of concussions. [*Note:* The policies and procedures would address concussions that occur during activities, but the policies and procedures could be applied to all concussions.] Policies and procedures would include, but not be limited to, the following:

- The prevention and management of concussions;
- Dangers and risks associated with concussions;
- Signs and symptoms of concussions; and

- Return-to-learn and return-to-play protocols, as defined in the bill. [Note: The return-to-learn and return-to-play protocols are explained in detail, below.]

Concussion Training Program

At least biennially, the following individuals, as defined in the bill unless otherwise noted, would be required to complete a concussion training program that has been approved by the State Board of Education and the Kansas State High School Activities Association:

- Coach;
- Licensed athletic trainer;
- Licensed school counselor;
- Game official;
- Nurse;
- Athletic director;
- Licensed speech-language pathologist; and
- School marching band director, whether employed by the school district or a volunteer.

Concussion Management Team

The bill would authorize schools to appoint a concussion management team to establish the school's return-to-play and return-to-learn protocols. To the extent possible, the concussion management team would include, but would not be limited to, the following individuals, as defined in the bill:

- Licensed athletic trainer, if employed or contracted by the school district;

- Athletic director;
- Designated teacher;
- Licensed school counselor;
- School administrator;
- Nurse;
- Licensed speech-language pathologist; and
- Any other licensed individual deemed appropriate by the school.

A designee from the concussion management team, other than a coach, would be required to supervise the persons responsible for complying with the concussion management protocols.

Return-to-learn Protocol

The bill would require schools to establish a return-to-learn protocol based on scientific evidence-based practices consistent with the guidelines recommended by the federal Centers for Disease Control and Prevention and the Kansas State High School Activities Association.

The return-to-learn protocol would be required to recognize that a concussed student who returns to school prior to full recovery may need academic accommodations and monitoring by medical or academic staff. An athlete who sustains a concussion would be required to completely participate in school without concussion-related accommodations prior to participating in any activity competition or practice session.

Return-to-play Protocol

The bill would require the school's concussion management team to establish a return-to-play protocol based on scientific evidence-based practices consistent with the guidelines recommended by the federal Centers for Disease Control and Prevention and the Kansas State High School Activities Association.

An athlete would be required to be removed immediately from a competition or practice session if one of the following individuals believes that the athlete might have sustained a concussion:

- Coach;
- Health care provider;
- Game official;
- Licensed athletic trainer;
- The athlete;
- The athlete's parent, or other person with the legal authority to make medical decisions on behalf of the athlete; or
- Any other person deemed appropriate under the school's return-to-play protocol.

Further, the athlete would not be able to return to competition or practice until a health care provider evaluates the athlete and provides the athlete with a written clearance to return to play or to practice. In addition, the athlete would not be able to return to play or to practice until the athlete successfully completes:

- Each requirement of the school's return-to-learn protocol, which is necessary for the athlete to return to learn; and
- Each requirement of the school's return-to-play protocol, which is necessary for the athlete to return to play.

Background

The bill was introduced by the Senate Committee on Education at the request of Senator Dietrich.

Senate Committee on Education

In the Senate Committee hearing on January 31, 2023, **proponent** testimony was heard by representatives of the Kansas Speech-Language-Hearing Association and the Kansas Chapter of the American Academy of Pediatrics, and two private citizens who work as athletic trainers. Proponents generally testified that the bill would standardize the approach schools use when creating policies and procedures to ensure concussed students have an individualized plan that takes safety and success into account.

Written-only proponent testimony was provided by representatives of the Blue Valley School District and the Kansas School Nurses Organization, both generally stating that concussion protocols that include concussion management teams help prevent concussed students from exacerbating their injury.

Neutral testimony was provided by the Executive Director of the Kansas Chiropractic Association, and a representative of the Kansas Association of School Boards. Written-only neutral testimony was provided by the Executive Director of the Kansas Medical Society. Conferees generally stated that the bill was too restrictive on what positions could

comprise the concussion management team. [*Note:* The bill was subsequently amended to adjust the membership of the concussion management team.]

No other testimony was provided.

The Senate Committee amended the bill to:

- Replace the phrase “extracurricular activity” with the word “activity,” as defined in the bill;
- Adjust the membership of the concussion management team to include, to the extent possible, a licensed speech-language pathologist and any other licensed individual deemed appropriate by the school; and
- Make technical changes to ensure consistency in statutory phrasing.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the bill would not have a fiscal effect on state aid to school districts or the Department of Education. The Department of Education indicates that enactment of the bill would cause school districts to incur administrative and training costs, but a fiscal effect cannot be estimated.

KSHSAA; concussions; return to learn; return to play