

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.~~ **"Activity" means any school activity**  
13 **or contest in the fields of athletics, music, forensics, dramatics and any**  
14 **other interschool extracurricular activity by students enrolled in any of**  
15 **the grades seven through 12.**

16 (2) *"Athlete" means a student who prepares for or participates in an*  
17 *extracurricular activity.*

18 ~~(2)(3)~~ *"Athletic director" means an individual employed by a school*  
19 *district who is responsible for administering the athletic program of a*  
20 *school. "Athletic director" includes an individual who acts as an athletic*  
21 *director or an assistant athletic director. If a school does not have an*  
22 *athletic director, "athletic director" means the individual designated to be*  
23 *responsible for administering the athletic programs of the school.*

24 ~~(3)(4)~~ *"Coach" means a volunteer or employee of a school district*  
25 *who is responsible for organizing and supervising athletes to teach them*  
26 *the fundamental skills of an ~~extracurricular~~ activity. "Coach" includes*  
27 *head and assistant coaches.*

28 ~~(4)(5)~~ *"Concussion" means a complex pathophysiological process*  
29 *affecting the brain that is caused by traumatic biomechanical forces.*

30 ~~(5)(6)~~ *"Concussion management team" means an interdisciplinary*  
31 *team of professionals vested in the education of an athlete when a*  
32 *concussion affects the athlete's ability to learn due to ~~either an~~*  
33 *~~extracurricular activity or non-extracurricular~~ activity health condition,*  
34 *including individuals employed by a school district or volunteering at a*  
35 *school to create, implement and supervise concussion management*  
36 *policies.*

1 ~~(6) "Extracurricular activity" means an organized school-sponsored~~  
2 ~~or school-sanctioned athletic activity for students, generally held outside~~  
3 ~~of school instructional hours under the direction of a coach, athletic~~  
4 ~~director or band leader, including, but not limited to: Baseball, basketball,~~  
5 ~~cheerleading, cross country, football, golf, marching band, soccer,~~  
6 ~~softball, swimming and diving, tennis, indoor and outdoor track,~~  
7 ~~volleyball and wrestling. All interscholastic activities are deemed to be~~  
8 ~~extracurricular activities.~~

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

13 ~~(2)(8) "Health care~~Healthcare provider" means ~~a person~~ an  
14 individual licensed by the state board of healing arts to practice medicine  
15 and surgery.

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

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

23 (11) "Licensed speech-language pathologist" means an individual  
24 who is licensed by the Kansas department for aging and disability  
25 services and practicing in a school setting as an employee of a school  
26 district or special education cooperative.

27 (12) "Nurse" means an individual licensed by the board of nursing  
28 who is practicing in a school setting as an employee of the school district  
29 or volunteer of the school.

30 ~~(12)(13) "Parent" means a natural parent, a stepparent, a guardian~~  
31 ~~or a foster parent of a student.~~

32 ~~(13)(14) "Return-to-learn protocol" means an evidence-based~~  
33 ~~reintegration program consistent with the best standards of care~~  
34 ~~guidelines designed to return the athlete to school and the classroom~~  
35 ~~setting for the purpose of formal learning.~~

36 ~~(14)(15) "Return-to-play protocol" means an evidence-based~~  
37 ~~reintegration program consistent with the best standards of care~~  
38 ~~guidelines designed to return the athlete to~~ ~~extracurricular~~ activity  
39 practice before formal competition.

40 ~~(15)(16) "School" means any public or accredited nonpublic high~~  
41 ~~school or middle school, including home school entities.~~

42 (c) The state board of education, in cooperation with the Kansas state  
43 high school activities association, shall compile information on the nature

1 and risk of concussion and head injury including the dangers and risks  
2 associated with the continuation of playing or practicing after ~~a person~~ *an*  
3 *individual* suffers a concussion or head injury. Such information shall be  
4 provided to school districts for distribution to coaches, ~~school~~ athletes and  
5 ~~the athletes' parents or guardians of school athletes.~~

6 (1) *Schools shall establish a concussion education program for*  
7 *parents, athletes and school personnel to review the school policies and*  
8 *procedures governing the prevention and management of concussions.*  
9 *Such program shall include, but not be limited to, the prevention and*  
10 *management of concussions, dangers and risks associated with*  
11 *concussions, signs and symptoms of concussions, return-to-learn and*  
12 *return-to-play protocols and school policies and procedures for*  
13 *concussion preventive management.*

14 (2) *Schools shall establish policies and procedures governing the*  
15 *prevention and management of concussions of students. Policies and*  
16 *procedures shall address concussions occurring in ~~extracurricular~~*  
17 *activities and may be applied to all concussions of students.*

18 (3) ***Schools shall establish a return-to-learn protocol for any athlete***  
19 ***who has sustained a concussion. The return-to-learn protocol shall***  
20 ***recognize that a student who has sustained a concussion and returned to***  
21 ***school may need formal or informal accommodations, modifications of***  
22 ***curriculum and monitoring by medical or academic staff until the***  
23 ***athlete has fully recovered.***

24 (4) ***The school concussion management team shall establish a***  
25 ***return-to-learn protocol based on scientific evidence-based practices***  
26 ***consistent with the United States centers for disease control and***  
27 ***prevention guidelines and the Kansas state high school activities***  
28 ***association guidelines for the student's return to the classroom.***

29 (5) *Schools shall appoint a concussion management team to establish*  
30 *a return-to-play protocol based on scientific evidence-based practices*  
31 *consistent with the United States centers for disease control and*  
32 *prevention guidelines and the Kansas state high school activities*  
33 *association guidelines for the student's return to play.*

34 ~~(4) *The school concussion management team shall establish a return-*~~  
35 ~~*to-learn protocol based on scientific evidence-based practices consistent*~~  
36 ~~*with the centers for disease control and prevention guidelines and the*~~  
37 ~~*Kansas state high school activities association guidelines for the student's*~~  
38 ~~*return to the classroom.*~~

39 ~~(5)(6) *The membership of the concussion management team shall*~~  
40 ***may include to the extent possible, but shall not be limited to, the:***

41 (A) *Licensed athletic trainer, if employed or contracted by the school*  
42 *district;*

43 (B) *athletic director;*

- 1 (C) designated teacher;  
 2 (D) licensed school counselor;  
 3 (E) school administrator; ~~and~~  
 4 (F) nurse, if any;

5 **(G) licensed speech-language pathologist; and**  
 6 **(H) any other licensed individual deemed appropriate by the school.**

7 ~~(6)(7) Schools shall appoint a designee from the concussion~~  
 8 ~~management team to supervise the persons responsible for compliance~~  
 9 ~~with the return-to-play and return-to-learn protocols. The person who has~~  
 10 ~~supervisory responsibilities shall not be a coach of an ~~extracurricular~~~~  
 11 ~~activity.~~

12 ~~(7) Schools shall establish a return-to-learn protocol for any athlete~~  
 13 ~~who has sustained a concussion. The return-to-learn protocol shall~~  
 14 ~~recognize that a student who has sustained a concussion and returned to~~  
 15 ~~school may need formal or informal accommodations, modifications of~~  
 16 ~~curriculum and monitoring by medical or academic staff until the athlete~~  
 17 ~~has fully recovered.~~

18 (8) An athlete may not participate in any ~~extracurricular~~ activity  
 19 competition or practice session until completely integrated in school  
 20 without accommodation related to a concussion.

21 (9) The following individuals shall complete, at least biennially, a  
 22 concussion training program approved by the state board of education and  
 23 the Kansas state high school activities association:

- 24 (A) Coach;  
 25 (B) licensed athletic trainer;  
 26 (C) licensed school counselor;  
 27 (D) game official;  
 28 (E) nurse;  
 29 (F) athletic director; ~~and~~

30 **(G) licensed speech-language pathologist; and**  
 31 **(H) school marching band director, whether employed by the school**  
 32 ~~district or a volunteer serving in such capacity.~~

33 ~~(d) A school~~An athlete may not participate in any ~~sport~~  
 34 ~~extracurricular~~ activity competition or practice session unless such athlete  
 35 and the athlete's parent ~~or guardian~~ have signed; and returned to the  
 36 school; a concussion and head injury information release form. A release  
 37 form shall be signed and returned each school year that ~~a student~~ an athlete  
 38 participates in ~~sport competitions~~ an ~~extracurricular~~ activity competition  
 39 or practice sessions session.

40 ~~(e) If a school athlete suffers, or is suspected of having suffered, a~~  
 41 ~~concussion or head injury during a sport competition or practice session,~~  
 42 ~~such school athlete immediately shall be removed from the sport~~  
 43 ~~competition or practice session. (1) An athlete shall be removed~~

1 *immediately from an—~~extracurricular~~ activity competition or practice*  
 2 *session if one of the following individuals believes that the athlete might*  
 3 *have sustained a concussion arising from such competition or practice*  
 4 *session:*

5 (A) *Coach;*

6 (B) *healthcare provider;*

7 (C) *game official;*

8 (D) *licensed athletic trainer;*

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

11 (F) *the athlete; or*

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

14 ~~(f) Any school athlete who has been removed from a sport~~  
 15 ~~competition or practice session shall not return to competition or practice~~  
 16 ~~until~~(2) *The athlete shall not return to an—~~extracurricular~~ activity*  
 17 *competition or practice session until the athlete:*

18 (A) *Is evaluated by a—~~health care~~ healthcare provider and the—~~health~~*  
 19 *care healthcare provider provides such athlete a written clearance to return*  
 20 *to play or practice. If the—~~health care~~ healthcare provider who provides the*  
 21 *clearance to return to play or practice is not an employee of the school*  
 22 *district, such—~~health care~~ healthcare provider shall not be liable for civil*  
 23 *damages resulting from any act or omission in the rendering of such care,*  
 24 *other than acts or omissions constituting gross negligence or willful or*  
 25 *wanton misconduct;*

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

29 ~~(C)~~ *has successfully completed each requirement of the return-to-*  
 30 *learn protocol established by the school necessary for the athlete to return*  
 31 *to learn; and*

32 (C) *has successfully completed each requirement of the return-to-*  
 33 *play protocol established by the school necessary for the athlete to return*  
 34 *to play.*

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

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

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