

**HOUSE BILL No. 2574**

By Committee on Education

2-6

1 AN ACT concerning health and healthcare; relating to the school sports  
2 head injury prevention act; requiring schools to establish concussion  
3 management teams; standards of care protocols; required biennial  
4 education; amending 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 director. If a school does not have an athletic  
18 director, then "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 who is responsible for  
21 organizing and supervising athletes to teach them the fundamental skills of  
22 an extracurricular activity. "Coach" includes head and assistant coaches.

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

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

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

1 volleyball and wrestling. All interscholastic activities are deemed to be  
2 extracurricular activities.

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

7 (2)(8) "Health care provider" means ~~a person~~ an individual licensed  
8 by the state board of healing arts to practice medicine and surgery.

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

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

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

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

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

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

29 (15) "School" means any public or accredited nonpublic high school  
30 or middle school, including home-school entities.

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

38 (1) Schools shall establish a concussion education program for  
39 parents, athletes and school personnel to review the school policies and  
40 procedures governing the prevention and management of concussions.  
41 Such program shall include, but not be limited to, the prevention and  
42 management of concussions, dangers and risks associated with  
43 concussions, signs and symptoms of concussion, return-to-learn and

1 *return-to-play protocols and school policies and procedures for*  
2 *concussion preventive management.*

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

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

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

17 (5) *The membership of the concussion management team shall*  
18 *include to the extent possible, but is not limited to, the: Licensed athletic*  
19 *trainer, if employed or contracted by the school district; athletic director;*  
20 *designated teacher; licensed school counselor; school administrator; and*  
21 *nurse, if any.*

22 (6) *Schools shall appoint a designee from the concussion*  
23 *management team to supervise the persons responsible for compliance*  
24 *with the return-to-play and return-to-learn protocols. The person who has*  
25 *supervisory responsibilities may not be a coach of an extracurricular*  
26 *activity.*

27 (7) *Schools shall establish a return-to-learn protocol for any athlete*  
28 *who has sustained a concussion. The return-to-learn protocol shall*  
29 *recognize that a student who has sustained a concussion and returned to*  
30 *school may need informal or formal accommodations, modifications of*  
31 *curriculum and monitoring by medical or academic staff until the athlete*  
32 *has fully recovered.*

33 (8) *An athlete may not participate in any extracurricular activity*  
34 *competition or practice session until integrated completely in school*  
35 *without accommodation.*

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

39 (A) *Coach;*

40 (B) *licensed athletic trainer;*

41 (C) *licensed school counselor;*

42 (D) *game official;*

43 (E) *nurse;*

1 (F) athletic director; and

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

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

11 (e) ~~If a school athlete suffers, or is suspected of having suffered, a~~  
12 ~~concussion or head injury during a sport competition or practice session,~~  
13 ~~such school athlete immediately shall be removed from the sport~~  
14 ~~competition or practice session: (1) An athlete shall be removed from an~~  
15 ~~extracurricular activity competition or practice session immediately if one~~  
16 ~~of the following individuals believes that the athlete might have sustained~~  
17 ~~a concussion during the competition or practice session:~~

18 (A) Coach;

19 (B) healthcare provider;

20 (C) game official;

21 (D) licensed athletic trainer;

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

24 (G) the athlete; or

25 (H) any other person deemed appropriate under the school's return-  
26 to-play protocol.

27 (2) The athlete shall not return to the extracurricular activity  
28 competition or practice session until:

29 (f) ~~Any school athlete who has been removed from a sport~~  
30 ~~competition or practice session shall not return to competition or practice~~  
31 ~~until~~(A) the athlete is evaluated by a ~~health care~~ *healthcare* provider and

32 the ~~health care~~ *healthcare* provider provides such athlete a written  
33 clearance to return to play or practice. If the ~~health care~~ *healthcare*  
34 provider who provides the clearance to return to play or practice is not an  
35 employee of the school district, such ~~health care~~ *healthcare* provider shall  
36 not be liable for civil damages resulting from any act or omission in the  
37 rendering of such care, other than acts or omissions constituting gross  
38 negligence or willful or wanton misconduct;

39 (B) the athlete has successfully completed each requirement of the  
40 return-to-play protocol established by the school necessary for the athlete  
41 to return to play; and

42 (C) the athlete has successfully completed each requirement of the  
43 return-to-learn protocol established by the school necessary for the athlete

1 *to return to learn.*

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

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

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