

MAINE STATE LEGISLATURE

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Date: 6/3/11

EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 84, L.D. 98, "Resolve, Directing the Commissioner of Education To Adopt a Policy Regarding Management of Head Injuries in Youth Sports"

Amend the resolve by striking out all of section 1 (page 1, lines 11 to 39 and page 2 lines 1 to 11 in L.D.) and inserting the following:

Sec. 1. Management of concussive and other head injuries in school athletic activities. Resolved: That the Commissioner of Education, referred to in this resolve as "the commissioner," shall propose to public schools and private schools pursuant to section 2 a model policy on the management of head injuries in school athletic activities in accordance with the provisions of this section by January 1, 2012.

1. Working group. The commissioner shall reconvene the working group established pursuant to Resolve 2009, chapter 79 to meet during the summer and fall of 2011 and periodically thereafter to advise the commissioner on the prevention, diagnosis and treatment of concussive and other head injuries in student athletes. The commissioner shall invite the participation in the working group of a representative of the Maine Athletic Trainers Association. The working group shall advise the commissioner on the proposal of a model policy on the management of head injuries in school athletic activities and on the procedures to update the model policy as medical knowledge of head injuries progresses.

2. Model policy. The model policy proposed by the commissioner under this resolve may include, but is not limited to, the following provisions:

A. Information for students, parents or legal guardians, athletic directors and staff and coaches on head injury identification and management of head injuries;

B. The requirement that prior to each school year a student participating in a school athletic activity and the student's parent or legal guardian review the policy and sign a statement confirming that review;

C. Protocols and forms for use by schools in the implementation of the policy on the management of head injuries;

COMMITTEE AMENDMENT

1 D. The requirement that a student suspected of having sustained a head injury in an
2 athletic practice, game or activity must be removed from the athletic practice, game
3 or activity immediately and evaluated for brain injury prior to returning to the athletic
4 practice, game or activity;

5 E. The requirement that a student suspected of having sustained a head injury after
6 an evaluation under paragraph D must be banned from the athletic practice, game or
7 activity for that day, for the period of time recommended by a national association of
8 neurological physicians and until the school has received a written clearance for the
9 student to resume participation from a licensed neurologist or athletic trainer stating
10 that the student is free of symptoms of a head injury. The requirement must stipulate
11 that the neurologist or athletic trainer may serve in a volunteer capacity and is
12 immune from liability for actions taken in that capacity except for gross negligence or
13 willful or wanton misconduct;

14 F. The requirements and procedural steps that schools must follow in determining
15 when a student suspected of having sustained a head injury after an evaluation under
16 paragraph D is able to resume participation in the academic program;

17 G. The requirements that all public schools and private schools enrolling more than
18 60% of their students at public expense in this State must adopt and implement a
19 policy on management of head injuries in school athletic practices, games and
20 activities that is consistent with the model policy proposed by the commissioner
21 under this section; and

22 H. That the commissioner, school administrative units and schools may share with
23 statewide and local organizations that sponsor sports and athletics the policies,
24 information, training, protocols and forms developed under sections 1 and 2
25 regarding the management of head injuries in school athletic practices, games and
26 activities; and be it further'

27 Amend the resolve in section 2 in the first line (page 2, line 12 in L.D.) by striking
28 out the following: "January" and inserting the following: 'July'

29 Amend the resolve in section 2 in the next to the last line (page 2, line 15 in L.D.) by
30 striking out the following: "policy adopted" and inserting the following: 'model policy
31 proposed'

32 SUMMARY

33 This amendment directs the Commissioner of Education to propose a model policy
34 for schools in Maine on the management of head injuries in school athletic activities. It
35 directs the commissioner to reconvene the working group established pursuant to Resolve
36 2009, chapter 79 to advise the commissioner on the prevention, diagnosis and treatment
37 of concussive and other head injuries in student athletes. The amendment provides that a
38 model policy may include requirements and procedural steps for schools to follow in
39 determining when a student suspected of having sustained a head injury is able to resume

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COMMITTEE AMENDMENT "A" to H.P. 84, L.D. 98

1 participation in the academic program. The bill establishes a date regarding when schools
2 are required to adopt a policy on management of head injuries and to implement the
3 policy of January 1, 2012. The amendment changes the date to July 1, 2012.

4 **FISCAL NOTE REQUIRED**

5 **(See attached)**

ROFS

Approved: 05/28/11 *mac*



125th MAINE LEGISLATURE

LD 98

LR 50(02)

Resolve, Directing the Commissioner of Education To Adopt a Policy Regarding Management of Head Injuries in Youth Sports

Fiscal Note for Bill as Amended by Committee Amendment "A"
Committee: Education and Cultural Affairs
Fiscal Note Required: Yes

Fiscal Note

State Mandate - Unfunded

State Mandates

Required Activity

Requires all public schools and those private schools enrolling more than 60% of their students at public expense to adopt and implement a policy on management of head injuries in school athletic practices, games and activities that is consistent with the model policy proposed by the Commissioner of Education by July 1, 2012.

Unit Affected

School

Local Cost

Insignificant statewide

The required local activities in this bill may represent a State mandate pursuant to the Constitution of Maine. Unless General Fund appropriations are provided to fund at least 90% of the additional costs or a Mandate Preamble is amended to the bill and two-thirds of the members of each House vote to exempt this mandate from the funding requirement, municipalities may not be required to implement these changes.

Fiscal Detail and Notes

To the extent that the requirements included in this bill are already in place, the impact of this legislation on school administrative units is not expected to be significant. The impact to those school administrative units that have not put the requirements of this legislation into place can not be determined at this time.

Additional costs to the Department of Education to convene a working group to advise the commissioner on the adoption of a policy on the management of head injuries in school activities can be absorbed within existing budgeted resources.