

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

SECOND REGULAR SESSION-2012

Legislative Document

No. 1873

S.P. 654

In Senate, March 13, 2012

**An Act To Direct the Commissioner of Education To Adopt a Model
Policy Regarding Management of Head Injuries in School Activities
and Athletics**

(EMERGENCY)

Reported by Senator LANGLEY of Hancock for the Joint Standing Committee on
Education and Cultural Affairs pursuant to Joint Order, S.P. 644.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** students who participate in certain school activities and athletics are at
4 risk of suffering concussive and other head injuries; and

5 **Whereas,** immediate enactment of this legislation will facilitate adoption of a model
6 policy on the management of concussive and other head injuries that will benefit the
7 health and safety of Maine's students; and

8 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
9 the meaning of the Constitution of Maine and require the following legislation as
10 immediately necessary for the preservation of the public peace, health and safety; now,
11 therefore,

12 **Be it enacted by the People of the State of Maine as follows:**

13 **Sec. 1. 20-A MRSA §254, sub-§16** is enacted to read:

14 **16. Model policy for management of concussive and other head injuries.** In
15 consultation with organizations representing school principals, school boards, school
16 superintendents, athletic directors, athletic trainers, sports medicine practitioners, the
17 Acquired Brain Injury Advisory Council established in Title 34-B, section 19001 and
18 other interested parties, the commissioner shall develop a model policy on the
19 management of concussive and other head injuries in school activities and athletics.

20 **Sec. 2. 20-A MRSA §1001, sub-§19** is enacted to read:

21 **19. Adoption of policy to manage concussive and other head injuries.** Beginning
22 January 1, 2013, the school board of each public school and the governing body of each
23 private school enrolling more than 60% of its students at public expense in this State shall
24 adopt and implement a policy on the management of concussive and other head injuries
25 in school activities and athletics that is consistent with the model policy developed by the
26 commissioner in accordance with section 254, subsection 16.

27 **Sec. 3. Working group.** The Commissioner of Education shall convene a
28 working group to meet during the spring and summer of 2012, and periodically thereafter,
29 to advise the commissioner on the prevention, diagnosis and treatment of concussive and
30 other head injuries in students and student athletes. The commissioner shall invite
31 representatives from the Maine Principals' Association, the Maine School
32 Superintendents Association, the Maine School Boards Association, the Maine School
33 Management Association, the Acquired Brain Injury Advisory Council, the Maine
34 Athletic Directors Association, the Maine Athletic Trainers Association, the Maine
35 Concussion Management Initiative, sports medicine practitioners and medical providers
36 to participate in the working group.

37 **Sec. 4. Model policy.** The working group under section 3 shall advise the
38 Commissioner of Education on the provisions to be included in the model policy under
39 the Maine Revised Statutes, Title 20-A, section 254, subsection 16 for the management of

1 concussive and other head injuries in school activities and athletics and on the procedures
2 to update the policy as medical knowledge of head injuries progresses. The model policy
3 proposed by the commissioner must include, but is not limited to, the following
4 provisions:

5 **1. Training.** A requirement that athletic directors, coaches and other school
6 personnel involved with school activities and athletics must be trained in the
7 identification and management of concussive and other head injuries;

8 **2. Student and parental acknowledgment.** A requirement that prior to each school
9 year each student participating in a school athletic activity and the student's parent or
10 legal guardian must review the school's policy for the management of concussive and
11 other head injuries and sign a statement acknowledging that review;

12 **3. Protocols and forms.** A requirement that the Department of Education must
13 create protocols and forms that must be used by schools in the implementation of the
14 policy on the management of concussive and other head injuries;

15 **4. Immediate removal and evaluation.** A requirement that a student suspected of
16 having sustained a concussive or other head injury in any school activity or athletic
17 practice or game must be removed from the activity, practice or game immediately and
18 evaluated for brain injury prior to returning to the activity or practices and games; and

19 **5. Medical clearance.** A requirement that a student suspected of having sustained a
20 concussion after an evaluation under subsection 4 must be banned from the school
21 activity or athletic practices and games until the student has received written medical
22 clearance from a licensed health care provider trained in concussion management for the
23 student to begin the gradual resumption of participation in the activity or practices and
24 games based on the current standards of care.

25 **Sec. 5. Implementation of model policy; phase-in.** In accordance with the
26 provisions of section 4 and by September 1, 2012, the Commissioner of Education shall
27 develop a model policy for the management of concussive and other head injuries as set
28 forth in the Maine Revised Statutes, Title 20-A, section 254, subsection 16 for full
29 implementation by school administrative units and private schools enrolling more than
30 60% of their students at public expense in this State no later than the 2013-2014 school
31 year. Notwithstanding Title 20-A, section 1001, subsection 19, the implementation of the
32 model policy must be phased in according to the following timeline.

33 **1. Local adoption by January 1, 2013.** The school board of each school
34 administrative unit and the governing body of each private school enrolling more than
35 60% of its students at public expense in this State shall adopt and begin implementation
36 of a policy on the management of concussive and other head injuries as set forth in Title
37 20-A, section 1001, subsection 19 no later than January 1, 2013.

38 **2. Phased-in implementation.** The school board of each school administrative unit
39 and the governing body of each private school enrolling more than 60% of its students at
40 public expense in this State shall gradually implement their policies, including the
41 requirements included in the model policy developed by the commissioner, during the

1 2012-2013 and 2013-2014 school years and in accordance with the regular sequence of
2 school activities and athletic seasons over that period of time so that the policies are fully
3 implemented by the end of the 2013-2014 school year.

4 The commissioner shall report to the joint standing committee of the Legislature
5 having jurisdiction over education matters by January 15, 2014 on the status of the
6 implementation of the policies.

7 **Sec. 6. Sharing information.** The Commissioner of Education, school
8 administrative units and private schools enrolling more than 60% of their students at
9 public expense in this State may share with statewide and local organizations that sponsor
10 sports and athletics the model policy, information, training, protocols and forms
11 developed under section 4 regarding the management of concussive and other head
12 injuries in school activities and athletics.

13 **Emergency clause.** In view of the emergency cited in the preamble, this
14 legislation takes effect when approved.

15 **SUMMARY**

16 This bill is reported out by the Joint Standing Committee on Education and Cultural
17 Affairs pursuant to Joint Order 2011, S.P. 644. The bill directs the Commissioner of
18 Education to propose a model policy for public schools and private schools enrolling
19 more than 60% of their students at public expense in this State on the management of
20 concussive and other head injuries in school activities and athletics. The bill also
21 accomplishes the following.

22 1. It directs the commissioner to invite representatives of educational stakeholders
23 and interested parties to participate in a working group that will meet during the spring
24 and summer of 2012 to develop a model policy that addresses the prevention, diagnosis
25 and treatment of concussive and other head injuries in students and student athletes.

26 2. It provides that the model policy must include the following requirements:

27 A. That athletic directors, coaches and other school personnel involved with school
28 activities and athletics must be provided with training in the identification and
29 management of concussive and other head injuries;

30 B. That a student participating in a school athletic activity and the student's parent or
31 legal guardian must review the school's policy on the management of concussive and
32 other head injuries;

33 C. That schools must use protocols and forms in the implementation of the policy on
34 the management of concussive and other head injuries;

35 D. That a student suspected of having sustained a concussive or other head injury in
36 any activity or athletic practice or game must be removed from participation
37 immediately and evaluated for brain injury prior to returning to the activity or
38 practices and games; and

1 E. That a student suspected of having sustained a concussion after an evaluation must
2 be banned from further participation until the student has received written medical
3 clearance from a licensed health care provider trained in concussion management for
4 the student to begin the gradual resumption of participation in the activity or practices
5 and games.

6 3. It establishes that schools are required to adopt a policy on management of head
7 injuries and begin implementation of the policy by January 1, 2013 and further provides
8 that schools must gradually implement the policy during the 2012-2013 and 2013-2014
9 school years.

10 4. It provides that the Commissioner of Education and school officials may share the
11 model policy on the management of concussive and other head injuries, including the
12 information, training, protocols and forms included in the policy, with statewide and local
13 organizations that sponsor sports and athletics.