

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2060 Session of 2009

INTRODUCED BY BRIGGS, CURRY, DeLUCA, DONATUCCI, FRANKEL,
FREEMAN, GROVE, HOUGHTON, KORTZ, MAHONEY, McGEEHAN,
M. O'BRIEN, SWANGER, YOUNGBLOOD, STEVENSON, M. SMITH,
MARSHALL, GERBER, YUDICHAK, MURPHY, GERGELY, FABRIZIO,
HARKINS, HORNAMAN AND SHAPIRO, OCTOBER 26, 2009

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 16, 2010

AN ACT

1 ~~Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An~~ ←
2 ~~act relating to the public school system, including certain~~
3 ~~provisions applicable as well to private and parochial~~
4 ~~schools; amending, revising, consolidating and changing the~~
5 ~~laws relating thereto," providing for management of~~
6 ~~concussions and head injuries.~~
7 AMENDING THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), ENTITLED "AN ←
8 ACT RELATING TO THE PUBLIC SCHOOL SYSTEM, INCLUDING CERTAIN
9 PROVISIONS APPLICABLE AS WELL TO PRIVATE AND PAROCHIAL
10 SCHOOLS; AMENDING, REVISING, CONSOLIDATING AND CHANGING THE
11 LAWS RELATING THERETO," PROVIDING FOR MANAGEMENT OF
12 CONCUSSIONS AND HEAD INJURIES.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 ~~Section 1. The act of March 10, 1949 (P.L.30, No.14), known~~ ←
16 ~~as the Public School Code of 1949, is amended by adding a~~
17 ~~section to read:~~

18 ~~Section 1606 A. Management of Concussions and Head~~
19 ~~Injuries.—(a) The association, in cooperation with the~~
20 ~~Department of Health, shall develop guidelines and other~~
21 ~~pertinent information and forms to inform and educate students~~

~~involved in interscholastic athletics, their parents and their coaches about the nature and risk of concussion and head injury including the risks associated with continuing to play after a concussion or head injury.~~

~~(b) A student involved in interscholastic athletics and the student's parent or guardian shall annually sign and return to the student's school a concussion and head injury information sheet prior to the student's participating in practice or competition.~~

~~(c) A student who is suspected of sustaining a concussion or head injury in a practice or game shall be removed from play at that time. The student shall not return to play until the student is evaluated by a licensed health care provider trained in the evaluation and management of concussion and receives written clearance to return to play from that health care provider.~~

~~Section 2. This act shall take effect in 60 days.~~

SECTION 1. THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949, IS AMENDED BY ADDING AN ARTICLE TO READ:

ARTICLE XVI-A.1

MANAGEMENT OF CONCUSSIONS AND HEAD INJURIES

SECTION 1601-A.1. SCOPE OF ARTICLE.

THIS ARTICLE DEALS WITH MANAGEMENT OF CONCUSSIONS AND HEAD INJURIES TO STUDENTS PARTICIPATING IN ATHLETIC ACTIVITIES.

SECTION 1602-A.1. DEFINITIONS.

THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

"ATHLETIC ACTIVITY." ALL OF THE FOLLOWING:

1 (1) INTERSCHOLASTIC ATHLETICS.

2 (2) AN ATHLETIC CONTEST OR COMPETITION, OTHER THAN
3 INTERSCHOLASTIC ATHLETICS, THAT IS SPONSORED BY OR ASSOCIATED
4 WITH A SCHOOL ENTITY, INCLUDING CHEERLEADING, CLUB-SPONSORED
5 SPORTS ACTIVITIES AND SPORTS ACTIVITIES SPONSORED BY SCHOOL-
6 AFFILIATED ORGANIZATIONS.

7 (3) NONCOMPETITIVE CHEERLEADING.

8 (4) PRACTICES, INTER-SCHOOL PRACTICES AND SCRIMMAGES FOR
9 ALL OF THE ACTIVITIES LISTED UNDER PARAGRAPHS (1), (2) AND
10 (3).

11 "INTERSCHOLASTIC ATHLETICS." AS DEFINED IN SECTION 1602-A.

12 "NONPUBLIC SCHOOL." AS DEFINED IN SECTION 1602-A.

13 "SCHOOL ENTITY." AS DEFINED IN SECTION 1602-A.

14 SECTION 1603-A.1. CONCUSSIONS AND HEAD INJURIES.

15 (A) DEVELOPMENT.--THE DEPARTMENT OF HEALTH AND THE
16 DEPARTMENT OF EDUCATION SHALL DEVELOP GUIDELINES AND OTHER
17 RELEVANT MATERIALS TO INFORM AND EDUCATE STUDENTS PARTICIPATING
18 IN OR DESIRING TO PARTICIPATE IN AN ATHLETIC ACTIVITY, THEIR
19 PARENTS AND THEIR COACHES ABOUT THE NATURE AND RISK OF
20 CONCUSSION AND HEAD INJURY, INCLUDING THE RISKS ASSOCIATED WITH
21 CONTINUING TO PLAY OR PRACTICE AFTER A CONCUSSION OR HEAD
22 INJURY. IN DEVELOPING THE GUIDELINES AND MATERIALS, THE
23 DEPARTMENTS MAY UTILIZE EXISTING MATERIALS DEVELOPED BY THE
24 CENTERS FOR DISEASE CONTROL AND PREVENTION.

25 (B) INFORMATIONAL MEETING.--A SCHOOL ENTITY MAY HOLD AN
26 INFORMATIONAL MEETING PRIOR TO THE START OF EACH ATHLETIC SEASON
27 FOR ALL AGES OF COMPETITORS REGARDING CONCUSSION AND OTHER HEAD
28 INJURIES AND THE IMPORTANCE OF PROPER CONCUSSION MANAGEMENT.
29 INFORMATIONAL MEETINGS MAY INCLUDE COACHES, PARENTS, STUDENTS
30 AND A LICENSED PHYSICIAN, LICENSED PSYCHOLOGIST OR A CERTIFIED

ATHLETIC TRAINER, TRAINED IN THE EVALUATION AND MANAGEMENT OF
CONCUSSIONS.

(C) ACKNOWLEDGMENT.--A STUDENT PARTICIPATING IN OR DESIRING
TO PARTICIPATE IN AN ATHLETIC ACTIVITY AND THE STUDENT'S PARENT
OR GUARDIAN SHALL ANNUALLY SIGN AND RETURN TO THE STUDENT'S
SCHOOL AN ACKNOWLEDGMENT OF RECEIPT AND REVIEW OF A CONCUSSION
AND HEAD INJURY INFORMATION SHEET DEVELOPED UNDER SUBSECTION (A)
PRIOR TO THE STUDENT'S PARTICIPATION. A STUDENT SHALL NOT
PARTICIPATE IN ANY ATHLETIC ACTIVITY IN A GIVEN ATHLETIC SEASON
UNTIL THE SCHOOL HAS RECEIVED A SIGNED ACKNOWLEDGMENT OF RECEIPT
AND REVIEW FROM THE STUDENT FOR THAT SEASON.

(D) REMOVAL FROM PLAY.--A STUDENT WHO EXHIBITS SIGNS OR
SYMPTOMS OF A CONCUSSION OR HEAD INJURY WHILE PARTICIPATING IN
AN ATHLETIC ACTIVITY SHALL BE REMOVED FROM PARTICIPATION AT THAT
TIME. THE STUDENT SHALL NOT RETURN TO PARTICIPATION UNTIL THE
STUDENT IS EVALUATED AND CLEARED FOR RETURN TO PARTICIPATION, IN
WRITING, BY A LICENSED PHYSICIAN OR A LICENSED PSYCHOLOGIST
TRAINED IN THE EVALUATION AND MANAGEMENT OF CONCUSSIONS. SCHOOL
ENTITIES, PHYSICIANS AND PSYCHOLOGISTS MAY UTILIZE SYMPTOM
CHECKLISTS, BALANCE TESTING AND NEUROCOGNITIVE TESTING IN
ADDITION TO INPUT FROM A CERTIFIED ATHLETIC TRAINER, TRAINED IN
THE EVALUATION AND MANAGEMENT OF CONCUSSIONS, AS PART OF A
COMPREHENSIVE EVALUATION TO HELP DETERMINE IF A STUDENT IS
ADEQUATELY RECOVERED FOLLOWING A CONCUSSION OR OTHER HEAD INJURY
AND FIT TO RETURN TO PARTICIPATION.

(E) TRAINING COURSE.--COACHES SHALL COMPLETE A CONCUSSION
MANAGEMENT CERTIFICATION TRAINING COURSE OFFERED BY THE CENTERS
FOR DISEASE CONTROL AND PREVENTION, THE NATIONAL FEDERATION OF
HIGH SCHOOLS OR ANOTHER PROVIDER APPROVED BY THE DEPARTMENT OF
HEALTH. COACHES SHALL COMPLETE THE TRAINING ONCE EVERY THREE

1 YEARS. A COACH SHALL NOT COACH ANY ATHLETIC ACTIVITY UNTIL THE
2 COACH COMPLETES THE TRAINING COURSE REQUIRED UNDER THIS
3 SUBSECTION.

4 (F) PENALTIES.--THE GOVERNING BODY OF EACH SCHOOL ENTITY IN
5 THIS COMMONWEALTH SHALL ESTABLISH THE FOLLOWING MINIMUM
6 PENALTIES FOR ANY COACH FOUND IN VIOLATION OF THE REQUIREMENTS
7 UNDER SUBSECTION (D):

8 (1) FOR A FIRST VIOLATION, SUSPENSION FROM COACHING ANY
9 ATHLETIC ACTIVITY FOR THE REMAINDER OF THE SEASON.

10 (2) FOR A SECOND VIOLATION, SUSPENSION FROM COACHING ANY
11 ATHLETIC ACTIVITY FOR THE REMAINDER OF THE SEASON AND FOR THE
12 NEXT SEASON.

13 (3) FOR A THIRD VIOLATION, PERMANENT SUSPENSION FROM
14 COACHING ANY ATHLETIC ACTIVITY.

15 (G) CONSTRUCTION.--NOTHING IN THIS SECTION SHALL BE
16 CONSTRUED TO ABRIDGE OR LIMIT ANY RIGHTS PROVIDED UNDER A
17 COLLECTIVE BARGAINING AGREEMENT OR ANY RIGHTS PROVIDED UNDER THE
18 ACT OF JULY 23, 1970 (P.L.563, NO.195), KNOWN AS THE PUBLIC
19 EMPLOYE RELATIONS ACT.

20 SECTION 2. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.