

113TH CONGRESS
1ST SESSION

H. R. 3532

To promote State requirements for local educational agencies and public elementary and secondary schools relating to the prevention and treatment of concussions suffered by students.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 19, 2013

Mr. BISHOP of New York (for himself and Mr. GEORGE MILLER of California) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To promote State requirements for local educational agencies and public elementary and secondary schools relating to the prevention and treatment of concussions suffered by students.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Student
5 Athletes From Concussions Act of 2013”.

1 **SEC. 2. MINIMUM STATE REQUIREMENTS.**

2 Part E of title IX of the Elementary and Secondary
3 Education Act of 1965 (20 U.S.C. 7901 et seq.) is amend-
4 ed—

5 (1) by striking the heading relating to subpart
6 2 and inserting the following:

7 **“Subpart 3—Other Provisions”;**

8 and

9 (2) by inserting after subpart 1, the following
10 new subpart:

11 **“Subpart 2—State Requirements for the Prevention**
12 **and Treatment of Concussions**

13 **“SEC. 9511. MINIMUM STATE REQUIREMENTS.**

14 “(a) IN GENERAL.—Beginning fiscal year 2015, as
15 a condition of receiving funds under this Act for a fiscal
16 year, a State shall, not later than July 1 of the preceding
17 fiscal year, certify to the Secretary in accordance with sub-
18 section (b) that the State has in effect and is enforcing
19 a law or regulation that, at a minimum, establishes the
20 following requirements:

21 “(1) LOCAL EDUCATIONAL AGENCY CONCUS-
22 SION SAFETY AND MANAGEMENT PLAN.—Each local
23 educational agency in the State (including each
24 charter school that is considered a local educational
25 agency under State law), in consultation with mem-
26 bers of the community in which the local educational

1 agency is located, shall develop and implement a
2 standard plan for concussion safety and manage-
3 ment for public schools served by the local edu-
4 cational agency that includes—

5 “(A) the education of students, parents,
6 and school personnel about concussions, includ-
7 ing—

8 “(i) the training of school personnel
9 on evidence-based concussion safety and
10 management, including on prevention, rec-
11 ognition, risk, academic consequences, and
12 response for both initial and any subse-
13 quent concussions; and

14 “(ii) using, maintaining, and dissemi-
15 nating to students and parents release
16 forms, treatment plans, observation, moni-
17 toring, and reporting forms, recordkeeping
18 forms, and post-injury and prevention fact
19 sheets about concussions;

20 “(B) supports for each student recovering
21 from a concussion, including—

22 “(i) guiding the student in resuming
23 participation in school-sponsored athletic
24 activities and academic activities with the

1 help of a multidisciplinary concussion man-
2 agement team, which shall include—

3 “(I) a health care professional,
4 the parents of such student, and other
5 relevant school personnel; and

6 “(II) an individual who is as-
7 signed by the public school in which
8 the student is enrolled to oversee and
9 manage the recovery of the student;

10 “(ii) providing appropriate academic
11 accommodations aimed at progressively re-
12 introducing cognitive demands on such a
13 student; and

14 “(iii) if the student’s symptoms of
15 concussion persist for a substantial period
16 of time—

17 “(I) evaluating the student in ac-
18 cordance with section 614 of the Indi-
19 vidual with Disabilities Education Act
20 (20 U.S.C. 1414) to determine wheth-
21 er the student is eligible for services
22 under part B of such Act (20 U.S.C.
23 1411 et seq.); or

24 “(II) evaluating whether the stu-
25 dent is eligible for services under sec-

1 tion 504 of the Rehabilitation Act of
2 1973 (29 U.S.C. 794); and

3 “(C) best practices designed to ensure,
4 with respect to concussions, the uniformity of
5 safety standards, treatment, and management,
6 including—

7 “(i) disseminating information on con-
8 cussion safety and management to the
9 public; and

10 “(ii) applying best practice and uni-
11 form standards for concussion safety and
12 management to all students enrolled in the
13 public schools served by the local edu-
14 cational agency.

15 “(2) POSTING OF INFORMATION ON CONCUS-
16 SIONS.—Each public school in the State shall post
17 on school grounds, in a manner that is visible to stu-
18 dents and school personnel, and make publicly avail-
19 able on the school website, information on concus-
20 sions that—

21 “(A) is based on peer-reviewed scientific
22 evidence or consensus (such as information
23 made available by the Centers for Disease Con-
24 trol and Prevention);

25 “(B) shall include—

1 “(i) the risks posed by sustaining a
2 concussion or multiple concussions;

3 “(ii) the actions a student should take
4 in response to sustaining a concussion, in-
5 cluding the notification of school personnel;
6 and

7 “(iii) the signs and symptoms of a
8 concussion; and

9 “(C) may include—

10 “(i) the definition of a concussion
11 under section 9512(1);

12 “(ii) the means available to the stu-
13 dent to reduce the incidence or recurrence
14 of a concussion; and

15 “(iii) the effects of a concussion on
16 academic learning and performance.

17 “(3) RESPONSE TO A CONCUSSION.—If any
18 school personnel of a public school in the State sus-
19 pect that a student has sustained a concussion dur-
20 ing a school-sponsored athletic activity or other
21 school-sponsored activity—

22 “(A) the student shall be—

23 “(i) immediately removed from par-
24 ticipation in such activity; and

1 “(ii) prohibited from resuming partici-
2 pation in school-sponsored athletic activi-
3 ties—

4 “(I) on the day the student sus-
5 tained the concussion; and

6 “(II) until the day the student is
7 capable of resuming such participa-
8 tion, according to the student’s writ-
9 ten release, as described in paragraph
10 (4);

11 “(B) the school personnel shall report to
12 the concussion management team—

13 “(i) that the student may have sus-
14 tained a concussion; and

15 “(ii) all available information with re-
16 spect to the student’s injury; and

17 “(C) the concussion management team
18 shall confirm and report to the parents of the
19 student—

20 “(i) the type of injury, and the date
21 and time of the injury, suffered by the stu-
22 dent; and

23 “(ii) any actions that have been taken
24 to treat the student.

1 “(4) RETURN TO ATHLETICS.—If a student en-
2 rolled in a public school in the State sustains a con-
3 cussion, before the student resumes participation in
4 school-sponsored athletic activities, the relevant
5 school personnel shall receive a written release from
6 a health care professional, that—

7 “(A) may require the student to follow a
8 plan designed to aid the student in recovering
9 and resuming participation in such activities in
10 a manner that—

11 “(i) is coordinated, as appropriate,
12 with periods of cognitive and physical rest
13 while symptoms of a concussion persist;
14 and

15 “(ii) reintroduces cognitive and phys-
16 ical demands on the student on a progres-
17 sive basis so long as such increases in exer-
18 tion do not cause the reemergence or wors-
19 ening of symptoms of a concussion; and

20 “(B) states that the student is capable of
21 resuming participation in such activities once
22 the student is asymptomatic.

23 “(5) RETURN TO ACADEMICS.—If a student en-
24 rolled in a public school in the State has sustained
25 a concussion, the concussion management team (as

1 described under paragraph (1)(B)(i)) of the school
2 shall consult with and make recommendations to rel-
3 evant school personnel and the student to ensure
4 that the student is receiving the appropriate aca-
5 demic supports, including—

6 “(A) providing for periods of cognitive rest
7 over the course of the school day;

8 “(B) providing modified academic assign-
9 ments;

10 “(C) allowing for gradual reintroduction to
11 cognitive demands; and

12 “(D) other appropriate academic accom-
13 modations or adjustments.

14 “(b) CERTIFICATION REQUIREMENT.—The certifi-
15 cation required under subsection (a) shall be in writing
16 and include a description of the law or regulation that
17 meets the requirements of subsection (a).

18 **“SEC. 9512. DEFINITIONS.**

19 “In this subpart:

20 “(1) CONCUSSION.—The term ‘concussion’
21 means a type of mild traumatic brain injury that—

22 “(A) is caused by a blow, jolt, or motion
23 to the head or body that causes the brain to
24 move rapidly in the skull;

1 “(B) disrupts normal brain functioning
2 and alters the physiological state of the indi-
3 vidual, causing the individual to experience—

4 “(i) any period of observed or self-re-
5 ported—

6 “(I) transient confusion, dis-
7 orientation, or altered consciousness;

8 “(II) dysfunction of memory
9 around the time of injury; or

10 “(III) disruptions in gait or bal-
11 ance; and

12 “(ii) symptoms that may include—

13 “(I) physical symptoms, such as
14 headache, fatigue, or dizziness;

15 “(II) cognitive symptoms, such
16 as memory disturbance or slowed
17 thinking;

18 “(III) emotional symptoms, such
19 as irritability or sadness; or

20 “(IV) difficulty sleeping; and

21 “(C) occurs—

22 “(i) with or without the loss of con-
23 sciousness; and

24 “(ii) during participation—

1 “(I) in a school-sponsored ath-
2 letic activity; or

3 “(II) in any other activity with-
4 out regard to whether the activity
5 takes place on school property or dur-
6 ing the school day.

7 “(2) HEALTH CARE PROFESSIONAL.—The term
8 ‘health care professional’ means a physician (includ-
9 ing a medical doctor or doctor of osteopathic medi-
10 cine), nurse, athletic trainer, physical therapist,
11 neuropsychologist, or other qualified individual—

12 “(A) who is registered, licensed, certified,
13 or otherwise statutorily recognized by the State
14 to provide medical treatment; and

15 “(B) whose scope of practice and experi-
16 ence includes the diagnosis and management of
17 traumatic brain injury among a pediatric popu-
18 lation.

19 “(3) PUBLIC SCHOOL.—The term ‘public
20 school’ means a public elementary school or public
21 secondary school.

22 “(4) SCHOOL PERSONNEL.—The term ‘school
23 personnel’ has the meaning given such term in sec-
24 tion 4151, except that such term includes coaches
25 and athletic trainers.

1 “(5) SCHOOL-SPONSORED ATHLETIC ACTIV-
2 ITY.—The term ‘school-sponsored athletic activity’
3 means—

4 “(A) any physical education class or pro-
5 gram of a public school;

6 “(B) any athletic activity authorized by a
7 public school that takes place during the school
8 day on the school’s property;

9 “(C) any activity of an extra-curricular
10 sports team, club, or league organized by a pub-
11 lic school; and

12 “(D) any recess activity of a public
13 school.”.

14 **SEC. 3. CONFORMING AMENDMENTS.**

15 The table of contents in section 2 of the Elementary
16 and Secondary Education Act of 1965 is amended—

17 (1) by striking the item relating to the heading
18 of subpart 2 of part E of title IX and inserting the
19 following new item:

 “SUBPART 3—GENERAL PROVISIONS”;

20 and

21 (2) by inserting after the item relating to sec-
22 tion 9506, the following new items:

 “SUBPART 2—STATE REQUIREMENTS FOR THE PREVENTION AND TREATMENT
 OF CONCUSSIONS

“Sec. 9511. Minimum State requirements.
“Sec. 9512. Definitions.”.

