

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.

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## 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

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## 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.”.

