

118TH CONGRESS  
1ST SESSION

# H. R. 5704

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

SEPTEMBER 26, 2023

Mr. DESAULNIER (for himself and Mr. STAUBER) 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”.

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

2 Part F of title VIII of the Elementary and Secondary  
3 Education Act of 1965 (20 U.S.C. 7881 et seq.) is amend-  
4 ed by adding at the end the following:

5 **“Subpart 6—State Requirements for the Prevention**  
6 **and Treatment of Concussions**

7 **“SEC. 8581. MINIMUM STATE REQUIREMENTS.**

8 “(a) IN GENERAL.—Beginning with fiscal year 2025,  
9 as a condition of receiving funds under this Act for a fiscal  
10 year, a State shall, not later than July 1 of the preceding  
11 fiscal year, certify to the Secretary in accordance with sub-  
12 section (b) that the State has in effect and is enforcing  
13 a law or regulation that, at a minimum, establishes the  
14 following requirements:

15 “(1) LOCAL EDUCATIONAL AGENCY CONCUS-  
16 SION SAFETY AND MANAGEMENT PLAN.—Each local  
17 educational agency in the State (including each  
18 charter school that is considered a local educational  
19 agency under State law), in consultation with mem-  
20 bers of the community in which the local educational  
21 agency is located, shall develop and implement a  
22 standard plan for concussion safety and manage-  
23 ment for public schools served by the local edu-  
24 cational agency that includes—

1           “(A) the education of students, parents,  
2           and school personnel about concussions, includ-  
3           ing—

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

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

16           “(B) supports for each student recovering  
17           from a concussion, including—

18                   “(i) guiding the student in resuming  
19                   participation in school-sponsored athletic  
20                   activities and academic activities with the  
21                   help of a multidisciplinary concussion man-  
22                   agement team, which shall include—

23                           “(I) a health care professional,  
24                           the parents of such student, and other  
25                           relevant school personnel; and

1                   “(II) an individual who is as-  
2                   signed by the public school in which  
3                   the student is enrolled to oversee and  
4                   manage the recovery of the student;

5                   “(ii) providing appropriate academic  
6                   accommodations aimed at progressively re-  
7                   introducing cognitive demands on such a  
8                   student; and

9                   “(iii) if the student’s symptoms of  
10                  concussion persist for a substantial period  
11                  of time—

12                  “(I) evaluating the student in ac-  
13                  cordance with section 614 of the Indi-  
14                  viduals with Disabilities Education  
15                  Act (20 U.S.C. 1414) to determine  
16                  whether the student is eligible for  
17                  services under part B of such Act (20  
18                  U.S.C. 1411 et seq.); or

19                  “(II) evaluating whether the stu-  
20                  dent is eligible for services under sec-  
21                  tion 504 of the Rehabilitation Act of  
22                  1973 (29 U.S.C. 794); and

23                  “(C) best practices designed to ensure,  
24                  with respect to concussions, the uniformity of

1 safety standards, treatment, and management,  
2 including—

3 “(i) disseminating information on con-  
4 cussion safety and management to the  
5 public; and

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

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

17 “(A) is based on peer-reviewed scientific  
18 evidence or consensus (such as information  
19 made available by the Centers for Disease Con-  
20 trol and Prevention);

21 “(B) shall include—

22 “(i) the risks posed by sustaining a  
23 concussion or multiple concussions;

24 “(ii) the actions a student should take  
25 in response to sustaining a concussion, in-

1 cluding the notification of school personnel;  
2 and

3 “(iii) the signs and symptoms of a  
4 concussion; and

5 “(C) may include—

6 “(i) the definition of a concussion  
7 under section 8582(1);

8 “(ii) the means available to the stu-  
9 dent to reduce the incidence or recurrence  
10 of a concussion; and

11 “(iii) the effects of a concussion on  
12 academic learning and performance.

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

18 “(A) the student shall be—

19 “(i) immediately removed from par-  
20 ticipation in such activity; and

21 “(ii) prohibited from resuming partici-  
22 pation in school-sponsored athletic activi-  
23 ties—

24 “(I) on the day the student sus-  
25 tained the concussion; and

1                   “(II) until the day the student is  
2                   capable of resuming such participa-  
3                   tion, according to the student’s writ-  
4                   ten release, as described in paragraph  
5                   (4);

6                   “(B) the school personnel shall report to  
7                   the concussion management team—

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

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

12                  “(C) the concussion management team  
13                  shall confirm and report to the parents of the  
14                  student—

15                  “(i) the type of injury, and the date  
16                  and time of the injury, suffered by the stu-  
17                  dent; and

18                  “(ii) any actions that have been taken  
19                  to treat the student.

20                  “(4) RETURN TO ATHLETICS.—If a student en-  
21                  rolled in a public school in the State sustains a con-  
22                  cussion, before the student resumes participation in  
23                  school-sponsored athletic activities, the relevant  
24                  school personnel shall receive a written release from  
25                  a health care professional, that—

1           “(A) may require the student to follow a  
2           plan designed to aid the student in recovering  
3           and resuming participation in such activities in  
4           a manner that—

5                   “(i) is coordinated, as appropriate,  
6                   with periods of cognitive and physical rest  
7                   while symptoms of a concussion persist;  
8                   and

9                   “(ii) reintroduces cognitive and phys-  
10                  ical demands on the student on a progres-  
11                  sive basis so long as such increases in exer-  
12                  tion do not cause the reemergence or wors-  
13                  ening of symptoms of a concussion; and

14                  “(B) states that the student is capable of  
15                  resuming participation in such activities once  
16                  the student is asymptomatic.

17                  “(5) RETURN TO ACADEMICS.—If a student en-  
18                  rolled in a public school in the State has sustained  
19                  a concussion, the concussion management team (as  
20                  described under paragraph (1)(B)(i)) of the school  
21                  shall consult with and make recommendations to rel-  
22                  evant school personnel and the student to ensure  
23                  that the student is receiving the appropriate aca-  
24                  demic supports, including—



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

3           “(B) providing modified academic assign-  
4 ments;

5           “(C) allowing for gradual reintroduction to  
6 cognitive demands; and

7           “(D) other appropriate academic accom-  
8 modations or adjustments.

9           “(b) CERTIFICATION REQUIREMENT.—The certifi-  
10 cation required under subsection (a) shall be in writing  
11 and include a description of the law or regulation that  
12 meets the requirements of subsection (a).

13 **“SEC. 8582. DEFINITIONS.**

14           “‘In this subpart:

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

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

20           “(B) disrupts normal brain functioning  
21 and alters the physiological state of the indi-  
22 vidual, causing the individual to experience—

23           “(i) any period of observed or self-re-  
24 ported—

1           “(I) transient confusion, dis-  
2           orientation, or altered consciousness;

3           “(II) dysfunction of memory  
4           around the time of injury; or

5           “(III) disruptions in gait or bal-  
6           ance; and

7           “(ii) symptoms that may include—

8           “(I) physical symptoms, such as  
9           headache, fatigue, or dizziness;

10           “(II) cognitive symptoms, such  
11           as memory disturbance or slowed  
12           thinking;

13           “(III) emotional symptoms, such  
14           as irritability or sadness; or

15           “(IV) difficulty sleeping; and

16           “(C) occurs—

17           “(i) with or without the loss of con-  
18           sciousness; and

19           “(ii) during participation—

20           “(I) in a school-sponsored ath-  
21           letic activity; or

22           “(II) in any other activity with-  
23           out regard to whether the activity  
24           takes place on school property or dur-  
25           ing the school day.

1           “(2) HEALTH CARE PROFESSIONAL.—The term  
2           ‘health care professional’ means an individual—

3                   “(A) who has been educated in diagnosis  
4                   and management of concussion in a pediatric  
5                   population;

6                   “(B) is registered, licensed, nationally cer-  
7                   tified, or otherwise statutorily recognized by the  
8                   State to provide such diagnosis and manage-  
9                   ment; and

10                   “(C) whose scope of practice and experi-  
11                   ence includes the diagnosis and management of  
12                   traumatic brain injury among a pediatric popu-  
13                   lation.

14           “(3) PUBLIC SCHOOL.—The term ‘public  
15           school’ means a public elementary school or public  
16           secondary school.

17           “(4) SCHOOL PERSONNEL.—The term ‘school  
18           personnel’ includes teachers, principals, administra-  
19           tors, counselors, social workers, psychologists,  
20           nurses, librarians, coaches and athletic trainers, and  
21           other support staff who are employed by a school or  
22           who perform services for the school on a contractual  
23           basis.

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 extracurricular  
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 by in-  
17           serting after the item relating to section 8574 the fol-  
18           lowing:

“SUBPART 6—STATE REQUIREMENTS FOR THE PREVENTION AND TREATMENT  
OF CONCUSSIONS

“Sec. 8581. Minimum State requirements.

“Sec. 8582. Definitions.”.

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