

Concussion Management In Schools

Legal and Regulatory Provisions

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School District Responsibilities Regarding Students Who Sustain concussions while engaged in school-sponsored athletic activities

Any student who sustains, or is believed to have sustained, a mild traumatic brain injury (concussion), during such an activity must be removed immediately from the activity (§ [305\(42\)\(a\)\(ii\)](#); 8 NYCRR §§ 136.5(d)(1)).

In addition, such a student may not resume athletic activity until he or she has been symptom free for a minimum of 24 hours and has been evaluated and received written authorization from a licensed physician, whether the injury was received in or out of school (§ [305\(42\)\(a\)\(i\)](#); 8 NYCRR §§ 136.5(b)(2), (d)(2)). For renewed participation in extra class athletics the student must also receive clearance from the school district's medical director (8 NYCRR §§ 136.5(d)(2)). Such authorizations must be kept on file in the student's permanent health record. The district must follow any instructions received from the student's treating physician regarding limitations and restrictions on school attendance and activities (8 NYCRR §§ 136.5(d)(2)(i), (ii)). Parental consent forms or permission slips for participation in interscholastic athletics must contain the definition of mild traumatic brain injury and how such injuries occur, information on the signs and symptoms of such injuries, and the state guidelines for return to activity after such an injury (§ [305\(42\)\(a\)\(ii\)](#); 8 NYCRR §§ 136.5(c)(2)).

The NYS Department of Education (SED) and the NYS Department of Health (DOH) are required to post basic information regarding mild traumatic brain injuries on their respective websites (§ [305\(42\)\(a\)\(ii\)](#); Pub. Health Law § [206\(28\)](#)). Districts must post on their websites the same information or a reference on how to obtain such information from SED and DOH (8 NYCRR §§ 136.5(c)(3)).

Concussion Training Requirements for Coaches, Physical Education Teachers and Athletic Trainers

As of July 1, 2012, all school coaches, physical education teachers, nurses and athletic trainers must complete a course on recognizing the symptoms of concussions, also referred to as mild traumatic brain injuries (MTBI), and must do so on a biennial basis. The course must include, at minimum, the definition of a "concussion," signs and symptoms of mild traumatic brain injuries, how such injuries may occur, practices regarding prevention, and the guidelines for the return to school and to certain school activities after a pupil has suffered a mild traumatic brain injury regardless of whether such injury occurred outside of school. Such training may be completed by online and by teleconference approved by the education department (§ [305\(42\)\(a\)\(i\)](#); 8 NYCRR §§ 135.4(c)(7)(i)(c)(2); 136.5; see also NYS Education Department, Office of Student

Support Services, Guidelines for Concussion Management in the Schools, (June 2012), at: <http://www.p12.nysed.gov/sss/schoolhealth/schoolhealthservices/ConcussionManageGuidelines.pdf>.

Education Law Section 305

Subdivision 42 a sets forth:

The commissioner, in conjunction with the commissioner of health, shall promulgate and review as necessary rules and regulations relating to pupils who suffer mild traumatic brain injuries, also referred to as a "concussion," while receiving instruction or engaging in any school sponsored or related activity. In developing such rules and regulations, the commissioner shall consider comments from stakeholders and other interested parties including but not limited to parents, teachers, students, school administrators, school athletic trainers, sport coaches, medical and health professionals, the public schools athletic league (PSAL), the New York state public high school athletic association (NYSPHSAA), and other athletic associations. Such regulations shall include, but not be limited to:

(i) requiring a course of instruction relating to recognizing the symptoms of mild traumatic brain injuries and monitoring and seeking proper medical treatment for pupils who suffer mild traumatic brain injuries. Such course of instruction shall be required to be completed on a biennial basis by all school coaches, physical education teachers, nurses and athletic trainers. The course of instruction required by this subparagraph shall include, but not be limited to, the definition of a "concussion," signs and symptoms of mild traumatic brain injuries, how such injuries may occur, practices regarding prevention, and the guidelines for the return to school and to certain school activities after a pupil has suffered a mild traumatic brain injury regardless of whether such injury occurred outside of school. Such training may be completed by means of courses of instruction, including but not limited to, courses provided online and by teleconference approved by the department;

(ii) providing that the department and the department of health shall post on their internet websites information relating to mild traumatic brain injuries, which shall include but not be limited to, the definition of a "concussion," signs and symptoms of mild traumatic brain injuries, how such injuries may occur, and the guidelines for the return to school and to certain school activities after a pupil has suffered a mild traumatic brain injury regardless of whether such injury occurred outside of school. Schools shall be required to include such information in any permission form or parent or person in parental relation consent form or similar document that may be required for a pupil's participation in interscholastic sports and shall also include such information, or reference how to obtain such information from the department and the department of health internet websites, on the school's internet website, if one exists;

(iii) requiring the immediate removal from athletic activities of any pupil believed to have sustained or who has sustained a mild traumatic brain injury. In the event that there is any doubt as to whether a pupil has sustained a concussion, it shall be presumed that he or she has been

so injured until proven otherwise. No such pupil shall resume athletic activity until he or she shall have been symptom free for not less than twenty-four hours, and has been evaluated by and received written and signed authorization from a licensed physician. Such authorization shall be kept on file in the pupil's permanent health record. Furthermore, such rules and regulations shall provide guidelines for limitations and restrictions on school attendance and activities for pupils who have sustained mild traumatic brain injuries, consistent with the directives of the pupil's treating physician.

(iv) authorizing each school or school district, in its discretion, to establish a concussion management team which may be composed of the athletic director (if any), a school nurse, the school physician, a coach of an interscholastic team, an athletic trainer or such other appropriate personnel as designated by the school or school district. The concussion management team shall oversee the implementation of the rules and regulations promulgated pursuant to this subdivision as it pertains to their associated school including the requirement that all school coaches, physical education teachers, nurses and athletic trainers that work with and provide instruction to pupils engaged in school sponsored athletic activities complete training relating to mild traumatic brain injuries. Furthermore, every concussion management team may establish and implement a program which provides information on mild traumatic brain injuries to parents and persons in parental relation throughout each school year.

b. The rules and regulations established pursuant to this subdivision shall be deemed to be the minimum standards that must be complied with by every public school relating to mild traumatic brain injuries. Such rules and regulations may also be implemented by nonpublic schools if they so authorize. Nothing in this subdivision shall prohibit any public school or nonpublic school from adopting and implementing more stringent standards.