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HOUSE BILL NO. 827

Offered January 13, 2016

Prefiled January 12, 2016

A BILL to amend and reenact §§ 22.1-271.5 and 22.1-271.6 of the Code of Virginia, relating to Board of Education guidelines for school division policies and procedures on concussions in student-athletes; Return to Learn Protocol.

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Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-271.5 and 22.1-271.6 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-271.5. Guidelines and policies and procedures on concussions in student-athletes.

A. The Board of Education shall develop and distribute to each local school division guidelines on policies to inform and educate coaches, student-athletes, and their parents or guardians of the nature and risk of concussions, criteria for removal from and return to play, risks of not reporting the injury and continuing to play, and the effects of concussions on student-athletes' academic performance. *Such guidelines shall include template communication consent forms that school divisions may use to facilitate the sharing of information between schools, families, and the medical community.*

B. Each local school division shall develop policies and procedures regarding the identification and handling of suspected concussions in student-athletes. Such policies shall require:

1. In order to participate in any extracurricular physical activity, each student-athlete and the student-athlete's parent or guardian shall review, on an annual basis, information on concussions provided by the local school division. After having reviewed materials describing the short- and long-term health effects of concussions, each student-athlete and the student-athlete's parent or guardian shall sign a statement acknowledging receipt of such information, in a manner approved by the Board of Education; and

2. A student-athlete suspected by that student-athlete's coach, athletic trainer, or team physician of sustaining a concussion or brain injury in a practice or game shall be removed from the activity at that time. A student-athlete who has been removed from play, evaluated, and suspected to have a concussion or brain injury shall not return to play that same day nor until (i) evaluated by an appropriate licensed health care provider as determined by the Board of Education and (ii) in receipt of written clearance to return to play from such licensed health care provider.

The licensed health care provider evaluating student-athletes suspected of having a concussion or brain injury may be a volunteer.

C. Each non-interscholastic youth sports program utilizing public school property shall either (i) establish policies and procedures regarding the identification and handling of suspected concussions in student-athletes, consistent with either the local school division's policies and procedures developed in compliance with this section or the Board's Guidelines for Policies on Concussions in Student-Athletes, or (ii) follow the local school division's policies and procedures as set forth in subsection B. In addition, local school divisions may provide the guidelines to organizations sponsoring athletic activity for student-athletes on school property. Local school divisions shall not be required to enforce compliance with such policies.

D. As used in this section, "non-interscholastic youth sports program" means a program organized for recreational athletic competition or recreational athletic instruction for youth.

§ 22.1-271.6. Guidelines for school division policies and procedures on concussions in student-athletes; Return to Learn Protocol.

The Board of Education shall ~~amend~~ *include* in its guidelines for school division policies and procedures on concussions in student-athletes ~~to include~~ a "Return to Learn Protocol" ~~with the following requirements that encourages an employee in the school division to ensure that the protocol is being followed, which protocol shall include case management procedures, minimum standards, and practical strategies for teachers to implement in the classroom for the return to academic activities of a student who has suffered a concussion and shall require that:~~

1. School personnel ~~shall~~ be alert to cognitive and academic issues that may be experienced by a student-athlete who has suffered a concussion or other head injury, including (i) difficulty with concentration, organization, and long-term and short-term memory; (ii) sensitivity to bright lights and sounds; and (iii) short-term problems with speech and language, reasoning, planning, and problem

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59 solving; and

60 2. School personnel ~~shall~~ accommodate the gradual return to full participation in academic activities
61 by a student-athlete who has suffered a concussion or other head injury as appropriate, based on the
62 recommendation of the student-athlete's licensed health care provider as to the appropriate amount of
63 time that such student-athlete needs to be away from the classroom.