Resolve, Directing the Commissioner of Education To Adopt a Policy Regarding Management of Head Injuries in Youth Sports

(EMERGENCY)

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

Presented by Representative PILON of Saco.
Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, head injuries in school athletic activities pose a risk to Maine's students; and

Whereas, adoption of a policy on the management of head injuries will benefit Maine students beginning immediately upon implementation; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Management of concussive and other head injuries in school athletic activities. Resolved: That the Commissioner of Education, referred to in this resolve as "the commissioner," shall adopt a policy on the management of head injuries in school athletic activities in accordance with the provisions of this section by January 1, 2012.

1. Working group. The commissioner shall convene a working group to meet during the summer and fall of 2011 and periodically thereafter to advise the commissioner on the prevention, diagnosis and treatment of concussive and other head injuries in student athletes. The commissioner shall invite the participation in the working group of interested parties, including but not limited to representatives from the Maine Principals' Association, the Maine School Superintendents Association, the Maine School Board Association, the Maine School Management Association and the Acquired Brain Injury Advisory Council, sports medicine practitioners, medical providers and school athletic directors and trainers. The working group shall advise the commissioner on the adoption of a policy on the management of head injuries in school athletic activities and on the updating of the policy as medical knowledge of head injuries progresses.

2. Mandatory provisions. The policy adopted by the commissioner under this resolve must be distributed to school administrative units and schools in this State and must contain:

A. Information for students, parents or legal guardians, athletic directors and staff and coaches on head injury identification and management of head injuries;

B. The requirement that prior to each school year a student participating in a school athletic activity and the student's parent or legal guardian review the policy and sign a statement confirming that review;

C. Protocols and forms for use by schools in the implementation of the policy on the management of head injuries;

D. The requirement that a student suspected of having sustained a head injury in an athletic practice, game or activity must be removed from the athletic practice, game
or activity immediately and evaluated for brain injury prior to returning to the athletic
practice, game or activity; and

E. The requirement that a student suspected of having sustained a head injury after
an evaluation under paragraph D must be banned from the athletic practice, game or
activity for that day, for the period of time recommended by a national association of
neurological physicians and until the school has received a written clearance for the
student to resume participation from a licensed neurologist or athletic trainer stating
that the student is free of symptoms of a head injury. The requirement must stipulate
that the neurologist or athletic trainer may serve in a volunteer capacity and is
immune from liability for actions taken in that capacity except for gross negligence or
willful or wanton misconduct; and be it further

Sec. 2. Adoption by schools. Resolved: That, beginning January 1, 2012, all
public schools and private schools enrolling more than 60% of their students at public
expense in this State must adopt and implement a policy on management of head injuries
in school athletic practices, games and activities that is consistent with the policy adopted
by the commissioner under section 1; and be it further

Sec. 3. Sharing information. Resolved: That the commissioner, school
administrative units and schools may share with statewide and local organizations that
sponsor sports and athletics policies, information, training, protocols and forms
developed under sections 1 and 2 regarding the management of head injuries in school
athletic practices, games and activities.

Emergency clause. In view of the emergency cited in the preamble, this
legislation takes effect when approved.

SUMMARY

This resolve directs the Commissioner of Education to adopt a policy for schools in
Maine on the management of head injuries in school athletic activities. The policy must
include information, protocols and forms and requirements for removing from an athletic
practice, game or activity a student suspected of having sustained a head injury and for
banning that student from participation for that day and until the school has received
written clearance for the student to resume participation. The resolve requires schools to
adopt a policy on management of head injuries and to implement the policy beginning
January 1, 2012. The resolve allows the sharing of policies, information, training,
protocols and forms with statewide and local organizations that sponsor sports and
athletics.