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State Superintendent of Schools

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TO: Members of the State Board of Education

FROM: Lillian M. Lowery, Ed.D

DATE: July 24, 2012

SUBJECT: Petition to Adopt Concussion Regulations

PURPOSE:

The purpose of this item is to present the options that the State Board of Education has for responding to a Petition to Adopt Regulations.

HISTORICAL BACKGROUND:

In his written public testimony on May 22, 2012, Mr. Thomas Hearn asked the Maryland State Board of Education, pursuant to the State Gov't Art. §10-123, to adopt regulations to address concussions in high school sports. In his written testimony on June 26, 2012, Mr. Hearn defined the type of regulations he was requesting and provided a red-line copy. (Ex. A, attached hereto). The regulations he petitions this Board to adopt are modeled on regulations adopted in Massachusetts. (Exhibit B.)

EXECUTIVE SUMMARY:

Under State Government Article §10-123, a State agency must respond to a petition to adopt regulations within 60 days, either denying the petition with an explanation of the denial, or by initiating the procedures for adoption of a regulation.

Therefore, the Board has two options. You may decide to deny the petition to adopt regulations at this time subject to further study and fact-finding. Specifically, at the June meeting the State Board directed MSDE staff to identify a panel of health care providers knowledgeable about concussions to provide testimony and recommendations for the Board to consider in addressing the issues surrounding concussions in sports, including prevention issues. Moreover, until further study, the State has in place a statute directing school systems to have concussion policies in place. The MPSSA has issued guidelines to assist school systems in developing policies to comply with the law. (Exhibit C).

If, however, you wish to have legally enforceable regulations in place for the beginning of the school year, it is possible to convert the MPSSA Guidelines into regulations on an emergency basis. We have attached to this memo a draft of emergency regulations. If you adopt this option, the Board will still have time to study other concussion related issues, including, the prevention issue, and go forward with more comprehensive regulations, at a later date, if necessary.

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ACTION:

This is an action item for public discussion and vote. We recommend that you adopt the emergency regulations as drafted.

Attachments



Title 13A STATE BOARD OF EDUCATION

Subtitle 06 SUPPORTING PROGRAMS

Chapter 08 School Athletics Safety Program

.01 Head Injuries and Concussions in Extracurricular Athletic Events

A. *Definitions. For the purpose of this chapter, the following words have the meaning indicated:*

- (1) "Concussion" means a type of traumatic brain injury (TBI) caused by a bump, blow, or jolt to the head that can alter the way the brain works.*
- (2) "Licensed health care provider" means a licensed physician or physician assistant, a licensed psychologist with specialty training in neuropsychology, (Neuropsychologist), or a licensed nurse practitioner.*
- (3) "Return to play" means participation in a non-medically supervised practice or athletic competition after a period of exclusion.*
- (4) "Student-Athlete" means participation in a non-medically supervised practice or athletic competition after a period of exclusion.*
- (5) "School personnel" means those directly responsible for administering or coaching interscholastic athletic program within a school or county and those employees of the school or school system with overall responsibility for student-athletes' academic performance and medical well-being.*
- (6) "Youth sports program" means a program organized for recreational athletic competition instruction for participants who are under the age of 19 years.*

B. Training

- (1) By August 31, 2012, each local school system shall train each coach in concussion risk and management. At a minimum, the coach's training shall include:
 - (a) The nature of the risk of a brain injury;*
 - (b) The risk of not reporting a brain injury;*
 - (c) Criteria for removal and return to play;*
 - (d) Understanding Concussions;*
 - (e) Recognizing Concussions;*
 - (f) Signs and Symptoms;*
 - (g) Response and Action Plan.**
- (2) Each school system shall require a certificate of completion from a coaches' training course as a condition of coaching employment.*

C. Policies and Procedures

- (1) By August 31, 2012, each school system shall implement policies that assure student-athletes, parents, or guardians and school personnel receive an informational sheet describing:
 - (a) The nature and risk of a concussion or head injury;*
 - (b) The criteria for removal from play and return to play;*
 - (c) The risks of not reporting injury and continuing to play; and*
 - (d) Appropriate academic accommodations for diagnosed concussion victims.**
- (2) Under the policy, each school system shall require every student-athlete and at least one parent or guardian to verify in writing that they have received information on concussions and sign a statement acknowledging receipt of the information.*

D. Removal and Return to Play

- (1) After an appropriate medical assessment, any student-athlete suspected of sustaining a concussion shall immediately be removed from practice or play. The student-athlete shall not return to play until cleared by a licensed health care provider authorized to provide sports physical examinations and trained in the evaluation and management of concussions.*
- (2) To assist student-athletes, parents, and school personnel, to deal with concussion events, each local school system will provide to all involved persons:
 - (a) Written notification of possible head injury;*
 - (b) Medical clearance forms for gradual return to sports participation following concussion;*
 - (c) Graduated return to play protocols.**

E. Youth Sports Programs Use of School Property

- (1) Youth sports programs seeking to use school facilities shall verify in writing distribution of concussion information to parents or guardians and receive verifiable acknowledgement of receipt.*
- (2) Each youth sports program will annually affirm to the local school system their compliance with concussion information procedures.*