



Lillian M. Lowery, Ed.D.  
State Superintendent of Schools

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**TO:** Members of the State Board of Education  
**FROM:** Lillian M. Lowery, Ed.D. *Lillian M. Lowery*  
**DATE:** May 21, 2013  
**SUBJECT:** COMAR 13A.06.08 School Athletics Safety Program  
**ADOPTION**

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**PURPOSE:**

The purpose of this item is to request adoption of COMAR 13A.06.08, Head Injuries and Concussion in Extracurricular Athletic Events.

**HISTORICAL BACKGROUND:**

On July 24, 2012, the Maryland State Board of Education directed the Maryland State Department of Education (MSDE) to study concussion-related issues including prevention strategies and to make recommendations to the Board. MSDE convened a Task Force, comprised of 21 members including physicians, school health administrators, athletic trainers, school administrators, and athletic administrators that met throughout the fall of 2012. A report summarizing their findings was presented to the Board on January 22, 2013. As part of that report, the Task Force proposed a revised regulation to replace the emergency regulations enacted by the State Board on July 24, 2012, that expired on February 4, 2013. The new regulation contains the following enhancements:

- Require coaches to complete biennial refresher concussion training.
- Require physical education teachers to complete concussion training.
- Require local school systems to implement policies for student-athletes who have sustained a suspected concussion to ensure appropriate academic accommodations; documented oral and written notification to parents/guardians; and timely notification to athletic directors and school nurses.
- Identify health care providers authorized to return a student-athlete to play after he or she has sustained a suspected concussion.
- Require MSDE in collaboration with an appropriate medical, academic, and athletic advisory team to identify collision, contact, and non-contact sports; and recommend limitations of contact athletic exposures to reduce concussion risk.

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**EXECUTIVE SUMMARY:**

As recommended in the Report of Traumatic Brain Injury/Sports Related Concussion Task Force on January 22, 2013, the State Board discussed and approved COMAR 13A.06.08 Head Injuries and Concussion in Extracurricular Athletic Events for publication and public comment. The proposed regulation moves beyond previous practice and the emergency regulation into the most comprehensive athletic concussion avoidance protocol nationwide.

The public comment period ended April 22, 2013. Two comments were received; a summary of the comments is included.

**ACTION:**

I am requesting adoption of the proposed COMAR 13A.06.08

LML/efs

Attachments: Summary of Public Comments and Proposed Action in Md. Register

**Public Comments: COMAR 13A.06.08**

<b>Source</b>	<b>Comment</b>	<b>MSDE Response</b>
<p>Thomas Hearn</p>	<p>Questioned State Board's authority to define which health care professionals may authorize return-to-play.</p> <p>Suggested multiple editorial changes and adding reporting requirements as well as punitive steps for non-compliant coaches.</p> <p>Advocating return to previous parental reporting forms.</p>	<p>The Office of the Attorney General advised that the proposed concussion regulations are consistent with Ed. Art. 7-433 and do not redefine the scope of practice of health care professionals identified.</p> <p>Punitive actions for coaches are not considered necessary. Local school systems have oversight to ensure coaches conform with regulations. Editorial changes were considered, but not required.</p> <p>The comment was not directed to the proposed regulation. Task Force members advised moving to a simpler more streamlined set of forms to help ensure a communication link between parent, physician and school. The Task Force further added a requirement of verbal communication with a parent or guardian of suspected concussed athlete.</p>
<p>Maryland Department of Health and Mental Hygiene: Dr. Cheryl De Pinto, Medical Director, Office of School Health, Health Systems and Infrastructure Administration</p>	<p>Suggested using term "current version" when incorporating by reference MSDE policy.</p> <p>Requiring all forms to be developed by MSDE.</p> <p>Suggested use of term "school registered nurse" be inserted in place of "school nurse" as only RN's may serve as school nurses.</p> <p>Suggested MSDE and DHMH approve concussion evaluation treatments as well as set limitations and protocols for scope of practice for trainers, physicians and physicians assistants.</p>	<p>Guidelines for incorporating by reference (IBR) requires inclusion of specific date of policy.</p> <p>Forms developed by MSDE and by outside medical experts give MSDE the ability to improve efficiency and timeliness of developing forms and incorporate expertise by outside medical experts.</p> <p>Registered nurses can only serve as a school nurse. As referred to in the regulation, the school nurse refers to the position in the school and does not revise the qualifications for the person who holds the position.</p> <p>The proposed regulations provide parameters for health care professionals approving return-to-play. MSDE agrees that MSDE and DHMH should work collaboratively on concussion evaluation treatments and discuss scope of practice issues.</p>

<b>Source</b>	<b>Comment</b>	<b>MSDE Response</b>
	Specify frequency of concussion training for PE teachers.	Proposed regulation calls for a single training for PE teachers.
	Terms “interscholastic and extracurricular” used interchangeably.	While extracurricular is used in headline only, the term is not used in the body of regulation. References in the regulation are “student athlete” and “interscholastic” which denote education-based athletics.
	Board of Education should provide specific language from Board of Physicians about athletic trainer’s ability to accept referrals.	The activities in the regulations are within the scope of practice for the identified medical providers. The State Board could exceed its authority by providing specific language about the athletic trainers’ ability to accept referrals.
	Suggested adding reporting requirements for each school on the number of concussion incidents that occur.	Ed. Art. 7-433 does not have a reporting requirement by local school systems.

R. If a participant or a child or infant participant's parent, guardian, or caretaker, or a proxy redeems a food instrument to which a participant is not entitled, if the offending party is a:

(1) Participant or a child or infant participant's parent, guardian, or caretaker:

(a) For the first offense, the Program shall counsel the individual and issue [a warning letter] *an education letter*, [and]

(b) For the second offense, the Program shall issue a *warning letter*; and

[(b)](c) (text unchanged)

(2) (text unchanged)

JOSHUA M. SHARFSTEIN, M.D.  
Secretary of Health and Mental Hygiene

## Title 13A STATE BOARD OF EDUCATION

### Subtitle 04 SPECIFIC SUBJECTS

#### *13A.04.15 Digital Learning*

*Authority: Education Article, §§2-205 and 7-1002, Annotated Code of Maryland*

#### Notice of Change to Impact on Individuals with Disabilities [12-326-P]

The Impact on Individuals with Disabilities which appeared in 39:24 Md. R. 1581—1582 (November 30, 2012) and was corrected in 40:5 Md. R. 415 (March 8, 2013) has been changed. The correct notice follows.

#### Impact on Individuals with Disabilities

The proposed action will have an impact on individuals with disabilities who need access to digital content, for example, the blind/visually impaired and the deaf/hard of hearing. To ensure that individuals with disabilities are not adversely impacted, each course must meet the technology standards outlined in Section 508 of the Rehabilitation Act and COMAR 13A.05.02.13H.

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State Superintendent of Schools

### Subtitle 06 SUPPORTING PROGRAMS

#### *13A.06.08 Head Injuries and Concussions in Extracurricular Athletic Events*

*Authority: Education Article, §7-433; Health-General Article, §14-501; Annotated Code of Maryland*

#### Notice of Proposed Action [13-081-P-I]

The Maryland State Board of Education proposes to adopt new Regulations .01—.07 under a new chapter, COMAR 13A.06.08 Head Injuries and Concussions in Extracurricular Athletic Events. This action was considered at the Maryland State Board of Education meeting on January 22, 2013.

#### Statement of Purpose

The purpose of this action is to adopt regulations to address head injuries and concussions in extracurricular athletic events to insure that each local school system trains coaches in risk and management of such injuries as well as establish a program of concussion awareness and prevention throughout the State of Maryland for student-athletes, their parents or guardians, and their coaches.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

The proposed action has no economic impact.

#### Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

#### Opportunity for Public Comment

Comments may be sent to Edward F. Sparks, Executive Director, Maryland Public Secondary Schools Athletic Association, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0555 TTY: 410-333-6442, or email to [nsparks@msde.state.md.us](mailto:nsparks@msde.state.md.us), or fax to 410-333-3111. Comments will be accepted through April 22, 2013. A public hearing has not been scheduled.

#### Open Meeting

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting to be held on May 21, 2013 at 9:00 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

#### Editor's Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the Policies and Programs on Concussions for Public Schools and Youth Sports Programs (Updated December 2012) has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 40:1 Md. R. 9 (January 11, 2013), and is available online at [www.dsd.state.md.us](http://www.dsd.state.md.us). The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

#### *.01 Scope.*

*This chapter implements Education Article, §§7-433 and Health-General Article, §14-501, Annotated Code of Maryland, to establish a program of concussion awareness and prevention throughout the State of Maryland for student-athletes, their parents or guardians, and their coaches.*

#### *.02 Definitions.*

*A. In this chapter, the following terms have the meanings indicated.*

#### *B. Terms Defined.*

*(1) "Concussion" means a type of traumatic brain injury (TBI) causing an immediate and usually short-lived change in mental status or an alteration of normal consciousness resulting from a bump, blow, jolt, shaking, or spinning of the head or body.*

(2) "Graduated return to play protocols" means the progressive return to play stages included in the *Policies and Programs on Concussions for Public Schools and Youth Sport Programs* (Maryland State Department of Education, updated through December 2012).

(3) "Return to play" means participation in a non-medically supervised practice or athletic competition after a period of exclusion.

(4) "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.

(5) "Student-athlete" means a student participating in any try-out, practice, or contest of a school team.

(6) "Youth sports program" means a program organized for recreational athletic competition instruction for participants who are younger than 19 years old.

**.03 Incorporation by Reference.**

The *Policies and Programs on Concussions for Public Schools and Youth Sport Programs* (Maryland State Department of Education, updated through December 2012) is incorporated by reference.

**.04 Training.**

A. Each local school system shall train each coach in concussion risk and management. At a minimum, the coach's training shall include:

- (1) The nature of the risk of a brain injury;
- (2) The risk of not reporting a brain injury;
- (3) Criteria for removal and return to play;
- (4) Understanding concussions;
- (5) Recognizing concussions;
- (6) Signs and symptoms; and
- (7) Response and action plan.

B. Each school system shall require a certificate of completion from a coaches' training course with refresher training every 2 years as a condition of coaching employment.

C. Each school system shall require all Physical Education teachers to provide a certificate of completion of concussion education training.

**.05 Policies and Procedures.**

A. Each school system shall implement policies consistent with this chapter and the *Policies and Programs on Concussions for Public Schools and Youth Sport Programs* to assure student-athletes, parents, or guardians and school personnel receive an informational sheet describing:

- (1) The nature and risk of a concussion or head injury;
- (2) The criteria for removal from play and return to play;
- (3) The risks of not reporting injury and continuing to play;

and

(4) Appropriate academic accommodations for diagnosed concussion victims.

B. 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 before a student participates in an authorized interscholastic athletic activity.

C. By August 15, 2013, each local school system shall implement policies consistent with the *Policies and Programs on Concussions for Public Schools and Youth Sport Programs* that:

(1) Identify and ensure appropriate academic accommodations and restrictions are made available to student athletes during the recovery phase from a concussion;

(2) Ensure that the parent, guardian, or emergency contact person is notified in person or by telephone and in writing immediately after a student athlete sustains a suspected concussion; and

(3) Ensure that the athletic director and school nurse are notified before the start of the next school day of a student athlete who has sustained a suspected concussion.

D. By August 15, 2013 the MSDE in collaboration with an appropriate medical, academic and athletic advisory team shall:

- (1) Identify collision, contact, and noncontact sports; and
- (2) Recommend limitations of contact exposures in those sports.

**.06 Removal and Return to Play.**

A. Any student-athlete suspected of sustaining a concussion shall immediately be removed from practice or play.

B. Each school shall use the graduated return to play protocols instituted in the *Policies and Programs on Concussions for Public Schools and Youth Sport Programs*.

C. The student-athlete may not return to play until the student receives written clearance after receiving an appropriate medical assessment by one of the following:

- (1) A licensed physician trained in the evaluation and management of concussions;
- (2) A licensed physician's assistant trained in the evaluation and management of concussions in collaboration with the physician assistant's supervising physician or alternate supervising physician within the scope of the physician assistant's Delegation Agreement approved by the Board of Physicians;
- (3) A licensed nurse practitioner trained in the evaluation and management of concussions;
- (4) A licensed psychologist with training in neuropsychology and in the evaluation and management of concussions; or
- (5) A licensed athletic trainer trained in the evaluation and management of concussions, in collaboration with the athletic trainer's supervising physician or alternate supervising physician and within the scope of the Evaluation and Treatment protocol approved by the Board of Physicians.

D. To assist student-athletes, parents, and school personnel, to manage concussion events, each local school system shall provide to all involved persons:

- (1) Written notification of possible head injury;
- (2) Medical clearance forms for gradual return to sports participation following concussion; and
- (3) Graduated return to play protocols.

**.07 Youth Sports Programs Use of School Property.**

A. 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.

B. Each youth sports program shall annually affirm to the local school system their compliance with concussion information procedures.

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