

**HOUSE BILL No. 2587**

By Committee on Health and Human Services

2-1

1 AN ACT concerning health and healthcare; relating to the school sports  
2 head injury prevention act; requiring schools to establish concussion  
3 management teams; standards of care protocols; required biennial  
4 education; amending K.S.A. 72-7119 and repealing the existing section.

5  
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 72-7119 is hereby amended to read as follows: 72-  
8 7119. (a) This section shall be known and may be cited as the school sports  
9 head injury prevention act.

10 (b) As used in this section:

11 (1) ~~"School" means any public or accredited private high school,~~  
12 ~~middle school or junior high school.~~ "Athlete" means a student who  
13 prepares for or participates in an extracurricular activity.

14 (2) "Athletic director" means an individual employed by a school  
15 district who is responsible for administering the athletic program of a  
16 school. "Athletic director" includes an individual who acts as an athletic  
17 director or an assistant director. If a school does not have an athletic  
18 director, then "athletic director" means the individual designated to be  
19 responsible for administering the athletic programs of the school.

20 (3) "Coach" means a volunteer or employee of a school district who  
21 is responsible for organizing and supervising athletes to teach them the  
22 fundamental skills of an extracurricular activity. "Coach" includes head  
23 and assistant coaches.

24 (4) "Concussion" means a complex pathophysiological process  
25 affecting the brain that is caused by traumatic biomechanical forces.

26 (5) "Concussion management team" means an interdisciplinary team  
27 of professionals vested in the education of an athlete when a concussion  
28 affects the athlete's ability to learn due to either an extracurricular  
29 activity or non-extracurricular activity health condition, including  
30 individuals employed by a school district or volunteering at a school to  
31 create, implement and supervise concussion management policies.

32 (6) "Extracurricular activity" means an organized school-sponsored  
33 or school-sanctioned athletic activity for students, generally held outside  
34 of school instructional hours under the direction of a coach, athletic  
35 director or band leader, including, but not limited to: Baseball, basketball,  
36 cheerleading, cross-country track, football, golf, marching band, soccer,

1 softball, swimming and diving, tennis, indoor and outdoor track,  
2 volleyball and wrestling. All interscholastic activities are deemed to be  
3 extracurricular activities.

4 (7) "Game official" means an individual who officiates at an  
5 extracurricular activity, such as a referee or umpire and includes, but is  
6 not limited to, any individual enrolled as a game official by the Kansas  
7 state high school activities association.

8 ~~(2)(8)~~ "Health care ~~Healthcare~~ provider" means ~~a person~~ an  
9 individual licensed by the state board of healing arts to practice medicine  
10 and surgery.

11 (9) "Licensed athletic trainer" means an individual who is licensed  
12 by the state board of healing arts as an athletic trainer under the  
13 provisions of K.S.A. 65-6906, and amendments thereto, and whose  
14 practice includes schools and extracurricular activities.

15 (10) "Licensed school counselor" means an individual who is  
16 employed by a school district and who is licensed by the state board of  
17 education as a school counselor.

18 (11) "Nurse" means an individual licensed by the board of nursing  
19 who is practicing in a school setting as an employee of the school district  
20 or volunteer of the school.

21 (12) "Parent" means a natural parent, a stepparent, a guardian or a  
22 foster parent of a student.

23 (13) "Return-to-learn protocol" means an evidence-based  
24 reintegration program consistent with the best standards of care  
25 guidelines designed to return the athlete to school and the classroom  
26 setting for the purpose of formal learning.

27 (14) "Return-to-play protocol" means an evidence-based  
28 reintegration program consistent with the best standards of care  
29 guidelines designed to return the athlete to extracurricular activity  
30 practice before formal competition.

31 (15) "School" means any public or accredited nonpublic high school  
32 or middle school, including home-school entities.

33 (c) The state board of education, in cooperation with the Kansas state  
34 high school activities association, shall compile information on the nature  
35 and risk of concussion and head injury including the dangers and risks  
36 associated with the continuation of playing or practicing after ~~a person~~ an  
37 individual suffers a concussion or head injury. Such information shall be  
38 provided to school districts for distribution to coaches, ~~school~~ athletes and  
39 ~~the athletes' parents or guardians of school athletes.~~

40 (1) Schools shall establish a concussion education program for  
41 parents, athletes and school personnel to review the school policies and  
42 procedures governing the prevention and management of concussions.  
43 Such program shall include, but not be limited to, the prevention and

1 management of concussions, dangers and risks associated with  
2 concussions, signs and symptoms of concussions, return-to-learn and  
3 return-to-play protocols and school policies and procedures for  
4 concussion preventive management.

5 (2) Schools shall establish policies and procedures governing the  
6 prevention and management of concussions in students. Policies and  
7 procedures shall address concussions occurring in extracurricular  
8 activities and may be applied to all concussions in students.

9 (3) Schools shall appoint a concussion management team to establish  
10 a return-to-play protocol, based on scientific evidence-based practices  
11 consistent with the United States centers for disease control and  
12 prevention guidelines and Kansas state high school activities association  
13 guidelines for the student's return to play.

14 (4) The school concussion management team shall establish a return-  
15 to-learn protocol, based on scientific evidence-based practices consistent  
16 with the centers for disease control and prevention guidelines and Kansas  
17 state high school activities association guidelines for the student's return  
18 to the classroom.

19 (5) The membership of the concussion management team shall  
20 include to the extent possible, but is not limited to, the: Licensed athletic  
21 trainer, if employed or contracted by the school district; athletic director;  
22 designated teacher; licensed school counselor; school administrator; and  
23 nurse, if any.

24 (6) Schools shall appoint a designee from the concussion  
25 management team to supervise the persons responsible for compliance  
26 with the return-to-play and return-to-learn protocols. The person who has  
27 supervisory responsibilities shall not be a coach of an extracurricular  
28 activity.

29 (7) Schools shall establish a return-to-learn protocol for any athlete  
30 who has sustained a concussion. The return-to-learn protocol shall  
31 recognize that a student who has sustained a concussion and returned to  
32 school may need informal or formal accommodations, modifications of  
33 curriculum and monitoring by medical or academic staff until the athlete  
34 has fully recovered.

35 (8) An athlete may not participate in any extracurricular activity  
36 competition or practice session until integrated completely in school  
37 without accommodation related to a concussion.

38 (9) The following individuals shall complete, at least biennially, a  
39 concussion training program approved by the state board of education and  
40 the Kansas state high school activities association:

41 (A) Coach;

42 (B) licensed athletic trainer;

43 (C) licensed school counselor;

- 1 (D) game official;
- 2 (E) nurse;
- 3 (F) athletic director; and
- 4 (G) school marching band director, whether employed by the school
- 5 district or a volunteer serving in such capacity.

6 (d) ~~A school~~An athlete may not participate in any ~~sport~~  
 7 extracurricular activity competition or practice session unless such athlete  
 8 and the athlete's parent ~~or guardian~~ have signed, and returned to the  
 9 school, a concussion and head injury information release form. A release  
 10 form shall be signed and returned each school year that ~~a student~~ an athlete  
 11 participates in ~~sport competitions~~ an extracurricular activity competition  
 12 or practice ~~sessions~~ session.

13 (e) ~~If a school athlete suffers, or is suspected of having suffered, a~~  
 14 ~~concussion or head injury during a sport competition or practice session,~~  
 15 ~~such school athlete immediately shall be removed from the sport~~  
 16 ~~competition or practice session.~~ (1) An athlete shall be removed from an  
 17 extracurricular activity competition or practice session immediately if one  
 18 of the following individuals believes that the athlete might have sustained  
 19 a concussion arising from the competition or practice session:

- 20 (A) Coach;
- 21 (B) healthcare provider;
- 22 (C) game official;
- 23 (D) licensed athletic trainer;
- 24 (E) the athlete's parent or another person with the legal authority to
- 25 make medical decisions on the athlete's behalf;
- 26 (G) the athlete; or
- 27 (H) any other person deemed appropriate under the school's return-
- 28 to-play protocol.

29 (f) ~~Any school athlete who has been removed from a sport~~  
 30 ~~competition or practice session shall not return to competition or practice~~  
 31 ~~until~~(2) The athlete shall not return to the extracurricular activity  
 32 competition or practice session until the athlete:

33 (A) Is evaluated by a ~~health care~~ healthcare provider and the ~~health~~  
 34 ~~care~~ healthcare provider provides such athlete a written clearance to return  
 35 to play or practice. If the ~~health care~~ healthcare provider who provides the  
 36 clearance to return to play or practice is not an employee of the school  
 37 district, such ~~health care~~ healthcare provider shall not be liable for civil  
 38 damages resulting from any act or omission in the rendering of such care,  
 39 other than acts or omissions constituting gross negligence or willful or  
 40 wanton misconduct;

41 (B) has successfully completed each requirement of the return-to-play  
 42 protocol established by the school necessary for the athlete to return to  
 43 play; and

1       (C) *has successfully completed each requirement of the return-to-*  
2 *learn protocol established by the school necessary for the athlete to return*  
3 *to learn.*

4       ~~(g) This section shall take effect on and after July 1, 2011.~~

5       Sec. 2. K.S.A. 72-7119 is hereby repealed.

6       Sec. 3. This act shall take effect and be in force from and after its  
7 publication in the statute book.