

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND TWELVE

—
S.P. 654 - L.D. 1873

An Act To Direct the Commissioner of Education To Adopt a Model Policy Regarding Management of Head Injuries in School Activities and Athletics

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

Whereas, students who participate in certain school activities and athletics are at risk of suffering concussive and other head injuries; and

Whereas, immediate enactment of this legislation will facilitate adoption of a model policy on the management of concussive and other head injuries that will benefit the health and safety of Maine's students; 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 enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA §254, sub-§17 is enacted to read:

17. Model policy for management of concussive and other head injuries. In consultation with organizations representing school principals, school boards, school superintendents, athletic directors, athletic trainers, sports medicine practitioners, the Acquired Brain Injury Advisory Council established in Title 34-B, section 19001 and other interested parties, the commissioner shall develop a model policy on the management of concussive and other head injuries in school activities and athletics.

Sec. 2. 20-A MRSA §1001, sub-§19 is enacted to read:

19. Adoption of policy to manage concussive and other head injuries. Beginning January 1, 2013, the school board of each public school and the governing body of each private school enrolling more than 60% of its students at public expense in this State shall adopt and implement a policy on the management of concussive and other head injuries in school activities and athletics that is consistent with the model policy developed by the commissioner in accordance with section 254, subsection 17.

Sec. 3. Working group. The Commissioner of Education shall convene a working group to meet during the spring and summer of 2012, and periodically thereafter, to advise the commissioner on the prevention, diagnosis and treatment of concussive and other head injuries in students and student athletes. The commissioner shall invite representatives from the Maine Principals' Association, the Maine School Superintendents Association, the Maine School Boards Association, the Maine School Management Association, the Acquired Brain Injury Advisory Council, the Maine Athletic Directors Association, the Maine Athletic Trainers Association, the Maine Concussion Management Initiative, sports medicine practitioners and medical providers to participate in the working group.

Sec. 4. Model policy. The working group under section 3 shall advise the Commissioner of Education on the provisions to be included in the model policy under the Maine Revised Statutes, Title 20-A, section 254, subsection 17 for the management of concussive and other head injuries in school activities and athletics and on the procedures to update the policy as medical knowledge of head injuries progresses. The model policy proposed by the commissioner must include, but is not limited to, the following provisions:

1. Training. A requirement that athletic directors, coaches and other school personnel involved with school activities and athletics must be trained in the identification and management of concussive and other head injuries;

2. Student and parental acknowledgment. A requirement that prior to each school year each student participating in a school athletic activity and the student's parent or legal guardian must review the school's policy for the management of concussive and other head injuries and sign a statement acknowledging that review;

3. Protocols and forms. A requirement that the Department of Education must create protocols and forms that must be used by schools in the implementation of the policy on the management of concussive and other head injuries;

4. Immediate removal and evaluation. A requirement that a student suspected of having sustained a concussive or other head injury in any school activity or athletic practice or game must be removed from the activity, practice or game immediately and evaluated for brain injury prior to returning to the activity or practices and games; and

5. Medical clearance. A requirement that a student suspected of having sustained a concussion after an evaluation under subsection 4 must be banned from the school activity or athletic practices and games until the student has received written medical

clearance from a licensed health care provider trained in concussion management for the student to begin the gradual resumption of participation in the activity or practices and games based on the current standards of care.

Sec. 5. Implementation of model policy; phase-in. In accordance with the provisions of section 4 and by September 1, 2012, the Commissioner of Education shall develop a model policy for the management of concussive and other head injuries as set forth in the Maine Revised Statutes, Title 20-A, section 254, subsection 17 for full implementation by school administrative units and private schools enrolling more than 60% of their students at public expense in this State no later than the 2013-2014 school year. Notwithstanding Title 20-A, section 1001, subsection 19, the implementation of the model policy must be phased in according to the following timeline.

1. Local adoption by January 1, 2013. The school board of each school administrative unit and the governing body of each private school enrolling more than 60% of its students at public expense in this State shall adopt and begin implementation of a policy on the management of concussive and other head injuries as set forth in Title 20-A, section 1001, subsection 19 no later than January 1, 2013.

2. Phased-in implementation. The school board of each school administrative unit and the governing body of each private school enrolling more than 60% of its students at public expense in this State shall gradually implement their policies, including the requirements included in the model policy developed by the commissioner, during the 2012-2013 and 2013-2014 school years and in accordance with the regular sequence of school activities and athletic seasons over that period of time so that the policies are fully implemented by the end of the 2013-2014 school year.

The commissioner shall report to the joint standing committee of the Legislature having jurisdiction over education matters by January 15, 2014 on the status of the implementation of the policies.

Sec. 6. Sharing information. The Commissioner of Education, school administrative units and private schools enrolling more than 60% of their students at public expense in this State may share with statewide and local organizations that sponsor sports and athletics the model policy, information, training, protocols and forms developed under section 4 regarding the management of concussive and other head injuries in school activities and athletics.

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

In House of Representatives, 2012

Read twice and passed to be enacted.

..... Speaker

In Senate, 2012

Read twice and passed to be enacted.

..... President

Approved 2012

..... Governor