

117TH CONGRESS
1ST SESSION

H. R. 5216

To promote State requirements for local educational agencies and public elementary and secondary schools relating to the prevention and treatment of concussions suffered by students.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 10, 2021

Mr. DESAULNIER (for himself and Mr. STAUBER) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To promote State requirements for local educational agencies and public elementary and secondary schools relating to the prevention and treatment of concussions suffered by students.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Student
5 Athletes From Concussions Act”.

1 **SEC. 2. MINIMUM STATE REQUIREMENTS.**

2 Part F of title VIII of the Elementary and Secondary
3 Education Act of 1965 (20 U.S.C. 7881 et seq.) is amend-
4 ed by adding at the end the following:

5 **“Subpart 6—State Requirements for the Prevention**
6 **and Treatment of Concussions**

7 **“SEC. 8581. MINIMUM STATE REQUIREMENTS.**

8 “(a) IN GENERAL.—Beginning fiscal year 2023, as
9 a condition of receiving funds under this Act for a fiscal
10 year, a State shall, not later than July 1 of the preceding
11 fiscal year, certify to the Secretary in accordance with sub-
12 section (b) that the State has in effect and is enforcing
13 a law or regulation that, at a minimum, establishes the
14 following requirements:

15 “(1) LOCAL EDUCATIONAL AGENCY CONCUS-
16 SION SAFETY AND MANAGEMENT PLAN.—Each local
17 educational agency in the State (including each
18 charter school that is considered a local educational
19 agency under State law), in consultation with mem-
20 bers of the community in which the local educational
21 agency is located, shall develop and implement a
22 standard plan for concussion safety and manage-
23 ment for public schools served by the local edu-
24 cational agency that includes—

1 “(A) the education of students, parents,
2 and school personnel about concussions, includ-
3 ing—

4 “(i) the training of school personnel
5 on evidence-based concussion safety and
6 management, including on prevention, rec-
7 ognition, risk, academic consequences, and
8 response for both initial and any subse-
9 quent concussions; and

10 “(ii) using, maintaining, and dissemi-
11 nating to students and parents release
12 forms, treatment plans, observation, moni-
13 toring, and reporting forms, recordkeeping
14 forms, and post-injury and prevention fact
15 sheets about concussions;

16 “(B) supports for each student recovering
17 from a concussion, including—

18 “(i) guiding the student in resuming
19 participation in school-sponsored athletic
20 activities and academic activities with the
21 help of a multidisciplinary concussion man-
22 agement team, which shall include—

23 “(I) a health care professional,
24 the parents of such student, and other
25 relevant school personnel; and

1 “(II) an individual who is as-
2 signed by the public school in which
3 the student is enrolled to oversee and
4 manage the recovery of the student;

5 “(ii) providing appropriate academic
6 accommodations aimed at progressively re-
7 introducing cognitive demands on such a
8 student; and

9 “(iii) if the student’s symptoms of
10 concussion persist for a substantial period
11 of time—

12 “(I) evaluating the student in ac-
13 cordance with section 614 of the Indi-
14 viduals with Disabilities Education
15 Act (20 U.S.C. 1414) to determine
16 whether the student is eligible for
17 services under part B of such Act (20
18 U.S.C. 1411 et seq.); or

19 “(II) evaluating whether the stu-
20 dent is eligible for services under sec-
21 tion 504 of the Rehabilitation Act of
22 1973 (29 U.S.C. 794); and

23 “(C) best practices designed to ensure,
24 with respect to concussions, the uniformity of

1 safety standards, treatment, and management,
2 including—

3 “(i) disseminating information on con-
4 cussion safety and management to the
5 public; and

6 “(ii) applying best practice and uni-
7 form standards for concussion safety and
8 management to all students enrolled in the
9 public schools served by the local edu-
10 cational agency.

11 “(2) POSTING OF INFORMATION ON CONCUS-
12 SIONS.—Each public school in the State shall post
13 on school grounds, in a manner that is visible to stu-
14 dents and school personnel, and make publicly avail-
15 able on the school website, information on concus-
16 sions that—

17 “(A) is based on peer-reviewed scientific
18 evidence or consensus (such as information
19 made available by the Centers for Disease Con-
20 trol and Prevention);

21 “(B) shall include—

22 “(i) the risks posed by sustaining a
23 concussion or multiple concussions;

24 “(ii) the actions a student should take
25 in response to sustaining a concussion, in-

1 cluding the notification of school personnel;
2 and

3 “(iii) the signs and symptoms of a
4 concussion; and

5 “(C) may include—

6 “(i) the definition of a concussion
7 under section 8582(1);

8 “(ii) the means available to the stu-
9 dent to reduce the incidence or recurrence
10 of a concussion; and

11 “(iii) the effects of a concussion on
12 academic learning and performance.

13 “(3) RESPONSE TO A CONCUSSION.—If any
14 school personnel of a public school in the State sus-
15 pect that a student has sustained a concussion dur-
16 ing a school-sponsored athletic activity or other
17 school-sponsored activity—

18 “(A) the student shall be—

19 “(i) immediately removed from par-
20 ticipation in such activity; and

21 “(ii) prohibited from resuming partici-
22 pation in school-sponsored athletic activi-
23 ties—

24 “(I) on the day the student sus-
25 tained the concussion; and

1 “(II) until the day the student is
2 capable of resuming such participa-
3 tion, according to the student’s writ-
4 ten release, as described in paragraph
5 (4);

6 “(B) the school personnel shall report to
7 the concussion management team—

8 “(i) that the student may have sus-
9 tained a concussion; and

10 “(ii) all available information with re-
11 spect to the student’s injury; and

12 “(C) the concussion management team
13 shall confirm and report to the parents of the
14 student—

15 “(i) the type of injury, and the date
16 and time of the injury, suffered by the stu-
17 dent; and

18 “(ii) any actions that have been taken
19 to treat the student.

20 “(4) RETURN TO ATHLETICS.—If a student en-
21 rolled in a public school in the State sustains a con-
22 cussion, before the student resumes participation in
23 school-sponsored athletic activities, the relevant
24 school personnel shall receive a written release from
25 a health care professional, that—

1 “(A) may require the student to follow a
2 plan designed to aid the student in recovering
3 and resuming participation in such activities in
4 a manner that—

5 “(i) is coordinated, as appropriate,
6 with periods of cognitive and physical rest
7 while symptoms of a concussion persist;
8 and

9 “(ii) reintroduces cognitive and phys-
10 ical demands on the student on a progres-
11 sive basis so long as such increases in exer-
12 tion do not cause the reemergence or wors-
13 ening of symptoms of a concussion; and

14 “(B) states that the student is capable of
15 resuming participation in such activities once
16 the student is asymptomatic.

17 “(5) RETURN TO ACADEMICS.—If a student en-
18 rolled in a public school in the State has sustained
19 a concussion, the concussion management team (as
20 described under paragraph (1)(B)(i)) of the school
21 shall consult with and make recommendations to rel-
22 evant school personnel and the student to ensure
23 that the student is receiving the appropriate aca-
24 demic supports, including—

1 “(A) providing for periods of cognitive rest
2 over the course of the school day;

3 “(B) providing modified academic assign-
4 ments;

5 “(C) allowing for gradual reintroduction to
6 cognitive demands; and

7 “(D) other appropriate academic accom-
8 modations or adjustments.

9 “(b) CERTIFICATION REQUIREMENT.—The certifi-
10 cation required under subsection (a) shall be in writing
11 and include a description of the law or regulation that
12 meets the requirements of subsection (a).

13 **“SEC. 8582. DEFINITIONS.**

14 “In this subpart:

15 “(1) CONCUSSION.—The term ‘concussion’
16 means a type of mild traumatic brain injury that—

17 “(A) is caused by a blow, jolt, or motion
18 to the head or body that causes the brain to
19 move rapidly in the skull;

20 “(B) disrupts normal brain functioning
21 and alters the physiological state of the indi-
22 vidual, causing the individual to experience—

23 “(i) any period of observed or self-re-
24 ported—

1 “(I) transient confusion, dis-
2 orientation, or altered consciousness;

3 “(II) dysfunction of memory
4 around the time of injury; or

5 “(III) disruptions in gait or bal-
6 ance; and

7 “(ii) symptoms that may include—

8 “(I) physical symptoms, such as
9 headache, fatigue, or dizziness;

10 “(II) cognitive symptoms, such
11 as memory disturbance or slowed
12 thinking;

13 “(III) emotional symptoms, such
14 as irritability or sadness; or

15 “(IV) difficulty sleeping; and

16 “(C) occurs—

17 “(i) with or without the loss of con-
18 sciousness; and

19 “(ii) during participation—

20 “(I) in a school-sponsored ath-
21 letic activity; or

22 “(II) in any other activity with-
23 out regard to whether the activity
24 takes place on school property or dur-
25 ing the school day.

1 “(2) HEALTH CARE PROFESSIONAL.—The term
2 ‘health care professional’ means an individual—

3 “(A) who has been educated in diagnosis
4 and management of concussion in a pediatric
5 population;

6 “(B) is registered, licensed, nationally cer-
7 tified, or otherwise statutorily recognized by the
8 State to provide such diagnosis and manage-
9 ment; and

10 “(C) whose scope of practice and experi-
11 ence includes the diagnosis and management of
12 traumatic brain injury among a pediatric popu-
13 lation.

14 “(3) PUBLIC SCHOOL.—The term ‘public
15 school’ means a public elementary school or public
16 secondary school.

17 “(4) SCHOOL PERSONNEL.—The term ‘school
18 personnel’ includes teachers, principals, administra-
19 tors, counselors, social workers, psychologists,
20 nurses, librarians, coaches and athletic trainers, and
21 other support staff who are employed by a school or
22 who perform services for the school on a contractual
23 basis.

1 “(5) SCHOOL-SPONSORED ATHLETIC ACTIV-
 2 ITY.—The term ‘school-sponsored athletic activity’
 3 means—

4 “(A) any physical education class or pro-
 5 gram of a public school;

6 “(B) any athletic activity authorized by a
 7 public school that takes place during the school
 8 day on the school’s property;

9 “(C) any activity of an extracurricular
 10 sports team, club, or league organized by a pub-
 11 lic school; and

12 “(D) any recess activity of a public
 13 school.”.

14 **SEC. 3. CONFORMING AMENDMENTS.**

15 The table of contents in section 2 of the Elementary
 16 and Secondary Education Act of 1965 is amended by in-
 17 serting after the item relating to section 8574 the fol-
 18 lowing:

“SUBPART 6—STATE REQUIREMENTS FOR THE PREVENTION AND TREATMENT
 OF CONCUSSIONS

“Sec. 8581. Minimum State requirements.

“Sec. 8582. Definitions.”.

