

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Education to which was referred Senate Bill No. 4  
3 entitled “An act relating to concussions and school athletic activities”  
4 respectfully reports that it has considered the same and recommends that the  
5 House propose to the Senate that the bill be amended by striking out all after  
6 the enacting clause and inserting in lieu thereof the following:

7 Sec. 1. 16 V.S.A. § 1431 is amended to read:

8 § 1431. CONCUSSIONS AND OTHER HEAD INJURIES

9 (a) Definitions. For purposes of this subchapter:

10 (1) “School athletic team” means an interscholastic athletic team or club  
11 sponsored by a public or approved independent school for elementary or  
12 secondary students.

13 (2) “Coach” means a person who instructs or trains students on a school  
14 athletic team.

15 (3) “Collision sport” means football, hockey, lacrosse, or wrestling.

16 (4) “Contact sport” means a sport, other than football, hockey, lacrosse,  
17 or wrestling, defined as a contact sport by the American Academy of  
18 Pediatrics.

19 (5) “Health care provider” means an athletic trainer, or other health care  
20 provider, licensed pursuant to Title 26, who has within the preceding five years  
21 been specifically trained in the evaluation and management of concussions and

1 other head injuries. Training pursuant to this subdivision shall include training  
2 materials and guidelines for practicing physicians provided by the Centers for  
3 Disease Control and Prevention, if available.

4 ~~(3)~~(6) “Youth athlete” means an elementary or secondary student who is  
5 a member of a school athletic team.

6 (b) Guidelines and other information. The ~~commissioner of education~~  
7 Secretary of Education or designee, assisted by members of the Vermont  
8 Principals’ Association selected by that association, members of the Vermont  
9 School Board Insurance Trust, and others as the Secretary deems appropriate,  
10 shall develop statewide guidelines, forms, and other materials, and update them  
11 when necessary, that are designed to educate coaches, youth athletes, and the  
12 parents and guardians of youth athletes regarding:

13 (1) the nature and risks of concussions and other head injuries;

14 (2) the risks of premature participation in athletic activities after  
15 receiving a concussion or other head injury; ~~and~~

16 (3) the importance of obtaining a medical evaluation of a suspected  
17 concussion or other head injury and receiving treatment when necessary;

18 (4) effective methods to reduce the risk of concussions occurring during  
19 athletic activities; and

1           (5) protocols and standards for clearing a youth athlete to return to play  
2           following a concussion or other head injury, including treatment plans for such  
3           athletes.

4           (c) Notice and training. The principal or headmaster of each public and  
5           approved independent school in the ~~state~~ State, or a designee, shall ensure that:

6           (1) the information developed pursuant to subsection (b) of this section  
7           is provided annually to each youth athlete and the athlete's parents or  
8           guardians;

9           (2) each youth athlete and a parent or guardian of the athlete annually  
10          sign a form acknowledging receipt of the information provided pursuant to  
11          subdivision (1) of this subsection and return it to the school prior to the  
12          athlete's participation in training or competition associated with a school  
13          athletic team;

14          (3)(A) each coach of a school athletic team receive training no less  
15          frequently than every two years on how to recognize the symptoms of a  
16          concussion or other head injury, how to reduce the risk of concussions during  
17          athletic activities, and how to teach athletes the proper techniques for avoiding  
18          concussions; and

19          (B) each coach who is new to coaching at the school receive training  
20          prior to beginning his or her first coaching assignment for the school; and

1           (4) each referee of a contest involving a high school athletic team  
2           participating in a collision sport receive training not less than every two years  
3           on how to recognize concussions when they occur during athletic activities.

4           (d) Participation in athletic activity.

5           (1) A coach or health care provider shall not permit a youth athlete to  
6           continue to participate in any training session or competition associated with a  
7           school athletic team if the coach ~~has reason to believe~~ or health care provider  
8           knows or should know that the athlete has sustained a concussion or other head  
9           injury during the training session or competition.

10          (2) A coach or health care provider shall not permit a youth athlete who  
11          has been prohibited from training or competing pursuant to subdivision (1) of  
12          this subsection to train or compete with a school athletic team until the athlete  
13          has been examined by and received written permission to participate in athletic  
14          activities from a health care provider ~~licensed pursuant to Title 26 and trained~~  
15          ~~in the evaluation and management of concussions and other head injuries.~~

16          (e) Action plan.

17          (1) The principal or headmaster of each public and approved  
18          independent school in the State, or a designee, shall ensure that each school has  
19          a concussion management action plan that describes the procedures the school  
20          will take when a student athlete suffers a concussion. The action plan shall  
21          include policies on:

1           (A) who makes the initial decision to remove a student athlete from  
2 play when it is suspected that the athlete has suffered a concussion;

3           (B) what steps the student athlete must take in order to return to any  
4 athletic or learning activity;

5           (C) who makes the final decision that a student athlete may return to  
6 athletic activity; and

7           (D) who has the responsibility to inform a parent or guardian when a  
8 student on that school’s athletic team suffers a concussion.

9           (2) The action plan required by subdivision (1) of this subsection shall  
10 be provided annually to each youth athlete and the athlete’s parents or  
11 guardians.

12           (3) Each youth athlete and a parent or guardian of the athlete shall  
13 annually sign a form acknowledging receipt of the information provided  
14 pursuant to subdivision (2) of this subsection and return it to the school prior to  
15 the athlete’s participation in training or competition associated with a school  
16 athletic team.

17           (f) Health care providers; presence at athletic events.

18           (1) The home team shall ensure that a health care provider is present at  
19 any athletic event in which a high school athletic team participates in a  
20 collision sport. If an athlete on the visiting team suffers a concussion during

1 the athletic event, the health care provider shall notify the visiting team's  
2 athletic director within 48 hours after the injury occurs.

3 (2) Home teams are strongly encouraged to ensure that a health care  
4 provider is present at any athletic event in which a high school athletic team  
5 participates in a contact sport.

6 (3) A school shall notify a parent or guardian within 24 hours when a  
7 student participating on that school's athletic team suffers a concussion.

8 Sec. 2. REPORT

9 To the extent permitted by applicable state and federal law, the Vermont  
10 Traumatic Brain Injury Advisory Board (the Board) shall obtain information  
11 necessary to create an annual report on the incidences of concussions sustained  
12 by student athletes in Vermont in the previous school year. To the extent such  
13 information is available, the report shall include the number of concussions  
14 sustained by student athletes in Vermont, the sport the student athlete was  
15 playing when he or she sustained the concussion, the number of Vermont  
16 student athletes treated in emergency rooms for concussions received while  
17 participating in school athletics, and who made the decision that a student  
18 athlete was able to return to play. For purposes of the report, the Board shall  
19 consult with the Vermont Principals' Association and the Vermont Association  
20 of Athletic Trainers. If the Board obtains information sufficient to create the

1 report, it shall report on or before December 15 of each year starting in 2014 to  
2 the Senate and House Committees on Judiciary and on Education.

3 Sec. 3. EFFECTIVE DATE

4 This act shall take effect on July 1, 2013, except that 16 V.S.A. § 1431(f)  
5 (presence of health care provider at school sports activities) shall take effect on  
6 July 1, 2014.

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11 (Committee vote: \_\_\_\_\_)

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Representative [surname]

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FOR THE COMMITTEE