



[HF 2442](#) – Concussion Injuries, School Policies (LSB5331HV)
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Fiscal Note Version – New

Description

[House File 2442](#) sets new requirements for school districts and high school athletic officials in addressing concussion and brain injury in students participating in extracurricular interscholastic activities.

The Bill requires that the Department of Public Health (DPH), the Iowa High School Athletic Association (IHSAA), and the Iowa Girls High School Athletic Union (IGHSAU) work together to develop training materials and courses regarding concussion and brain injury and that each coach or contest official complete such training at least every two years.

The Bill requires that the DPH, the Department of Education (DE), the IHSAA, and the IGHSAU work together to develop protocols, based on peer-reviewed scientific evidence, for a student's return to participation in extracurricular interscholastic activities and to the classroom after showing signs, symptoms, or behaviors consistent with a concussion or brain injury. Officials of public and accredited nonpublic schools that have students who participate in extracurricular interscholastic activities in grades 7 through 12 must adopt the protocols.

The Bill requires public and accredited nonpublic schools that have students who participate in extracurricular interscholastic activities in grades 7 through 12 to provide those students with any protective gear required for any activity by law, by the rules of such contests, or by the IHSAA or IGHSAU guidelines.

The Bill specifies that school districts and accredited nonpublic schools that fully implement the required protocols and provide a licensed health care provider at an extracurricular interscholastic activity will not be liable for any claim for injuries or damages based on the actions of the licensed health care provider as long as the provider acted reasonably and in good faith, in the best interest of the student athlete, and without undue influence of the school district or nonpublic school or the school coaching staff. The Bill further specifies that the licensed health care provider, if providing care without compensation, will not be liable as long as the provider acted reasonably and in good faith, in the best interest of the student athlete, and without undue influence of the school district or nonpublic school or the school coaching staff. The Bill defines "licensed health care provider" to include a physician, physician assistant, chiropractor, advanced registered nurse practitioner, nurse, physical therapist, or licensed athletic trainer.

The Bill requires the Advisory Council on Brain Injuries, established under the DPH, to make recommendations to the Governor on the prevention, diagnosis, and treatment of brain injuries in student athletes.

The Bill may include a State mandate as defined in Iowa Code section [25B.3](#).

Background

School districts are prohibited from charging student fees for any purpose not specifically authorized in statute, and statute does not authorize charging student fees for the protective gear required by the Bill. The DE guidance in this regard identifies such gear as “essential to instruction” and notes that it must be purchased from the student activity fund. Iowa Code section [298A.8](#) allows school districts to transfer General Fund dollars to the student activity fund for the purpose of purchasing protective and safety equipment required for any extracurricular interscholastic athletic contest or competition sponsored or administered by the athletic associations or other organizations qualifying under Iowa Code section [280.13](#).

Assumptions

The DPH has developed protocols, training materials, and courses that are required by the Board of Educational Examiners and are already in use. Expenses associated with collaboration between the DPH, the DE, and the athletic associations would be minimal.

It is likely that school districts are already providing the protective gear required by the Bill. Any increase in expenses associated with this requirement would be minimal.

The Bill does not mandate the presence of a licensed health care provider at extracurricular interscholastic activities, but expressly limits liability related to the actions of such a provider if a district chooses to have one present. The limitations on liability for the provider may assist districts in finding health care providers willing to fill this role.

Fiscal Impact

[House File 2442](#) is estimated to have minimal fiscal impact to the State. The Bill’s impact to local school districts cannot be estimated, but is likely to be minimal.

Sources

Department of Education
Department of Public Health
Urban Education Network and Rural School Advocates of Iowa
School Administrators of Iowa

/s/ Holly M. Lyons

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The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
