

House File 2442 - Reprinted

HOUSE FILE 2442
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 2006)

(As Amended and Passed by the House March 7, 2018)

A BILL FOR

1 An Act providing for brain injury policies for certain
2 extracurricular interscholastic activities, and including
3 applicability provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 280.13C, Code 2018, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 **280.13C Concussion and brain injury policies.**

5 1. *Legislative findings.* The general assembly finds and
6 declares all of the following:

7 a. Concussions are one of the most commonly reported
8 injuries in children and adolescents who participate in sports
9 and recreational activities. A concussion is caused by a blow
10 or motion to the head or body that causes the brain to move
11 rapidly inside the skull. The risk of catastrophic injuries or
12 death is significant when a concussion or head injury is not
13 properly evaluated and managed.

14 b. Concussions are a type of brain injury that can range
15 from mild to severe and can disrupt the way the brain normally
16 works. Concussions can occur in any organized or unorganized
17 sport or recreational activity and can result from a fall or
18 from players colliding with each other, the ground, or with
19 obstacles. Concussions can occur with or without loss of
20 consciousness, but the vast majority of concussions occur
21 without loss of consciousness.

22 c. Continuing to play with a concussion or symptoms of a
23 brain injury leaves a young athlete especially vulnerable to
24 greater injury and even death. The general assembly recognizes
25 that, despite having generally recognized return-to-play
26 standards for concussions and head injuries, some affected
27 youth athletes are prematurely returned to play or expected
28 to learn at full capability, resulting in prolonged symptoms,
29 actual or potential physical injury, or death to youth athletes
30 in this state.

31 d. A concussion can impair not only the physical abilities
32 of a student athlete, but can also affect how a student athlete
33 thinks, acts, feels, and learns. A student athlete who has
34 sustained a concussion may need informal or formal adjustments,
35 accommodations, modifications of curriculum, and monitoring

1 by medical or educational staff until the student is fully
2 recovered. To that end, the department of public health, in
3 coordination with the Iowa high school athletic association
4 and the Iowa girls high school athletic union, shall establish
5 and disseminate to all schools in this state a return-to-learn
6 protocol that is based on peer-reviewed scientific evidence
7 consistent with federal guidelines. Furthermore, all schools
8 in this state shall adopt such protocols.

9 2. *Definitions.* For the purposes of this section:

10 a. "*Contest*" means an interscholastic athletic game or
11 competition.

12 b. "*Contest official*" means a referee, umpire, judge, or
13 other official in an athletic contest who is registered with
14 the Iowa high school athletic association or the Iowa girls
15 high school athletic union.

16 c. "*Extracurricular interscholastic activity*" means any
17 extracurricular interscholastic activity, contest, or practice,
18 including sports, dance, or cheerleading.

19 d. "*Licensed health care provider*" means a physician,
20 physician assistant, chiropractor, advanced registered nurse
21 practitioner, nurse, physical therapist, or athletic trainer
22 licensed by a board designated under section 147.13.

23 3. *Training.*

24 a. The department of public health, Iowa high school
25 athletic association, and the Iowa girls high school athletic
26 union shall work together to develop training materials and
27 courses regarding concussions and brain injuries, including
28 training regarding evaluation, prevention, symptoms, risks,
29 and long-term effects of concussions and brain injuries. Each
30 coach or contest official shall complete such training at least
31 every two years.

32 b. Individuals required to complete training pursuant to
33 this subsection shall submit proof of such completion to the
34 board of directors of the school district or the authorities in
35 charge of the accredited nonpublic school within thirty days

1 of such completion.

2 4. *Guidelines and information sheet.*

3 a. The department of public health, Iowa high school
4 athletic association, and the Iowa girls high school athletic
5 union shall work together to distribute the centers for
6 disease control and prevention guidelines and other pertinent
7 information to inform and educate coaches, students, and
8 the parents and guardians of students of the risks, signs,
9 symptoms, and behaviors consistent with a concussion or brain
10 injury, including the danger of continuing to participate in
11 extracurricular interscholastic activities after suffering a
12 concussion or brain injury and their responsibility to report
13 such signs, symptoms, and behaviors if they occur.

14 b. Annually, each school district and nonpublic school
15 shall provide to the parent or guardian of each student a
16 concussion and brain injury information sheet, as provided by
17 the department of public health, the Iowa high school athletic
18 association, and the Iowa girls high school athletic union.
19 The student and the student's parent or guardian shall sign and
20 return a copy of the concussion and brain injury information
21 sheet to the student's school prior to the student's
22 participation in any extracurricular interscholastic activity.

23 5. *Removal from participation.*

24 a. If a student's coach, contest official, or licensed
25 health care provider observes signs, symptoms, or behaviors
26 consistent with a concussion or brain injury in an
27 extracurricular interscholastic activity, the student shall be
28 immediately removed from participation.

29 b. A student who has been removed from participation shall
30 not recommence such participation until the student has been
31 evaluated by a licensed health care provider trained in the
32 evaluation and management of concussions and other brain
33 injuries and the student has received written clearance to
34 return to participation from the licensed health care provider.

35 6. *Return-to-play and return-to-learn protocols.* The

1 department of public health, the department of education, the
2 Iowa high school athletic association, and the Iowa girls
3 high school athletic union shall work together to develop
4 a return-to-play protocol and a return-to-learn protocol,
5 based on peer-reviewed scientific evidence consistent with the
6 guidelines of the centers for disease control and prevention
7 of the United States department of health and human services,
8 for a student's return to participation in an extracurricular
9 interscholastic activity and in the classroom after showing
10 signs, symptoms, or behaviors consistent with a concussion
11 or brain injury. The board of directors of each school
12 district and the authorities in charge of each accredited
13 nonpublic school with enrolled students who participate in an
14 extracurricular interscholastic activity which is a contest in
15 grades seven through twelve shall adopt such protocols.

16 7. *Protective gear.* For school budget years beginning on
17 or after July 1, 2018, the board of directors of each school
18 district and the authorities in charge of each accredited
19 nonpublic school with enrolled students who participate
20 in an extracurricular interscholastic activity which is a
21 contest in grades seven through twelve shall provide students
22 participating in such contests with any protective gear,
23 including but not limited to helmets and pads required for the
24 activity by law, by the rules for such contests, or by Iowa
25 high school athletic association or Iowa girls high school
26 athletic union guidelines. However, an individual student
27 is responsible for other protective gear that the individual
28 student needs but that is not required for participation in the
29 contest as provided in this subsection.

30 8. *Liability.*

31 a. A school district or accredited nonpublic school that
32 fully implements the protocols required by this section and
33 provides a licensed health care provider at a contest shall
34 not be liable for any claim for injuries or damages based upon
35 the actions or inactions of the licensed health care provider

1 present at the contest at the request of the school district
2 or accredited nonpublic school so long as the licensed health
3 care provider acts reasonably and in good faith and in the best
4 interest of the student athlete and without undue influence of
5 the school district or accredited nonpublic school or coaching
6 staff employed by the school district or accredited nonpublic
7 school.

8 *b.* A licensed health care provider providing care without
9 compensation for a school district or accredited nonpublic
10 school under this section shall not be liable for any claim for
11 injuries or damages arising out of such care so long as the
12 licensed health care provider acts reasonably and in good faith
13 and in the best interest of the student athlete and without
14 undue influence of the school district or accredited nonpublic
15 school or coaching staff employed by the school district or
16 accredited nonpublic school.

17 9. *Recommendations.* The advisory council on brain
18 injuries established pursuant to section 135.22A shall make
19 recommendations to the governor on the prevention, diagnosis,
20 and treatment of brain injuries in student athletes, including
21 baseline and post-concussion testing and diagnosis of student
22 athletes, return-to-play and return-to-learn guidelines,
23 training for school educators, coaches, athletic directors,
24 and athletic trainers, delivery of post-concussive management
25 services, and ways to integrate education, training, and
26 diagnostic programs into school programs.

27 Sec. 2. **APPLICABILITY.** A person required to complete
28 training pursuant to section 280.13C, subsection 3, as enacted
29 by this Act, has until July 1, 2019, to initially complete such
30 training.

31 Sec. 3. **STATE MANDATE FUNDING SPECIFIED.** In accordance
32 with section 25B.2, subsection 3, the state cost of requiring
33 compliance with any state mandate included in this division
34 of this Act shall be paid by a school district from state
35 school foundation aid received by the school district under

1 section 257.16. This specification of the payment of the state
2 cost shall be deemed to meet all of the state funding-related
3 requirements of section 25B.2, subsection 3, and no additional
4 state funding shall be necessary for the full implementation of
5 this Act by and enforcement of this Act against all affected
6 school districts.