

HOUSE BILL 513

F1, J1

7lr1738

By: **Delegate Chang**

Introduced and read first time: January 27, 2017

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Participants in Interscholastic Athletic Activities – Concussions –**
3 **Penalties for Coaches**

4 FOR the purpose of requiring a county board of education, on the recommendation of the
5 county superintendent, to suspend a coach who violates certain provisions of law
6 relating to the removal from play of a student who is suspected of sustaining a
7 concussion or other head injury in a practice or game and the return to play of the
8 student; requiring a county board to send to a coach a copy of certain charges and
9 give the coach an opportunity to request a hearing before suspending the coach;
10 requiring a county board to hold a certain hearing under certain circumstances;
11 requiring the State Department of Education to establish certain penalties for a
12 violation of provisions of law relating to concussions and head injuries; authorizing
13 a coach to appeal a certain decision to the State Board of Education; providing that
14 a certain individual who removes from play or returns to play a certain individual is
15 not civilly liable under certain circumstances; providing that certain provisions of
16 law may not be construed to limit the legal rights of a certain individual; and
17 generally relating to penalties for coaches who violate provisions of law relating to
18 concussions and head injuries sustained by participants in interscholastic athletic
19 activities.

20 BY repealing and reenacting, with amendments,
21 Article – Education
22 Section 7–433
23 Annotated Code of Maryland
24 (2014 Replacement Volume and 2016 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
26 That the Laws of Maryland read as follows:

27 **Article – Education**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



7-433.

(a) (1) In this section the following words have the meanings indicated.

(2) "Concussion" means a traumatic injury to the brain causing an immediate and, usually, short-lived change in mental status or an alteration of normal consciousness resulting from:

(i) A fall;

(ii) A violent blow to the head or body; or

(iii) The shaking or spinning of the head or body.

(3) "Youth sports program" means a program organized for recreational athletic competition or instruction for participants who are under the age of 19 years.

(b) (1) The Department shall develop policies and implement a program to provide awareness to coaches, school personnel, students, and the parents or guardians of students, in collaboration with the Department of Health and Mental Hygiene, each county board, the Maryland Public Secondary Schools Athletic Association, the Maryland Athletic Trainers' Association, the Brain Injury Association of Maryland, and representatives of licensed health care providers who treat concussions, on:

(i) The nature and risk of a concussion or head injury;

(ii) The criteria for removal from and return to play;

(iii) The risks of not reporting injury and continuing to play; and

(iv) Appropriate academic accommodations for students diagnosed as having sustained a concussion or head injury.

(2) The program shall include a process to verify that a coach has received information on the program developed under paragraph (1) of this subsection.

(3) (i) Before a student enrolled in a public school system in the State may participate in an authorized interscholastic athletic activity, the county board shall provide a concussion and head injury information sheet to the student and a parent or guardian of the student.

(ii) The student and the parent or guardian of the student shall sign a statement acknowledging receipt of the information sheet.

(iii) The Department shall create the information sheet and acknowledgment statement required under this paragraph.

(4) The Department may use materials available from the Centers for Disease Control and Prevention, the Brain Injury Association of Maryland, or any other appropriate entity to carry out the requirements of this subsection.

(c) (1) A student who is suspected of sustaining a concussion or other head injury in a practice or game shall be removed from play at that time.

(2) A student who has been removed from play may not return to play until the student has obtained written clearance from a licensed health care provider trained in the evaluation and management of concussions.

(d) (1) Before an individual participates in an authorized athletic activity on school property, the county board shall provide, or require that a third party provide:

(i) Information on concussions and head injuries to the individual and, if applicable, a parent or guardian of the individual; and

(ii) Notice that acknowledgment of the receipt of the information by the individual and, if applicable, the parent or guardian of the individual, is required.

(2) The information required under paragraph (1) of this subsection shall be in the form of:

(i) A separate information sheet; or

(ii) A notice on the registration form for a youth sports program stating that information on concussion and head injury is available, including directions on how to receive the information electronically.

(3) The individual and, if applicable, the parent or guardian of the individual shall:

(i) Acknowledge receipt of the information by:

1. Signature;

2. Checking an acknowledgment box on the registration form; or

3. Another method of written or electronic acknowledgment; and

(ii) Return the acknowledgment to the county board or third party.

(e) A youth sports program that uses a public school facility shall provide annually to the county board or the board's agent a statement of intent to comply for all of

its athletic activities with the requirements for the management of a concussion or other head injury of a participant under this section.

(F) (1) ON THE RECOMMENDATION OF THE COUNTY SUPERINTENDENT, A COUNTY BOARD SHALL SUSPEND A COACH FOR A VIOLATION OF SUBSECTION (C) OF THIS SECTION.

(2) BEFORE SUSPENDING A COACH, THE COUNTY BOARD SHALL:

(I) SEND TO THE COACH A COPY OF THE CHARGES AGAINST THE COACH; AND

(II) GIVE THE COACH AN OPPORTUNITY TO REQUEST A HEARING WITHIN 10 DAYS AFTER THE DATE OF RECEIPT OF THE CHARGES.

(3) IF THE COACH REQUESTS A HEARING WITHIN THE 10-DAY PERIOD:

(I) THE COUNTY BOARD PROMPTLY SHALL HOLD A HEARING, PROVIDED THAT A HEARING MAY NOT BE SET WITHIN THE 10-DAY PERIOD AFTER THE DATE THE COUNTY BOARD SENDS A NOTICE OF THE HEARING TO THE COACH; AND

(II) THE COACH SHALL HAVE AN OPPORTUNITY TO BE HEARD BEFORE THE COUNTY BOARD, IN PERSON OR BY COUNSEL, AND TO BRING WITNESSES TO THE HEARING.

(4) THE DEPARTMENT SHALL ESTABLISH THE FOLLOWING PENALTIES FOR A COACH FOUND IN VIOLATION OF SUBSECTION (C) OF THIS SECTION:

(I) FOR A FIRST VIOLATION, SUSPENSION FROM COACHING ANY ATHLETIC ACTIVITY FOR THE REMAINDER OF THE SEASON;

(II) FOR A SECOND VIOLATION, SUSPENSION FROM COACHING ANY ATHLETIC ACTIVITY FOR THE REMAINDER OF THE SEASON AND FOR THE NEXT SEASON; AND

(III) FOR A THIRD VIOLATION, PERMANENT SUSPENSION FROM COACHING ANY ATHLETIC ACTIVITY.

(5) THE COACH MAY APPEAL THE DECISION OF THE COUNTY BOARD TO THE STATE BOARD.

1 **(G) (1) A COACH WHO REMOVES FROM PLAY A STUDENT WHO IS**
2 **SUSPECTED OF SUSTAINING A CONCUSSION OR HEAD INJURY IN A PRACTICE OR**
3 **GAME OR ALLOWS A STUDENT TO RETURN TO PLAY AFTER THE STUDENT HAS**
4 **OBTAINED WRITTEN CLEARANCE FROM A LICENSED HEALTH PROVIDER TRAINED IN**
5 **THE EVALUATION AND MANAGEMENT OF CONCUSSIONS IN ACCORDANCE WITH**
6 **SUBSECTION (C) OF THIS SECTION IS NOT CIVILLY LIABLE FOR ANY ACT OR**
7 **OMISSION IN REMOVING FROM PLAY OR RETURNING TO PLAY THE STUDENT.**

8 **(2) THIS SUBSECTION MAY NOT BE CONSTRUED TO LIMIT THE LEGAL**
9 **RIGHTS OF A STUDENT WHO IS SUSPECTED OF SUSTAINING A CONCUSSION OR HEAD**
10 **INJURY IN A PRACTICE OR GAME.**

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
12 1, 2017.