



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 98

H.P. 84

House of Representatives, January 18, 2011

Resolve, Directing the Commissioner of Education To Adopt a Policy Regarding Management of Head Injuries in Youth Sports

(EMERGENCY)

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative PILON of Saco.
Cosponsored by Senator ALFOND of Cumberland and
Representatives: LAJOIE of Lewiston, LOVEJOY of Portland, MAZUREK of Rockland,
McFADDEN of Dennysville, NELSON of Falmouth, WAGNER of Lewiston, Senators:
CRAVEN of Androscoggin, LANGLEY of Hancock.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** head injuries in school athletic activities pose a risk to Maine's students;
4 and

5 **Whereas,** adoption of a policy on the management of head injuries will benefit
6 Maine students beginning immediately upon implementation; and

7 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
8 the meaning of the Constitution of Maine and require the following legislation as
9 immediately necessary for the preservation of the public peace, health and safety; now,
10 therefore, be it

11 **Sec. 1. Management of concussive and other head injuries in school**
12 **athletic activities. Resolved:** That the Commissioner of Education, referred to in this
13 resolve as "the commissioner," shall adopt a policy on the management of head injuries in
14 school athletic activities in accordance with the provisions of this section by January 1,
15 2012.

16 **1. Working group.** The commissioner shall convene a working group to meet
17 during the summer and fall of 2011 and periodically thereafter to advise the
18 commissioner on the prevention, diagnosis and treatment of concussive and other head
19 injuries in student athletes. The commissioner shall invite the participation in the
20 working group of interested parties, including but not limited to representatives from the
21 Maine Principals' Association, the Maine School Superintendents Association, the Maine
22 School Board Association, the Maine School Management Association and the Acquired
23 Brain Injury Advisory Council, sports medicine practitioners, medical providers and
24 school athletic directors and trainers. The working group shall advise the commissioner
25 on the adoption of a policy on the management of head injuries in school athletic
26 activities and on the updating of the policy as medical knowledge of head injuries
27 progresses.

28 **2. Mandatory provisions.** The policy adopted by the commissioner under this
29 resolve must be distributed to school administrative units and schools in this State and
30 must contain:

31 A. Information for students, parents or legal guardians, athletic directors and staff
32 and coaches on head injury identification and management of head injuries;

33 B. The requirement that prior to each school year a student participating in a school
34 athletic activity and the student's parent or legal guardian review the policy and sign a
35 statement confirming that review;

36 C. Protocols and forms for use by schools in the implementation of the policy on the
37 management of head injuries;

38 D. The requirement that a student suspected of having sustained a head injury in an
39 athletic practice, game or activity must be removed from the athletic practice, game

1 or activity immediately and evaluated for brain injury prior to returning to the athletic
2 practice, game or activity; and

3 E. The requirement that a student suspected of having sustained a head injury after
4 an evaluation under paragraph D must be banned from the athletic practice, game or
5 activity for that day, for the period of time recommended by a national association of
6 neurological physicians and until the school has received a written clearance for the
7 student to resume participation from a licensed neurologist or athletic trainer stating
8 that the student is free of symptoms of a head injury. The requirement must stipulate
9 that the neurologist or athletic trainer may serve in a volunteer capacity and is
10 immune from liability for actions taken in that capacity except for gross negligence or
11 willful or wanton misconduct; and be it further

12 **Sec. 2. Adoption by schools. Resolved:** That, beginning January 1, 2012, all
13 public schools and private schools enrolling more than 60% of their students at public
14 expense in this State must adopt and implement a policy on management of head injuries
15 in school athletic practices, games and activities that is consistent with the policy adopted
16 by the commissioner under section 1; and be it further

17 **Sec. 3. Sharing information. Resolved:** That the commissioner, school
18 administrative units and schools may share with statewide and local organizations that
19 sponsor sports and athletics policies, information, training, protocols and forms
20 developed under sections 1 and 2 regarding the management of head injuries in school
21 athletic practices, games and activities.

22 **Emergency clause.** In view of the emergency cited in the preamble, this
23 legislation takes effect when approved.

24 SUMMARY

25 This resolve directs the Commissioner of Education to adopt a policy for schools in
26 Maine on the management of head injuries in school athletic activities. The policy must
27 include information, protocols and forms and requirements for removing from an athletic
28 practice, game or activity a student suspected of having sustained a head injury and for
29 banning that student from participation for that day and until the school has received
30 written clearance for the student to resume participation. The resolve requires schools to
31 adopt a policy on management of head injuries and to implement the policy beginning
32 January 1, 2012. The resolve allows the sharing of policies, information, training,
33 protocols and forms with statewide and local organizations that sponsor sports and
34 athletics.