

AMENDED IN ASSEMBLY JANUARY 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 25

Introduced by Assembly Member Hayashi

*(Coauthors: Assembly Members Buchanan, Hill, Ma, Nestande, John
A. Pérez, and Smyth)*

(Coauthors: Senators Padilla, Steinberg, and Strickland)

December 6, 2010

~~An act to amend Sections 35179.1 and 49032 of, and to add Section 49475 to, the Education Code, relating to high school athletics. An act to amend Sections 38131 and 38134 of, and to add Section 49475 to, the Education Code, relating to athletics.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 25, as amended, Hayashi. ~~High school athletics. Athletics: concussions and head injuries.~~

~~(1) Existing law states the intent of the Legislature to establish a California High School Coaching Education and Training Program to be administered by school districts and to emphasize, among other things, training and certification in cardiopulmonary resuscitation and first aid. Existing law requires each high school sports coach to complete a coaching education program developed by his or her school district or the California Interscholastic Federation that meets specified guidelines. Existing law makes a high school sports coach responsible for the costs of taking the prescribed course. Existing law prohibits a high school sports coach who does not complete a coaching education program from coaching for more than one season of interscholastic competition.~~

~~This bill, commencing December 31, 2012, would require all high school sports coaches taking or renewing first aid certification to take training that includes, among other things, a basic recognition of the signs, symptoms, and appropriate emergency action steps regarding potentially catastrophic injuries, including, but not limited to, head and neck injuries, concussions, and 2nd impact syndrome. To the extent that this bill would create additional requirements for school districts relating to this training, it would impose a state-mandated local program.~~

~~(1) Existing law authorizes the governing board of a school district to grant the use of school facilities or grounds as a civic center for specified purposes, including sports league activities. Existing law authorizes the governing board of a school district to authorize the use of any school facilities or grounds under its control, when an alternative location is not available, to nonprofit organizations, and clubs or associations organized to promote youth and school activities.~~

~~This bill would require any organization that uses school facilities or grounds for youth athletic activities pursuant to these provisions to provide a statement of compliance with the policies for the management of concussion and head injury, as specified.~~

~~(2) Existing law authorizes school districts to provide specified medical services in connection with athletic events that are under the jurisdiction of, or sponsored or controlled by, school districts. These services include medical or hospital insurance for pupils injured while participating in athletic activities and ambulance service for pupils, instructors, spectators, and other individuals in attendance at athletic activities.~~

~~This bill would require a school district that elects to offer interscholastic athletic programs to immediately remove from a school-sponsored athletic activity—a high school an athlete who is suspected of sustaining a concussion or head injury during that activity, and would prohibit the return of the pupil athlete to that activity until he or she is evaluated by, and receives written clearance from, a licensed health care provider and his or her parent or guardian, as specified. The bill would require, on a yearly basis, a concussion and head injury information sheet to be signed and returned by the athlete and the athlete's parent or guardian prior to the athlete's initiating practice or competition.~~

~~(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions:~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.
State-mandated local program: ~~yes~~-no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 38131 of the Education Code is amended
2 to read:

3 38131. (a) There is a civic center at each and every public
4 school facility and grounds within the state where the citizens,
5 parent teacher associations, Camp Fire girls, Boy Scout troops,
6 veterans’ organizations, farmers’ organizations, school-community
7 advisory councils, senior citizens’ organizations, clubs, and
8 associations formed for recreational, educational, political,
9 economic, artistic, or moral activities of the public school districts
10 may engage in supervised recreational activities, and where they
11 may meet and discuss, from time to time, as they may desire, any
12 subjects and questions that in their judgment pertain to the
13 educational, political, economic, artistic, and moral interests of
14 the citizens of the communities in which they reside. For purposes
15 of this section, “veterans’ organizations” are those groups included
16 within the definition of that term as specified in subdivision (a) of
17 Section 1800 of the Military and Veterans Code.

18 (b) The governing board of any school district may grant the
19 use of school facilities or grounds as a civic center upon the terms
20 and conditions the board deems proper, subject to the limitations,
21 requirements, and restrictions set forth in this article, for any of
22 the following purposes:

23 (1) Public, literary, scientific, recreational, educational, or public
24 agency meetings.

25 (2) The discussion of matters of general or public interest.

26 (3) The conduct of religious services for temporary periods, on
27 a one-time or renewable basis, by any church or religious
28 organization that has no suitable meeting place for the conduct of
29 the services, provided the governing board charges the church or
30 religious organization using the school facilities or grounds a fee
31 as specified in subdivision (d) of Section 38134.

- 1 (4) Child care or day care programs to provide supervision and
- 2 activities for children of preschool and elementary schoolage.
- 3 (5) The administration of examinations for the selection of
- 4 personnel or the instruction of precinct board members by public
- 5 agencies.
- 6 (6) Supervised recreational activities, including, but not limited
- 7 to, sports league activities for youths that are arranged for and
- 8 supervised by entities, including religious organizations or
- 9 churches, and in which youths may participate regardless of
- 10 religious belief or denomination, *provided that any group using*
- 11 *the school facilities or grounds pursuant to this paragraph provides*
- 12 *a statement of compliance with the policies for the management*
- 13 *of concussion and head injury in athletics set forth in subdivisions*
- 14 *(a) and (b) of Section 49475.*
- 15 (7) A community youth center.
- 16 (8) A ceremony, patriotic celebration, or related educational
- 17 assembly conducted by a veterans' organization.
- 18 (9) Other purposes deemed appropriate by the governing board.
- 19 *SEC. 2. Section 38134 of the Education Code is amended to*
- 20 *read:*
- 21 38134. (a) The governing board of any school district shall
- 22 authorize the use of any school facilities or grounds under its
- 23 control, when an alternative location is not available, to nonprofit
- 24 organizations, and clubs or associations organized to promote
- 25 youth and school activities, including, but not limited to:
- 26 (1) Girl Scouts, Boy Scouts, Camp Fire, Inc.
- 27 (2) Parent-teachers' associations.
- 28 (3) School-community advisory councils.
- 29 This subdivision shall not apply to any group that uses school
- 30 facilities or grounds for fundraising activities that are not beneficial
- 31 to youth or public school activities of the district, as determined
- 32 by the governing board.
- 33 (b) Except as otherwise provided by law, the governing board
- 34 may charge an amount not to exceed its direct costs for use of its
- 35 school facilities. Each governing board that decides to levy these
- 36 charges shall first adopt a policy specifying which activities shall
- 37 be charged an amount not to exceed direct costs.
- 38 (c) The governing board of any school district may charge an
- 39 amount not to exceed its direct costs for use of its school facilities
- 40 by any entity, including a religious organization or church, that

1 arranges for and supervises sports league activities for youths as
2 described in paragraph (6) of subdivision (b) of Section 38131.

3 (d) The governing board of any school district that authorizes
4 the use of school facilities or grounds for the purpose specified in
5 paragraph (3) of subdivision (b) of Section 38131 shall charge the
6 church or religious denomination an amount at least equal to the
7 district's direct costs.

8 (e) In the case of entertainments or meetings where admission
9 fees are charged or contributions are solicited and the net receipts
10 are not expended for the welfare of the pupils of the district or for
11 charitable purposes, a charge shall be levied for the use of school
12 facilities or grounds which charge shall be equal to fair rental
13 value.

14 (f) If any group activity results in the destruction of school
15 property, the group may be charged for an amount necessary to
16 repay the damages, and further use of facilities may be denied.

17 (g) As used in this section, "direct costs" to the district for the
18 use of school facilities or grounds means those costs of supplies,
19 utilities, janitorial services, services of any other district employees,
20 and salaries paid school district employees necessitated by the
21 organization's use of the school facilities and grounds of the
22 district.

23 (h) As used in this section, "fair rental value" means the direct
24 costs to the district, plus the amortized costs of the school facilities
25 or grounds used for the duration of the activity authorized.

26 (i) Any school district authorizing the use of school facilities
27 or grounds under subdivision (a) shall be liable for any injuries
28 resulting from the negligence of the district in the ownership and
29 maintenance of those facilities or grounds. Any group using school
30 facilities or grounds under subdivision (a) shall be liable for any
31 injuries resulting from the negligence of that group during the use
32 of those facilities or grounds. The district and the group shall each
33 bear the cost of insuring against its respective risks, and shall each
34 bear the costs of defending itself against claims arising from those
35 risks. *Any group using school facilities or grounds pursuant to*
36 *subdivision (a) for the purpose of any youth athletic activity shall*
37 *provide a statement of compliance with the policies for the*
38 *management of concussion and head injury set forth in subdivisions*
39 *(a) and (b) of Section 49475. Notwithstanding any other provision*
40 *of law, this subdivision shall not be waived. Nothing in this*

1 subdivision shall be construed to limit or affect the immunity or
2 liability of a school district under Division 3.6 (commencing with
3 Section 810) of Title 1 of the Government Code; for injuries caused
4 by a dangerous condition of public property.

5 *SEC. 3. Section 49475 is added to the Education Code, to read:*
6 *49475. If a school district elects to offer an athletic program,*
7 *the school district shall comply with both of the following:*

8 *(a) An athlete who is suspected of sustaining a concussion or*
9 *head injury in an athletic activity shall be immediately removed*
10 *from the activity, and shall not be permitted to return to the activity*
11 *until he or she is evaluated by a licensed health care provider,*
12 *trained in the management of concussions, acting within the scope*
13 *of his or her practice. The athlete shall not be permitted to return*
14 *to the activity until he or she receives written clearance to return*
15 *to the activity from that licensed health care provider.*

16 *(b) On a yearly basis, a concussion and head injury information*
17 *sheet shall be signed and returned by the athlete and the athlete's*
18 *parent or guardian prior to the athlete's initiating practice or*
19 *competition.*

20 ~~SECTION 1. Section 35179.1 of the Education Code is~~
21 ~~amended to read:~~

22 ~~35179.1. (a) This section shall be known and may be cited as~~
23 ~~the 1998 California High School Coaching Education and Training~~
24 ~~Program.~~

25 ~~(b) The Legislature finds and declares all of the following:~~

26 ~~(1) The increase in the number of pupils who participate in high~~
27 ~~school athletics requires a corresponding statewide increase in the~~
28 ~~number of coaches.~~

29 ~~(2) Well-trained coaches are vital to the success of pupil athletes.~~

30 ~~(3) Hundreds of principals, superintendents, and school board~~
31 ~~members participated in developing a strategic plan in conjunction~~
32 ~~with the California Interscholastic Federation (CIF) and identified~~
33 ~~coaching improvement as a vital investment.~~

34 ~~(4) There are many concerns about safety, training, organization,~~
35 ~~philosophy, communications, and general management in coaching~~
36 ~~that need to be addressed.~~

37 ~~(5) School districts, in conjunction with the California~~
38 ~~Interscholastic Federation, have taken the initial first steps toward~~
39 ~~building a statewide coaching education program by assembling~~
40 ~~a faculty of statewide trainers composed of school district~~

1 administrators, coaches, and athletic directors using a national
2 program being used in several states.

3 (6) Concussions are a serious and growing public health concern,
4 especially for athletes participating in contact sports.

5 (7) Concussions can be difficult to detect and, along with other
6 serious head injuries, can have long-term effects, including suicide,
7 depression, memory loss, sleep disorders, impairments in attention,
8 and motor deficits. The effects of these injuries, while not all
9 preventable, can be mitigated by prompt recognition and
10 appropriate response.

11 (8) The competitive interscholastic athletic culture of playing
12 through pain or “toughing it out” puts pupil athletes at serious risk.

13 (9) Concussions have a cumulative effect. Allowing an athlete
14 to return to play too early after a concussion increases the chance
15 of more serious brain injury. A concussion can cause rapid brain
16 swelling that can result in coma or even death.

17 (10) Currently, coaches, pupil athletes, and parents of pupil
18 athletes lack appropriate awareness about the prevention,
19 identification, and treatment of concussions.

20 (11) According to the federal Centers for Disease Control and
21 Prevention, at least 3,000,000 sports- and recreation-related
22 concussions occur in the United States each year.

23 (e) It is, therefore, the intent of the Legislature to establish a
24 California High School Coaching Education and Training Program.
25 It is the intent of the Legislature that the program be administered
26 by local school districts and emphasize the following components:

27 (1) Development of coaching philosophies consistent with the
28 goals of the school, school district, and governing board of the
29 school district.

30 (2) Sport psychology: emphasizing communication,
31 reinforcement of the efforts of young people, effective delivery of
32 coaching regarding technique, and motivation of the pupil athlete.

33 (3) Sport pedagogy: how young athletes learn, and how to teach
34 sport skills.

35 (4) Sport physiology: principles of training, fitness for sport,
36 development of a training program, nutrition for athletes, and the
37 harmful effects associated with the use of steroids and
38 performance-enhancing dietary supplements by adolescents.

39 (5) Sport management: team management, risk management,
40 and working within the context of an entire school program.

1 ~~(6) Training provided by the American Red Cross, the American~~
2 ~~Heart Association, or another organization that provides equivalent~~
3 ~~training and certification in all of the following areas:~~
4 ~~(A) Valid and current certification in CPR.~~
5 ~~(B) Valid and current certification in first aid that includes a~~
6 ~~basic recognition of the signs, symptoms, and appropriate~~
7 ~~emergency action steps regarding potentially catastrophic injuries,~~
8 ~~including, but not limited to, head and neck injuries, concussions,~~
9 ~~and second impact syndrome.~~
10 ~~(C) Emergency action planning.~~
11 ~~(7) Knowledge of, and adherence to, statewide rules and~~
12 ~~regulations, as well as school regulations including, but not~~
13 ~~necessarily limited to, eligibility, gender equity, and discrimination.~~
14 ~~(8) Sound planning and goal setting.~~
15 ~~(d) This section does not endorse a particular coaching education~~
16 ~~or training program.~~
17 ~~SEC. 2. Section 49032 of the Education Code is amended to~~
18 ~~read:~~
19 ~~49032. (a) (1) Effective December 31, 2008, each high school~~
20 ~~sports coach shall have completed a coaching education program~~
21 ~~developed by his or her school district or the California~~
22 ~~Interscholastic Federation that meets the guidelines set forth in~~
23 ~~Section 35179.1. Commencing on December 31, 2012, each high~~
24 ~~school sports coach taking or renewing his or her first aid~~
25 ~~certification shall meet the guidelines set forth in paragraph (6) of~~
26 ~~subdivision (e) of Section 35179.1.~~
27 ~~(2) The coaching education program described by paragraph~~
28 ~~(1) may be taught by an athletic director or high school sports~~
29 ~~coach who is deemed to be qualified by the California~~
30 ~~Interscholastic Federation.~~
31 ~~(b) Upon completion of the coaching education program, a high~~
32 ~~school sports coach shall be deemed to have completed the~~
33 ~~education requirement for the remainder of his or her time coaching~~
34 ~~at the high school level in any school district in the state.~~
35 ~~(c) Each high school sports coach shall be responsible for the~~
36 ~~costs of taking the coaching education program.~~
37 ~~(d) The training requirements of this section shall count toward~~
38 ~~the continuing education required for the renewal of the teaching~~
39 ~~credential of a coach who is also a certificated employee.~~

1 ~~(e) Notwithstanding subdivision (a), a high school sports coach~~
2 ~~who does not meet the requirements of subdivision (a) may be~~
3 ~~used for no longer than one season of interscholastic competition.~~

4 ~~(f) For the purposes of this section, “high school sports coach”~~
5 ~~means an employee or a volunteer who is authorized by a high~~
6 ~~school to be responsible for leading a school sports team of pupil~~
7 ~~athletes.~~

8 ~~SEC. 3. Section 49475 is added to the Education Code, to read:~~

9 ~~49475. If a school district elects to offer any interscholastic~~
10 ~~athletic programs, the school district shall immediately remove~~
11 ~~from any school-sponsored athletic activity any high school athlete~~
12 ~~who is suspected of sustaining a concussion or head injury.~~
13 ~~Following the removal, the pupil shall not be permitted to return~~
14 ~~to the activity until he or she is evaluated by a licensed health care~~
15 ~~provider trained in the evaluation and management of concussions,~~
16 ~~acting within the scope of his or her practice, and receives written~~
17 ~~clearance to return to play from that health care provider and from~~
18 ~~his or her parent or guardian.~~

19 ~~SEC. 4. If the Commission on State Mandates determines that~~
20 ~~this act contains costs mandated by the state, reimbursement to~~
21 ~~local agencies and school districts for those costs shall be made~~
22 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
23 ~~4 of Title 2 of the Government Code.~~