

AMENDED IN ASSEMBLY APRIL 13, 2016

AMENDED IN ASSEMBLY MARCH 29, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2182

Introduced by Assembly Member Mullin

February 18, 2016

An act to ~~amend Section 49475 of~~ *add Section 49475.6 to, and to add and repeal Section 49475.5 of*, the Education Code, relating to school athletics.

LEGISLATIVE COUNSEL'S DIGEST

AB 2182, as amended, Mullin. School athletics: neurocognitive testing.

(1) Existing law requires a school district, charter school, or private school, if it offers an athletic program, to immediately remove an athlete from an athletic activity for the remainder of the day if the athlete is suspected of sustaining a concussion or head injury, and prohibits the athlete from returning to the athletic activity until the athlete is evaluated by a licensed health care provider, trained in the management of concussions and acting within the scope of his or her practice, and the athlete receives written clearance from the licensed health care provider to return to the athletic activity. Existing law also requires, on a yearly basis, a concussion and head injury information sheet to be signed and returned by the athlete and athlete's parent or guardian before the athlete initiates practice or competition.

~~Existing law further provides that, if a licensed health care provider determines that the athlete sustained a concussion or a head injury, the athlete is required to complete a graduated return-to-play protocol of~~

no less than 7 days in duration under the supervision of a licensed health care provider.

This bill would express legislative findings and declarations relating to concussions or traumatic injuries sustained by pupils participating in high school interscholastic athletics and the value of neurocognitive testing.

~~The bill would require a school district, charter school, or private school that offers an athletic program to pay for neurocognitive testing, or provide in-house~~ *establish the Neurocognitive Testing Pilot Grant Program to commence in the 2017–18 school year. The bill would require the State Department of Education to develop an application for school districts interested in participating in the pilot program. A participating school district would be required to commit to participating in the pilot program for 4 school years in order to track pupils tested in grade 9 through completion of high school. The bill would provide that grant funds, based on an appropriation in the annual Budget Act or another statute, would be used for baseline neurocognitive testing, as defined, for pupils who participate in interscholastic athletics in any of 12 designated sports. The bill would require this neurocognitive testing to be conducted by a licensed health care provider, as specified. The bill would require this testing to take place at the beginning of an athletic season before any competitions have taken place and after any head injury, and would require that this baseline neurocognitive testing be repeated at intervals not exceeding 24 months for as long as the athlete is enrolled at the school.*

~~The bill would require that also provide that grant funds could be used for training of personnel and consultation with experts, as specified. The bill would further provide that, under the pilot program, the parent or guardian of each athlete participating in any of the 12 interscholastic sports listed in the bill would be notified, in writing, that the results of baseline and postinjury neurocognitive testing conducted on his or her child is~~ *are available to the child's parent or guardian, or could be shared with the athlete's physician, upon request.*

~~The bill would also provide that grant funds could be used for reporting specified data relating to the baseline neurocognitive testing to the appropriate county office of education. The bill would require the State Department of Education to submit a report containing specified information to the appropriate policy committees of the Legislature on or before December 31, 2021.~~

~~These provisions would be repealed on January 1, 2022.~~

(2) Existing law provides that, if a licensed health care provider determines that an athlete sustained a concussion or a head injury while engaging in an athletic activity, the athlete is required to complete a graduated return-to-play protocol of no less than 7 days in duration under the supervision of a licensed health care provider.

~~The~~

This bill would require a school district, charter school, or private school that offers an interscholastic athletic program to collect and maintain data on traumatic brain injuries and concussions sustained by any of its pupils during an interscholastic athletic competition. ~~The bill would require postinjury neurocognitive testing to be conducted within 72 hours of the occurrence of the injury.~~ activity. The bill would require that this data be reported periodically to the appropriate county office of education, and would require the county office of education to compile and retain the data for summary and analysis as it deems necessary. By imposing new duties on county offices of education, the bill would impose a state-mandated local program.

~~(2)~~

(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.
State-mandated local program: yes.

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The California Interscholastic Federation (CIF), California’s
- 4 governing body for high school sports, requires that, if it is
- 5 suspected that a pupil has sustained a concussion or traumatic brain
- 6 injury in an athletic competition, the pupil must be removed from
- 7 competition immediately and required to receive written clearance
- 8 from a ~~physician~~ licensed health care provider before returning
- 9 to competition.

1 (b) Section 49475 of the Education Code, as it was amended
2 by Assembly Bill 2127 of the 2013–14 Regular Session of the
3 Legislature effective January 1, 2015, provides that a pupil athlete
4 who has been diagnosed with a concussion cannot return to play
5 sooner than seven days after having been evaluated and diagnosed
6 by a ~~physician~~. *licensed health care provider*.

7 (c) The value of neurocognitive testing is that it establishes a
8 baseline of each athlete’s normal neurocognitive functioning before
9 beginning athletic activity. By establishing this baseline, an athlete
10 with a suspected head injury can then be retested to help assess
11 the degree of injury.

12 (d) Following any kind of head injury, athletes retake the test
13 and have the results judged against the baseline test. This is
14 especially important when an athlete experiences numerous hits
15 to the head.

16 ~~SEC. 2. Section 49475 of the Education Code is amended to~~
17 ~~read:~~

18 ~~49475. (a) If a school district, charter school, or private school~~
19 ~~elects to offer an athletic program, the school district, charter~~
20 ~~school, or private school shall comply with all of the following:~~

21 ~~(1) The school district, charter school, or private school to which~~
22 ~~this section is applicable shall pay for neurocognitive testing, or~~
23 ~~provide in-house neurocognitive testing, for pupils who participate~~
24 ~~in interscholastic athletics in any of the following sports:~~

25 ~~(A) Baseball.~~

26 ~~(B) Basketball.~~

27 ~~(C) Cheerleading.~~

28 ~~(D) Field hockey.~~

29 ~~(E) Football.~~

30 ~~(F) Ice hockey.~~

31 ~~(G) Lacrosse.~~

32 ~~(H) Rugby.~~

33 ~~(I) Soccer.~~

34 ~~(J) Softball.~~

35 ~~(K) Volleyball.~~

36 ~~(L) Wrestling.~~

37 ~~(2) The neurocognitive testing required by this section shall be~~
38 ~~conducted by a licensed health care provider with proper training~~
39 ~~in, or experience with, neurocognitive testing, or both, who is able~~
40 ~~to interpret the results of the required testing. The baseline~~

1 neurocognitive testing shall take place at the beginning of an
2 athletic season before any competitions have taken place and after
3 any head injury, and shall be repeated at intervals not exceeding
4 24 months for as long as the athlete is enrolled at the school.

5 (3) (A) (i) An athlete who is suspected of sustaining a
6 concussion or head injury in an athletic activity shall be
7 immediately removed from the athletic activity for the remainder
8 of the day, and shall not be permitted to return to the athletic
9 activity until he or she is evaluated by a licensed health care
10 provider. The athlete shall not be permitted to return to the athletic
11 activity until he or she receives written clearance to return to the
12 athletic activity from a licensed health care provider. Postinjury
13 neurocognitive tests shall be conducted within 72 hours of the
14 occurrence of the injury.

15 (ii) If the licensed health care provider determines that the athlete
16 sustained a concussion or a head injury, the athlete shall also
17 complete a graduated return-to-play protocol of no less than seven
18 days in duration under the supervision of a licensed health care
19 provider. In the event of an abnormal postinjury neurocognitive
20 test result, follow-up neurocognitive testing may be conducted as
21 the discretion of a licensed health care provider.

22 (iii) The California Interscholastic Federation is urged to work
23 in consultation with the American Academy of Pediatrics and the
24 American Medical Society for Sports Medicine to develop and
25 adopt rules and protocols to implement this subparagraph.

26 (B) A school district, charter school, or private school to which
27 this section is applicable shall collect and maintain data on
28 traumatic brain injuries and concussions sustained by any of its
29 pupils during an athletic competition. This data shall include an
30 overview of the baseline neurocognitive testing conducted for each
31 of the sports listed in paragraph (1), and an overview of normal,
32 abnormal, and followup postinjury neurocognitive tests. This data
33 shall be reported periodically to the appropriate county office of
34 education, but the names of the injured pupils shall be kept
35 confidential. The county office of education shall compile and
36 retain the data for summary and analysis as it deems necessary.

37 (4) On a yearly basis, a concussion and head injury information
38 sheet shall be signed and returned by the athlete and the athlete's
39 parent or guardian before the athlete initiates practice or
40 competition. The parent or guardian of each athlete participating

1 in any of the sports listed in paragraph (1) shall also be notified,
 2 in writing, that the results of baseline and postinjury neurocognitive
 3 testing conducted on his or her child is available to the child's
 4 parent or guardian upon request. These neurocognitive testing
 5 results may also be shared with the athlete's physician upon the
 6 request of the athlete's parent or guardian.

7 (b) As used in this section, the following terms have the
 8 following meanings:

9 (1) "Licensed health care provider" means a licensed health
 10 care provider who is trained in the management of concussions or
 11 other head injuries and is acting within the scope of his or her
 12 practice.

13 (2) "Neurocognitive testing" means a comprehensive evaluation
 14 of a person's cognitive status by specific neurologic domains;
 15 including, but not necessarily limited to, memory, attention,
 16 problem solving, language, visuospatial, processing speed, motor,
 17 and emotion.

18 (c) This section does not apply to an athlete engaging in an
 19 athletic activity during the regular schoolday or as part of a physical
 20 education course required pursuant to subdivision (d) of Section
 21 51220.

22 *SEC. 2. Section 49475.5 is added to the Education Code, to*
 23 *read:*

24 49475.5. (a) *The Neurocognitive Testing Pilot Grant Program*
 25 *is hereby established, commencing with the 2017–18 school year.*
 26 *The department shall develop an application for school districts*
 27 *interested in participating in the pilot program. A participating*
 28 *school district shall commit to participating in the pilot program*
 29 *for four school years in order to track pupils tested in grade 9*
 30 *through completion of high school.*

31 (b) *Grant funds, based on an appropriation in the annual Budget*
 32 *Act or another statute, shall be used for the following:*

33 (1) (A) *Baseline neurocognitive testing of pupils attending*
 34 *grades 9 to 12, inclusive, participating in interscholastic athletics*
 35 *in any of the following sports:*

- 36 (i) *Baseball.*
- 37 (ii) *Basketball.*
- 38 (iii) *Cheerleading.*
- 39 (iv) *Field hockey.*
- 40 (v) *Football.*

- 1 (vi) Ice hockey.
- 2 (vii) Lacrosse.
- 3 (viii) Rugby.
- 4 (ix) Soccer.
- 5 (x) Softball.
- 6 (xi) Volleyball.
- 7 (xii) Wrestling.

8 (B) *The baseline neurocognitive testing conducted pursuant to*
9 *this subdivision shall take place at the beginning of an athletic*
10 *season before any competitions have taken place and after any*
11 *head injury, and shall be repeated at intervals not exceeding 24*
12 *months for as long as the athlete is enrolled at the school.*

13 (2) *Postinjury neurocognitive testing of an athlete who is*
14 *suspected of sustaining a concussion or head injury in an*
15 *interscholastic athletic activity. Postinjury neurocognitive tests*
16 *shall be conducted within 72 hours of the occurrence of the injury.*

17 (3) *Training of personnel or to consult with experts on the*
18 *interpretation of postinjury test results. The parent or guardian*
19 *of each athlete participating in any of the sports listed in paragraph*
20 *(1) shall also be notified, in writing, that the results of baseline*
21 *and postinjury neurocognitive testing conducted on his or her child*
22 *are available to the child's parent or guardian upon request. These*
23 *neurocognitive testing results may also be shared with the athlete's*
24 *physician upon the request of the athlete's parent or guardian.*

25 (4) *Reporting to the county office of education data that includes*
26 *an overview of the baseline neurocognitive testing conducted for*
27 *each of the sports listed in paragraph (1), and an overview of*
28 *normal, abnormal, and followup postinjury neurocognitive tests.*
29 *The data shall also include the number of athletes who discontinue*
30 *participation in the sport following a concussion and postinjury*
31 *testing.*

32 (c) *For purposes of this section, "neurocognitive testing" means*
33 *a comprehensive evaluation of a person's cognitive status by*
34 *specific neurologic domains, including, but not necessarily limited*
35 *to, memory, attention, problem solving, language, visuospatial,*
36 *processing speed, motor, and emotion.*

37 (d) (1) *The department shall, based on the data collected by*
38 *the county offices of education located in the area of participating*
39 *school districts, prepare a report including, but not necessarily*
40 *limited to, all of the following information:*

- 1 (A) *The number of athletes who received the baseline tests.*
- 2 (B) *The number of athletes who received the postinjury tests.*
- 3 (C) *The number of athletes who had taken the tests and*
- 4 *discontinued participation in any of the sports set forth in*
- 5 *subdivision (b) due to concussion injuries.*
- 6 (2) *The report prepared pursuant to this subdivision shall be*
- 7 *submitted to the appropriate policy committees of the Legislature*
- 8 *on or before December 31, 2021, and shall comply with Section*
- 9 *9795 of the Government Code.*

10 (e) *This section shall remain in effect only until January 1, 2022,*
 11 *and as of that date is repealed, unless a later enacted statute, that*
 12 *is enacted before January 1, 2022, deletes or extends that date.*

13 **SEC. 3.** *Section 49475.6 is added to the Education Code, to*
 14 *read:*

15 *49475.6. A school district, charter school, or private school*
 16 *that elects to offer an interscholastic athletic program shall collect*
 17 *and maintain data on traumatic brain injuries and concussions*
 18 *sustained by any of its pupils during an interscholastic athletic*
 19 *activity. This data shall be reported periodically to the appropriate*
 20 *county office of education, but the names of the injured pupils shall*
 21 *be kept confidential. The county office of education shall compile*
 22 *and retain the data for summary and analysis as it deems*
 23 *necessary.*

24 ~~**SEC. 3.**~~

25 **SEC. 4.** *If the Commission on State Mandates determines that*
 26 *this act contains costs mandated by the state, reimbursement to*
 27 *local agencies and school districts for those costs shall be made*
 28 *pursuant to Part 7 (commencing with Section 17500) of Division*
 29 *4 of Title 2 of the Government Code.*