

Assembly Bill No. 2182

Passed the Assembly June 2, 2016

Chief Clerk of the Assembly

Passed the Senate August 19, 2016

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2016, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to 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, 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.

This bill would establish the Neurocognitive Testing Pilot Grant Program to provide grant funding to Title I schools for the purposes of neurocognitive testing. The bill would require the Superintendent of Public Instruction to establish an application process for school districts to apply on behalf of Title I schools interested in participating in the pilot program. The bill would require grants under the pilot program to be apportioned to a total of 3 school districts, comprising one school district in each of the following regions of the state: southern, central, and northern. 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 require that grant funds would be used for baseline and postinjury neurocognitive testing, as defined, for pupils attending a Title I school serving any of grades 9 to 12, inclusive, who participate in interscholastic athletics in any of 12 designated sports. The bill would require this baseline and postinjury neurocognitive 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 baseline neurocognitive testing be repeated at intervals not exceeding 24 months for as long as the athlete is enrolled at the school and participating in one or more of the 12 sports listed in the bill. The bill would require the baseline and postinjury neurocognitive testing conducted pursuant to the bill to be administered by individuals, including, but not necessarily limited to, employees of a participating school district, who have been trained to administer these tests.

The bill would 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 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 contingent upon the appropriation of funds for their purposes in the annual Budget Act or another statute.

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.

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 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.

(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.

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

SECTION 1. Section 49475.5 is added to the Education Code, to read:

49475.5. (a) The Neurocognitive Testing Pilot Grant Program is hereby established to provide grant funding to Title I schools for the purposes of neurocognitive testing.

(b) The Superintendent shall establish an application process for school districts to apply on behalf of Title I schools interested in participating in the pilot program. Grants shall be apportioned under the pilot program to a total of three school districts, which shall comprise one school district in each of the following regions of the state: southern, central, and northern. Each school district shall commit to participating in the pilot program for four school years in order to track pupils tested in grade 9 through completion of high school. Grant funding shall be used for the following:

(1) (A) Baseline and postinjury neurocognitive testing of pupils attending a Title I school serving any of grades 9 to 12, inclusive, participating in interscholastic athletics in any of the following sports:

- (i) Baseball.
- (ii) Basketball.
- (iii) Cheerleading.
- (iv) Field hockey.
- (v) Football.
- (vi) Ice hockey.
- (vii) Lacrosse.

- (viii) Rugby.
- (ix) Soccer.
- (x) Softball.
- (xi) Volleyball.
- (xii) Wrestling.

(B) The baseline and postinjury neurocognitive testing conducted pursuant to this subdivision shall take place at the beginning of an athletic season before any competitions have taken place and after any head injury, and baseline testing shall be repeated at intervals not exceeding 24 months for as long as the athlete is enrolled at the school, provided that the athlete is still participating in one or more of the 12 sports listed in subparagraph (A). The baseline and postinjury neurocognitive testing conducted pursuant to this subdivision shall be administered by individuals who have been trained to administer these tests. These individuals may include, but are not necessarily limited to, employees of a participating school district.

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

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

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

(c) For purposes of this section, "neurocognitive testing" means a comprehensive evaluation of a person's cognitive status by specific neurologic domains, including, but not necessarily limited

to, memory, attention, problem solving, language, visuospatial, processing speed, motor, and emotion.

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

(A) The number of athletes who received the baseline tests.

(B) The number of athletes who received the postinjury tests.

(C) The number of athletes who had taken the tests and discontinued participation in any of the sports set forth in subdivision (b) due to concussion injuries.

(2) The report prepared pursuant to this subdivision shall be submitted to the appropriate policy committees of the Legislature on or before December 31, 2021, and shall comply with Section 9795 of the Government Code.

(e) This section is contingent upon the appropriation of funds for its purposes in the annual Budget Act or another statute.

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

SEC. 2. Section 49475.6 is added to the Education Code, to read:

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

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Approved _____, 2016

Governor