

November 11, 2011

Dear Client:

As part of our commitment to provide you with a legal resource that can offer cogent day-to-day advice and clear strategies for a secure future, we offer our pledge to also be your partner in information. We recognize the need for you to be immediately responsive to the changing requirements of the law, government regulations, and community needs. As such, our office will prepare *Action Papers* in response to the ever-changing laws and regulations affecting public education. Receipt of an Action Paper is an indication that your School may want to consider changing a practice or policy. It also may indicate that your School is required by law to initiate or discontinue a practice or policy.

**RE: SAFETY IN YOUTH SPORTS**

On November 10, 2011, Governor Tom Corbett signed into law the Safety in Youth Sports Act (Senate Bill 200), which provides new guidelines and strict standards for managing concussions and traumatic brain injuries in student athletes. The Act also requires schools to establish minimum penalties for coaches who violate these standards, and assigns the Pennsylvania Department of Health and the Pennsylvania Department of Education ("PDE") with the task of developing educational materials to inform students, parents and coaches about the risks involved. The following is an outline of the new guidelines and standards:

I. Educational Materials and Acknowledgment Forms

**Schools are now responsible for distributing information sheets and acknowledgement forms to student athletes and their parent(s) or guardian(s).** Specifically, a "Concussion and Traumatic Brain Injury Information Sheet," which is to be developed and published by the Health Department and PDE, must now be distributed to all students who participate or wish to participate in athletic activities. The student, as well as his or her parent(s) or guardian(s), must also be provided with an acknowledgment form that they are required to sign and return to the school. The school is responsible for the distribution of the information sheets, and the subsequent collection and retention of the acknowledgment forms.

II. Informal Meeting Pre-Season Meeting

The Act suggests, but does not require, that schools hold an informal meeting prior to the start of the athletic season to address the importance of proper concussion management and the use of pre-season baseline statements to aid in the evaluation, management, and recovery



process of those who suffer from a concussion or brain injury. It is recommended that this meeting be open to all ages of athletes and include coaches, school officials, physicians, neuropsychologists, athletic trainers and physical therapists.

### III. Removal from Play

Under the Act, **a student athlete who begins to exhibit signs or symptoms of a concussion or traumatic brain injury must now be immediately removed from play.** The Act provides that a number of individuals can make the determination that a student is showing signs of an injury. This includes game officials, coaches from the student's team, certified athletic trainers, licensed physicians, licensed physical therapists, or any other official designated by the school. After this determination is made, the coach is responsible for removing the student from play.

### IV. Return to Play

The Act further provides that an **injured student is not to be returned to play until he or she is evaluated and cleared to return to play, in writing, by an appropriate medical professional.** An appropriate medical professional is defined by the Act as: (1) a licensed physician who is "trained in the evaluation and management of concussions" (hereinafter, "trained"), or a trained certified health professional designated by the physician; or (2) a licensed psychologist neuropsychologically trained or who has postdoctoral training in neuropsychology. The school must designate an appropriate medical professional to provide written clearances for injured students to return to play.

### V. Training Courses

**The Act also requires that once a school year coaches complete a concussion management certification training course** offered by the Centers for Disease Control and Prevention, the National Federation of State High School Associations, or any other provider approved by the Pennsylvania Department of Health. **Coaches are not permitted to coach athletic activities until they complete the training course.**

### VI. Penalties

Finally, **the Act mandates that schools establish minimum penalties for coaches who violate the requirements** of Parts III and IV above, dictating when a student should be removed and returned to play. These penalties must take effect by July 1, 2014:



- (1) First Violation- suspension from coaching any athletic activity for the remainder of the season.
- (2) Second Violation- suspension from coaching any athletic activity for the remainder of the season, and for the next season.
- (3) Third Violation- permanent suspension from coaching any athletic activity.

In sum, the Safety in Youth Sports Act requires schools to review their policies and practices to ensure compliance with the Act. Schools should be prepared to take the following actions:

- Consider holding an informal meeting prior to the start of the athletic season to address concussion management.
- Retrieve the “Concussion and Traumatic Brain Injury Information Sheet,” following its development and publication by the Pennsylvania Department of Health and PDE.
- Create an acknowledgment form and distribute both the information sheet and the form to student athletes and their parent(s) or guardian(s). Collect and keep on file all signed acknowledgement forms.
- Provide information to coaches regarding the newly required training courses and ensure that coaches comply with the requirements.
- Develop or amend all applicable sports safety policies, including removal and return to play provisions, as well as all required penalty provisions.
- Designate a person or persons, who are appropriate medical professionals, to provide clearances for students to return to play.

The attorneys at Andrews & Price are prepared to assist you in compliance reviews.

Should you have any questions on the Safety in Youth Sports Act, or its impact on you as an employer or any other employment related issues, please contact the attorneys of Andrews & Price.

Best regards,

ANDREWS & PRICE

