

Department of Legislative Services
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FISCAL AND POLICY NOTE
First Reader

House Bill 513
Ways and Means

(Delegate Chang)

**Education - Participants in Interscholastic Athletic Activities - Concussions -
Penalties for Coaches**

This bill requires a local board of education, on the recommendation of a local superintendent, to suspend a coach who violates State law relating to the removal from play of a student who is suspected of sustaining a concussion or other head injury in a practice or game and the student's return to play. The local board of education must follow a specified process prior to suspending a coach, which includes an opportunity for a hearing and appeal of a decision to the State Board of Education. The Maryland State Department of Education (MSDE) must establish specified penalties for a coach found in violation of the law.

The bill takes effect July 1, 2017.

Fiscal Summary

State Effect: None. MSDE can establish the required penalties using existing resources.

Local Effect: Local school system expenditures may increase minimally to develop and follow the required process to discipline coaches in regards to student concussions. The bill does not materially affect circuit court expenditures that may be associated with appeals of State Board of Education decisions.

Small Business Effect: None.

Analysis

Bill Summary: Before suspending a coach, the local board of education must send to the coach a copy of the charges and give the coach an opportunity to request a hearing within 10 days after the date of receipt of the charges.

If the coach requests a hearing within the 10-day period, (1) the local board of education promptly must hold a hearing, provided that a hearing may not be set within the 10-day period, and (2) the coach must have an opportunity to be heard before the local board, in person or by counsel, and to bring witnesses to the hearing.

MSDE must establish the following penalties for a coach in violation of the specified provisions of law: for a first violation, suspension from coaching any athletic activity for the remainder of the season; for a second violation, suspension from coaching any athletic activity for the remainder of the season and for the next season; and for a third violation, permanent suspension from coaching any athletic activity.

The coach may appeal the decision of the local board of education to the State Board of Education.

A coach who removes from play a student who is suspected of sustaining a concussion or head injury in a practice or game or allows a student to return to play after the student has obtained written clearance from a licensed health provider trained in the evaluation and management of concussions in accordance with the law is not civilly liable for any act or omission in removing from play or returning to play the student.

The bill may not be construed to limit the legal rights of a student who is suspected of sustaining a concussion or head injury in a practice or game.

Current Law: Chapters 548 and 549 of 2011 established a statewide program to provide awareness to coaches, school personnel, students, and the parents or guardians of students on:

- the nature and risk of a concussion or head injury;
- the criteria for removal from and return to play;
- the risks of not reporting injury and continuing to play; and
- appropriate academic accommodations for students diagnosed as having sustained a concussion or head injury.

A student or a youth athlete who is suspected of sustaining a concussion or other head injury in a practice or game must be removed from play at that time. A student or youth

athlete who has been removed from play may not return to play until the student has obtained written clearance from a licensed health care provider trained in the evaluation and management of concussions.

The Code of Maryland Regulations allows any party to appeal a decision of the State Board of Education to the circuit court of the jurisdiction where the appellant resides within 30 days of the date of the decision. The State Board of Education may not participate as a party in an appeal taken to the circuit court.

Background: Concussions are a type of traumatic brain injury, caused by a blow or jolt to the head that can range from mild to severe and can disrupt the way the brain functions. The federal Centers for Disease Control and Prevention (CDC) report that an estimated 300,000 sports- and recreation-related head injuries of mild to moderate severity occur in the United States each year, most of which can be classified as concussions. Concussions can occur in any sport, although they are most common in sports where collisions are common. Individuals who have had at least one concussion are at an increased risk for another concussion, and a second concussion that occurs before the brain recovers from the first can, according to CDC, result in brain swelling, permanent brain damage, and even death. According to the National Conference of State Legislatures, in 2011, more than 55,000 high school football players and 29,000 young soccer players sustained concussions during practice or competition.

In April 2015, a federal judge approved a class-action lawsuit settlement between the National Football League (NFL) and thousands of former players. The agreement, which will span the next 65 years, provides for up to \$5 million in financial compensation per retired player for serious medical conditions associated with repeated head trauma, and may cost the NFL \$900 million or more. In December 2015, the film *Concussion*, which directly addresses the NFL controversy, was released. It focuses on the forensic pathologist and neuropathologist Dr. Bennet Omalu, who discovered chronic traumatic encephalopathy in the brains of two NFL players. The film addresses the life-long debilitating conditions suffered by some former players as a result of repeated head trauma, and the efforts of the NFL to deny any link between their conditions and game play or liability for the effects.

In 2016, the Administrative Office of the Courts suggested that MSDE create a centralized list of suspended coaches, although the bill does not require this.

Current Practice in Montgomery County

Montgomery County Public Schools (MCPS) advises that superintendents can already suspend coaches if they fail to follow established safety procedures. MCPS uses its already established due process and appeals process to discipline and suspend coaches for a variety

of reasons. Athletics regularly deals with a number of health and safety concerns in addition to concussions, including heat illnesses, Methicillin-resistant Staphylococcus aureus infections, and neck injuries. MCPS further advises that coaches are well educated on the matter of concussions – they are required to take specific courses on concussions every two years and are required by the Code of Maryland Regulations to take a course entitled “Care and Prevention of Athletic Injuries.” In addition, in Montgomery County, there are certified athletic trainers at every contest to assist in making decisions related to concussions, and the decision on whether to return a student to play following an injury of any type is up to the athletic trainer as opposed to the coach.

Local Expenditures: Local school system expenditures may increase minimally to develop and follow the required process to discipline coaches in regards to concussions. Actual costs will depend on the number of coaches disciplined. Baltimore City advises that specifically it will need to edit its athletics handbook, develop protocols to monitor coaches’ complicate with concussion and return to play requirements, and provide professional development to athletic administrators and coaching staff on the penalties and discipline procedures.

Additional Information

Prior Introductions: HB 29 of 2016, a similar bill, received a hearing in the House Ways and Means Committee, but no further action was taken.

Cross File: None.

Information Source(s): Maryland State Department of Education; Maryland Association of Boards of Education; Administrative Office of the Courts; Baltimore City; Caroline and Montgomery counties; Centers for Disease Control and Prevention; National Conference of State Legislatures; Department of Legislative Services

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