

Department of Legislative Services  
Maryland General Assembly  
2018 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 1210  
Ways and Means

(Delegate Hill, *et al.*)

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Education – Public Schools and Youth Sports Programs – Physical Sports

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This bill establishes a number of restrictions and requirements aimed at addressing child head injuries from sports including (1) *prohibiting* “physical sports” for elementary and middle school age individuals at public school or as part of a youth sports program; (2) requiring high school students to complete a course regarding head injuries prior to participating in interscholastic athletics or a youth sports program involving “physical sports” on public school grounds; (3) requiring coaches of youth sports programs that involve “physical sports” to review information regarding head injuries and make that information available to high school age participants; (4) requiring the Maryland State Department of Education (MSDE), in collaboration with specified individuals and entities, to develop standards for treating head injuries including that a school nurse be notified and requiring specified academic accommodations for students with head injuries; and (5) requires generally that an educated individual *or* a licensed health care provider must be at every practice and game, and that individual is responsible for final decisions regarding a student’s removal from or return to play. **The bill takes effect June 1, 2018.**

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Fiscal Summary

**State Effect:** MSDE can implement the bill using existing resources. Revenues are not affected.

**Local Effect:** Local school system expenditures may increase, potentially significantly, to provide academic accommodations. Local school systems can likely provide the required training using existing resources; however, resources may need to be diverted from other priorities. Local youth sports leagues revenues and expenditures likely decrease as described below.

**Small Business Effect:** Potential meaningful.

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## Analysis

### Bill Summary:

#### *Definitions*

“Head injury” is defined as a traumatic injury to the brain causing an immediate and, usually, short-lived change in mental status or an alteration of normal consciousness resulting from a fall, a violent blow to the head or body, or the shaking or spinning of the head or body; it includes a concussion and a subconcussive injury.

“Physical sport” is defined as tackle football, soccer in which head butting of the ball is allowed, ice hockey in which checking is allowed, field hockey in which checking is allowed, lacrosse in which checking is allowed, tackle rugby, and any other sport in which physical activity results in a high risk or head injury.

“Sudden cardiac arrest” is defined as a condition in which the heart suddenly and unexpectedly stops beating.

“Youth athlete” is defined as an individual who participates in an athletic activity in association with a youth sports program conducted at a public school facility, *or* by a recreational athletic organization.

“Sports program” is defined as an intramural athletic activity, or physical education activity, an interscholastic athletic activity, or a physical education program that is developed and offered to students in accordance with criteria established by the State Board of Education.

“Youth sports program” means a program organized for recreational athletic competition or instruction for participants who are under the age of 19.

#### *Interscholastic Athletics in Public Schools*

Before a student a student enrolled in a public school system may participate in an authorized interscholastic athletic activity, the local board of education must provide access to an online head injury course to the student and parent or guardian of the student. MSDE may use an online course from specified entities or create its own.

An individual who has completed concussion risk and management training *or* a licensed health care provider must be responsible for the *on-site* management of all concussion or head injuries during each practice and game, including final decisions regarding a student’s removal from or return to play.

### *Prohibition of Physical Sports for Elementary and Middle School Students*

The State Board of Education may not approve a physical sport as part of any sports program to be offered to students in elementary or middle school, and must revoke any previously authorized sports program that includes a physical sport that was offered to students in elementary or middle school. “Physical sport” is as defined in the bill. A student in elementary or middle school may not participate in a sports program that includes a physical sport. However, the bill may not be construed to prohibit the State Board of Education from authorizing a sports program that includes nonphysical sports for students in elementary or middle school.

### *High School Students*

MSDE must develop and offer a course about the risks associated with head injuries based on the program developed for interscholastic athletics. A high school student must complete the course prior to participating in a physical sport as part of an intramural or interscholastic athletic activity; a physical education activity; or a physical education program. MSDE must adopt regulations to implement this requirement.

### *Youth Sports Programs*

A youth sports program may make the information about head injuries and cardiac arrest that must be provided to youth athletes and their parents or guardian available as an online course.

A youth sports program for youth athletes of elementary or middle school age may not include physical sports. A youth sports program for high school age athletes that includes physical sports must make available to participating athletes courses on the risks associated with injuries developed by MSDE. The local government must provide notice to the youth sports program of the requirements in the bill before a youth sports program may use a facility owned or operated by a local government.

### *Youth Sports Programs at a Public School Facility*

By August 1 each year, a youth sports program that uses a public school facility must submit to the local board that owns the public school facility a statement that the youth sports program agrees to comply with the requirements of this bill, including that (1) elementary and middle school age children in the youth sports program may not participate in physical sports and (2) high school age children who participate in a youth sports program that includes physical sports must take an online course on the risks associated with head injuries as specified and provide the youth sports program with a certificate of completion for the online course.

## *Standards Developed*

The standards developed by MSDE, in collaboration with specified individuals and entities, must include (1) a requirements that a school nurse is notified whenever a student sustains a head injury and (2) a requirement that appropriate academic accommodations for students diagnosed with head injuries include allowing extended time for completing exams and assignments, providing electronic books, providing audiobooks, providing audio or video recordings of classroom instruction, and providing notes of classroom instruction. There must be a process to verify that a coach has received these standards.

## *Athletic Activity on School Property*

An individual *and an individual's parent or guardian* (including if the individual participating is an adult) must acknowledge receipt of the information regarding head injuries prior to participating in an authorized athletic activity on school property as specified. This information can be provided as an online course, in addition as a separate information sheet. In the case of an online course, they must provide a certificate of completion.

**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 youth athlete who has been removed from play and who is suspected of sustaining a concussion or other head injury cannot return to play without written clearance from a *licensed health care provider* trained in the evaluation and management of concussions. This provision of current law is not altered by the bill.

**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) reports 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.

### *Maryland Implementation and Current Practice*

In accordance with Chapters 548 and 549, MSDE developed policies and provided recommendations for the implementation of concussion awareness programs throughout the State of Maryland for student athletes, their parents or guardians, and their coaches. MSDE has also developed recommendations on the management and treatment of student athletes suspected or diagnosed with having sustained a concussion.

The Maryland Public Secondary Schools Athletic Association (MPSSAA) operates in conjunction with MSDE and the 24 local school systems to provide interscholastic participation opportunities to more than 112,000 student athletes at 199 public high schools. On MPSSAA there are [fact sheets](#) related to concussion awareness and a link to the a free online course called [Concussion in Sports-What You Need to Know](#) provided by the NFL.

Montgomery County reports that it currently uses CDC training to train coaches about head injuries and concussions. CDC provides free online training called [HEADS UP](#); the training includes instruction in understanding a concussion and the potential consequences of this injury, recognizing concussion signs and symptoms, and how to respond.

Baltimore City Public Schools (BCPS) advises that it currently distributes handouts to families, receives sign offs for acknowledgment, and has access to a free concussion and sudden cardiac arrest online course. BCPS further advises that at least one middle school currently participates in a tackle football program, and there are various vendors who contract with school to provide access for students to participate in sports that potentially could be considered physical such as basketball, baseball, and wrestling. BCPS also hosts many private elementary and middle school age sports programs including Pop Warner Football, AAU Basketball, and wrestling programs.

### *Medical Determination*

The Maryland Department of Health advises that return to play after a suspected concussion or head injury is a medical determination and should be done under the direction of a medical provider and, for students, in conjunction with the judgement of the school nurse.

### *Jurisdiction of Educational Agencies*

MSDE advises that the State Board of Education does not have jurisdiction to revoke programs put in place by local school systems. Elementary and middle school extracurricular and interscholastic programs are developed, regulated, and administered by local school systems.

**State Expenditures:** MSDE, in collaboration with specified individuals and entities, can develop the required standards using existing resources. It is assumed that MSDE can use existing online courses to meet the course requirement. To the extent that MSDE cannot use existing online courses, general fund expenditures increase to develop the course.

**Local Fiscal Effect:** Local school system expenditures may increase to provide the required academic accommodations for students diagnosed with head injuries. Costs to provide the accommodations cannot be reliably estimated. Current resources are unknown and it is unknown how many students will receive a head injury each year.

Local school systems are prohibited from having “physical sports” programs for athletes of elementary or middle school age, and must provide training to high school aged students prior to them participating in “physical sports.” It is assumed that local school systems will choose to offer nonphysical sports instead. If free online training is deemed sufficient, local school systems can likely provide the training using existing resources. However, time and resources may need to be diverted from other priorities, such as making computers available for students to complete the training.

Some youth sports leagues are operated by local governments. Local youth sports recreational leagues are prohibited from having “physical sports” programs for athletes of elementary or middle school age. This prohibition may impact revenues and expenditures due to parent and youth preferences to participate in the youth sports programs that meet the requirements of the bill. Due to the popularity of programs like pee-wee tackle football, participation will likely decrease overall. However, due to growing awareness and concern regarding head injuries, over time participation may return to current levels. The magnitude of the effect cannot be reliably estimated. Local youth sports recreational leagues must provide information about head injuries to high school athletes that participate in physical sports. Local youth sports recreational leagues that use public

school facilities will need to document that the information was provided and acknowledged, which may increase expenditures.

**Small Business Effect:** Some youth sports leagues are small businesses. Under the bill they would be prohibited from having “physical sports” programs for athletes of elementary or middle school age. Some youth sports leagues are travel teams that participate in tournaments in other states. As stated above, overall participation in these programs will likely decrease, at least initially. Over time participation may return to current levels. Thus, revenues and related expenditures for these sports leagues decrease.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Baltimore City; Montgomery County; Maryland State Department of Education; Maryland Department of Health; Department of Legislative Services

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