



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1963

by Rep. Daniel J. Burke

SYNOPSIS AS INTRODUCED:

New Act

Creates the Protecting Our Student Athletes Act. Provides that the Act applies to all schools and park districts within this State that operate or sponsor athletic programs or extracurricular activities. Requires the State Board of Education and park districts to develop and disseminate guidelines on policies to inform and educate coaches and athletes and their parents or guardians of the nature and risk of concussions, criteria for removal from and return to play, and the risks of not reporting the injury and continuing to play. Requires each school and park district to develop and implement policies and procedures to ensure compliance with the guidelines, as well as the identification and handling of suspected concussions in athletes. Sets forth what the policies must require. Contains provisions concerning liability and records of compliance. Effective July 1, 2011.

LRB097 05417 NHT 45475 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning student athletes.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Protecting Our Student Athletes Act.

6 Section 5. Legislative findings; recognition.

7 (a) The General Assembly makes the following findings:

8 (1) A concussion is caused by a blow or motion to the
9 head or body that causes the brain to move inside of the
10 skull.

11 (2) Concussions are one of the most commonly reported
12 injuries in children and adolescents participating in
13 sports and recreational activities.

14 (3) Concussions are a type of brain injury that can
15 range from mild to severe and can disrupt the way the brain
16 normally works.

17 (4) The U.S. Centers for Disease Control and Prevention
18 estimates that nearly 4 million sports and
19 recreational-related concussions occur annually in the
20 United States.

21 (5) Studies show that continuing to play with a
22 concussion or symptoms of a head injury leaves a young
23 athlete especially vulnerable to greater injury and death.

1 (6) Studies also show that young, developing brains
2 take longer to heal, requiring that treatment be tailored
3 to specific ages.

4 (7) The risks of catastrophic injuries or death are
5 significant when a concussion or head injury is not
6 properly evaluated and managed.

7 (8) Continuing to play with a concussion or symptoms of
8 a head injury leaves the young athlete especially
9 vulnerable to greater injury and even death.

10 (b) The General Assembly recognizes that, despite having
11 generally recognized standards regarding returning to play
12 from a concussion or head injury, some affected student
13 athletes may prematurely return to play, thus exposing
14 themselves to further risk.

15 Section 10. Definitions. In this Act:

16 "Athlete" means a student or youth, male or female, that
17 participates in an athletic program, event, or extracurricular
18 activity operated or sponsored by a school or park district.

19 "Department" means the Department of Public Health.

20 "Park district" has the meaning ascribed to that term under
21 Section 1-3 of the Park District Code.

22 "School" means any school district or public, private, or
23 nonpublic day or residential educational institution that
24 provides elementary or secondary education for grades 12 and
25 under.

1 "State Board" means the State Board of Education.

2 Section 15. Development of policies.

3 (a) This Section applies to all schools and park districts
4 within this State that operate or sponsor athletic programs or
5 extracurricular activities.

6 (b) The State Board and park districts shall develop and
7 disseminate guidelines on policies to inform and educate
8 coaches and athletes and their parents or guardians of the
9 nature and risk of concussions, criteria for removal from and
10 return to play, and the risks of not reporting the injury and
11 continuing to play.

12 (c) Within 180 days after the effective date of this Act,
13 each school and park district shall develop and implement
14 policies and procedures to ensure compliance with the
15 guidelines under subsection (a) of this Section, as well as the
16 identification and handling of suspected concussions in
17 athletes. These policies shall require the following:

18 (1) In order to participate in an extracurricular
19 physical activity, each athlete and his or her parent or
20 guardian shall review, on an annual basis, information on
21 concussions provided by the school or park district. After
22 having reviewed materials describing the short-term and
23 long-term health effects of concussions, each athlete and
24 his or her parent or guardian shall sign a statement
25 acknowledging receipt of this information, in a manner

1 approved by the State Board or the park district.

2 (2) An athlete suspected by his or her coach, athletic
3 trainer, or team physician of sustaining a concussion or
4 brain injury in a practice or game must be removed from the
5 activity at that time. An athlete who has been removed from
6 play, evaluated, and suspected to have a concussion or
7 brain injury must not return to play until (i) evaluated by
8 an appropriate licensed health care provider, as
9 determined by the State Board or the park district, and
10 (ii) in receipt of a written clearance to return to play
11 from the licensed health care provider.

12 (3) A licensed health care provider evaluating
13 athletes suspected of having a concussion or brain injury
14 may be a volunteer.

15 (4) Schools and park districts may provide the
16 guidelines to organizations sponsoring athletic activities
17 for athletes on school or park district property. Schools
18 and park districts must not be required to enforce
19 compliance with the policies.

20 (c) This Section does not waive any liability or immunity
21 of a school, a park district, or its officers or employees.
22 This Section does not create any liability for a course of
23 legal action against a school, a park district, or its officers
24 or employees.

25 (d) A person who volunteers to assist with an
26 extracurricular athletic activity is not liable for civil

1 damages arising out of an act or omission relating to the
2 requirements of this Section, unless the act or omission is
3 willful or wanton.

4 (e) The superintendent of each school district or park
5 district shall maintain complete and accurate records of the
6 district's compliance with the requirements of this Section.

7 (f) The State Board and park districts, in developing the
8 guidelines on policies pursuant to subsection (a) of this
9 Section, shall work with the Department and various
10 stakeholders, including representatives from the Illinois High
11 School Association, the Brain Injury Association of Illinois,
12 the Illinois College of Emergency Physicians, the American
13 Academy of Pediatrics, children's hospitals and academic
14 medical centers, and other stakeholders deemed appropriate by
15 the State Board.

16 Section 99. Effective date. This Act takes effect July 1,
17 2011.