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MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Larry K. Shumway, Ed.D. 
Chief Executive Officer

DATE: August 5, 2011

ACTION: R277-614 *Athletes and Students with Head Injuries* (New)

Background: The 2011 legislative session passed H. B. 204 *Protection of Athletes with Head Injuries*. A rule is needed to guide LEAs in the implementation of the provisions of the new law.

Proposal: USOE staff will present a new proposed rule, R277-614 *Athletes and Students with Head Injuries* (New), for consideration.

Anticipated Action: The Instruction, Support, and Technology Committee will consider the proposed rule R277-614 *Athletes and Students with Head Injuries* (New) and, if passed, the rule will be considered by the full Board on second reading.

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1 **R277. Education, Administration.**

2 **R277-614. Athletes and Students with Head Injuries.**

3 **R277-614-1. Definitions.**

4 A. "Agent" means a coach, teacher, school employee,
5 representative or volunteer under Section 26-53-102(1).

6 B. "Board" means the Utah State Board of Education.

7 C. "LEA" means a public school or a public charter
8 school.

9 D. "Parent" means a parent or legal guardian of student
10 for whom LEA is responsible.

11 E. "Sporting event" means activities listed under Section
12 26-53-102(5) and includes games, classes, tryouts and
13 activities that take place during the regular school day of
14 public schools and activities sponsored by and through the
15 public schools.

16 F. "Traumatic head injury" means any of the signs,
17 observed or self-reported, listed under Section 26-53-102(6).

18 G. "USOE" means the Utah State Office of Education.

19 **R277-614-2. Authority and Purpose.**

20 A. This rule is authorized by Utah Constitution X,
21 Section 3 which vests general control and supervision in the
22 Board, by Section 53A-1-401(3) which allows the Board to adopt
23 rules in accordance with its responsibilities.

24 B. The purpose of this rule is to direct LEAs under the
25 general control and supervision of the Utah State Board of
26 Education to adopt and enforce a head injury policy for
27 students participating in sporting events as defined in the
28 law, including notification to parents of the policy and
29 receipt from parents of signed statements that parents
30 understand and will support the LEA in the enforcement of the
31 policy.

32 **R277-614-3. Board and USOE Responsibilities.**

33 A. The Board directs all LEAs to develop, pass, post on
34 the LEAs' websites and make available to parents a traumatic
35 head injury policy that meets the requirements of Section
36 26-53.

37 B. The USOE shall, in consultation with Utah State Risk
38 Management, provide a model policy for LEAs to use in
39 developing their policies. The model policy shall be
40 available on the USOE website.

41 C. The USOE shall provide model forms for LEAs to use to
42 inform parents of LEA policies and obtain parent signatures
43 documenting the parents' understanding of and willingness to
44 adhere to LEA policies.

45 D. The USOE shall provide professional development, as
46 needed and to the extent of funds available, to assist LEAs
47 with training to identify students' traumatic head injuries,
48 to provide notice to parents and to comply with the law.

49 **R277-614-4. LEA Responsibilities.**

50 A. All LEAs are identified as amateur sports
51 organizations for purposes of Section 26-53 and shall meet all
52 requirements of the law.

53 B. Before September 15, 2011, all LEAs shall adopt a
54 traumatic head injury policy for students:

55 (1) participating in recess, field days or elementary
56 school activities;

57 (2) participating in physical education classes offered
58 by the LEA; and

59 (3) participating in extracurricular activities sponsored
60 by the LEA or statewide athletic associations or both groups
61 jointly.

62 C. An LEA's policy shall include:

63 (1) direction to agents to remove a student from a
64 sporting event if the student is suspected of sustaining a
65 concussion or a traumatic head injury;

66 (2) the prohibition of a student's continued
67 participation until the student is evaluated by a trained
68 qualified health care professional;

69 (3) a written statement from a trained health care
70 provider clearing the student to resume participation in a
71 sporting event;

72 (4) adequate training for agents, consistent with their
73 involvement and responsibility for supervising students in
74 sporting events, about traumatic head injuries and response to
75 suspected student injuries, consistent with the law; and

76 (5) notice to parents of students who participate in
77 sporting events, including parents' signatures, of an LEA's
78 traumatic head injury policy.

79 D. An LEA shall post its policy on a district/school or
80 charter school website where the information will be readily
81 accessible to the public and to parents.

82 **KEY: athletes, head injuries**

83 **Date of Enactment of Last Substantive Amendment: 2011**

84 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3;**

85 **53A-1-401(3)**