

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: SB 431a

52nd Legislature, 1st Session, 2015

Tracking Number: .199342.1

Short Title: Student Athlete Brain Injury Training

Sponsor(s): Senator William P. Soules

Analyst: Kevin Force

Date: March 18, 2015

AS AMENDED

Senate Floor Amendment Number 1 adds language noting that the brain injury training and information form confirming that student athletes and their parents or guardians have received and understood brain injury training may be contained on the student athlete's sport physical form.

Original Bill Summary:

SB 431 proposes to amend the *Public School Code* section¹ that addresses protocols and training for school coaches regarding brain injuries to student athletes, by requiring that:

- student athletes receive the same training as coaches currently receive on brain injuries, including:
 - protocols and content consistent with the current state of medical knowledge on brain injury to recognize and understand:
 - the risks of brain injury associated with student athletics;
 - signs and symptoms of brain injury; and
 - the need to alert medical professionals to the possibility of brain injury, for diagnosis and treatment, and follow proper medical direction; and
 - the nature and content of the training;
- by the beginning of each academic year, or the first participation in school athletics by a student athlete, school districts provide brain injury training; and
- student athletes and their parents sign training information forms confirming that the student has participated in the required training, and that the student and his or her parent or guardian understand the information included in the training, before permitting the athlete to participate in school athletics.

¹ Section 22-13-31 NMSA 1978, Brain injury; protocols to be used by coaches for brain injuries received by students in school athletic activities; training of coaches; information to be provided to coaches, student athletes, and student athletes' parents or guardians. (2010)

Fiscal Impact:

SB 431 does not contain an appropriation.

Fiscal Issues:

Mandatory inclusion of student athletes in training previously reserved only for coaches may create additional administrative burdens for the school districts, although these costs may be offset by potentially fewer brain injuries being inflicted upon students, as well as avoidance of related, additional medical and administrative costs, due to the expanded training.

Substantive Issues:

Section 22-13-31 NMSA 1978 was originally enacted by Laws 2010, Chapter 96, and required the New Mexico Activities Association (NMAA) to consult with the Brain Injury Advisory Council and school districts to promulgate rules regarding the training of athletic coaches on the issue of brain injuries. Title 6, Chapter 13 of the *New Mexico Administrative Code* addresses interscholastic activities, and the procedure by which rules promulgated by the NMAA are approved by the Public Education Department (PED). The proposed amendments expand the potential scope of these rules to include student athletes, and would require amendment of NMAA's rules to comply with this expansion and promulgation to NMAA's member schools.²

As noted by PED, a recent article in the *Santa Fe New Mexican*³ criticized similar laws in other parts of the country for:

- lack of specificity regarding what age groups are implicated by the required training;
- the lack of medical release forms required to resume athletic activity; and
- no requirement for both students and parents to indicate their understanding of relevant information on brain injuries.

The amendments proposed by SB 431, however, do address many of these issues:

- A “student athlete” is defined as a “*middle, junior high school or senior high school student* who engages in, is eligible to engage in, or seeks to engage in a school athletic activity” (emphasis added).
- Students must:
 - wait a minimum of one week before returning to athletics;
 - no longer exhibit any sign or symptom of brain injury; and
 - receive a medical release from a licensed healthcare professional.
- Students and parents must acknowledge, with signatures, that they understand the information and training they have received regarding brain injury.

² See, e.g.: Policy Services Advisory, Volume 10, Number 1, New Mexico School Boards Association, May 2013, at: <http://www.nmsba.org/2013%20advisories.pdf>.

³ See: “Analysis: Youth Concussion Laws Pushed by NFL Lack Bite,” Fendrich and Pells, Associated Press, *Santa Fe New Mexican*, January 28, 2015, at: http://www.santafenewmexican.com/news/analysis-youth-concussion-laws-pushed-by-%20%20nfl-lack-bite/article_8b7b8054-4dd7-5cfa-9dcd-22014521ad61.html?mode=print.

The Department of Health (DOH) indicates that during 2011 and 2012:

- young people between the ages of 10 and 17 made up more than 80 percent of sports-related brain injuries in New Mexico for persons under the age of 19;
- boys account for 77 percent of sports-related brain injuries of persons under 19, and are injured about 3.3 times more frequently than girls; and
- young people under the age of 19 made 810 visits to New Mexico emergency rooms.

Additionally, according to the Centers for Disease Control (CDC):

- traumatic brain injury accounts for 9.0 percent of all injuries reported in high school sports, with such injuries being particularly prevalent in boys' football and girls' soccer; and
- nationally, high schools reported over 55,000 brain injuries among male football players, and more than 29,000 such injuries among female soccer players.

Finally, the Governor's Commission on Disability, the entity that administers the Brain Injury Advisory Council, noted a University of New Mexico Health Sciences Center Brain and Behavioral Institute survey on sports concussions among New Mexico youth. Data were collected from 20,000 students who participated in school athletics and 7,000 students who participated in physical education (PE). Among its findings:

- 392 male and 206 female students were removed from athletics as a result of concussion;
- the rate of concussion among youth participating in sports was more than 2.5 times greater than the rate reported by a similar study in another state;
- the rate of concussion in PE was 60 percent higher than in sports;
- while nearly all of New Mexico's middle and high school coaches received the state-mandated training on concussions, it is less clear how many PE teachers or youth club sports coaches received similar training;
- more than 50 percent of New Mexico schools indicated there are inadequate resources to diagnose and manage concussions;
- less than 40 percent of schools in the state employ athletic trainers to assist in concussion management; and
- more than 70 percent indicated strong interest in more education and training.

Committee Referrals:

SEC/SPAC/HHC/HEC

Related Bills:

SB 308 *Require Motorcycle Helmets*

SB 492 *Student Athlete Brain Injury Safety Protocols*