

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 782

Introduced by Lathrop, 12.

Read first time January 10, 2014

Committee: Education

A BILL

1 FOR AN ACT relating to public health and welfare; to amend section
2 71-9104, Revised Statutes Cumulative Supplement, 2012; to
3 require schools to establish a return to learn protocol
4 for students who have sustained a concussion; and to
5 repeal the original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-9104, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 71-9104 (1) Each approved or accredited public, private,
4 denominational, or parochial school shall:

5 (a) Make available training approved by the chief medical
6 officer on how to recognize the symptoms of a concussion or brain
7 injury and how to seek proper medical treatment for a concussion or
8 brain injury to all coaches of school athletic teams; ~~and~~

9 (b) Require that concussion and brain injury information
10 be provided on an annual basis to students and the students' parents
11 or guardians prior to such students initiating practice or
12 competition. The information provided to students and the students'
13 parents or guardians shall include, but need not be limited to:

14 (i) The signs and symptoms of a concussion;

15 (ii) The risks posed by sustaining a concussion; and

16 (iii) The actions a student should take in response to
17 sustaining a concussion, including the notification of his or her
18 coaches; ~~and -~~

19 (c) Establish a return to learn protocol for students
20 that have sustained a concussion. The return to learn protocol shall
21 recognize that students who have sustained a concussion and returned
22 to school may need informal or formal accommodations, modifications
23 of curriculum, and monitoring by medical or academic staff until the
24 student is fully recovered.

25 (2)(a) A student who participates on a school athletic

1 team shall be removed from a practice or game when he or she is
2 reasonably suspected of having sustained a concussion or brain injury
3 in such practice or game after observation by a coach or a licensed
4 health care professional who is professionally affiliated with or
5 contracted by the school. Such student shall not be permitted to
6 participate in any school supervised team athletic activities
7 involving physical exertion, including, but not limited to, practices
8 or games, until the student (i) has been evaluated by a licensed
9 health care professional, (ii) has received written and signed
10 clearance to resume participation in athletic activities from the
11 licensed health care professional, and (iii) has submitted the
12 written and signed clearance to resume participation in athletic
13 activities to the school accompanied by written permission to resume
14 participation from the student's parent or guardian.

15 (b) If a student is reasonably suspected after
16 observation of having sustained a concussion or brain injury and is
17 removed from an athletic activity under subdivision (2)(a) of this
18 section, the parent or guardian of the student shall be notified by
19 the school of the date and approximate time of the injury suffered by
20 the student, the signs and symptoms of a concussion or brain injury
21 that were observed, and any actions taken to treat the student.

22 (c) Nothing in this subsection shall be construed to
23 require any school to provide for the presence of a licensed health
24 care professional at any practice or game.

25 (d) The signature of an individual who represents that he

1 or she is a licensed health care professional on a written clearance
2 to resume participation that is provided to a school shall be deemed
3 to be conclusive and reliable evidence that the individual who signed
4 the clearance is a licensed health care professional. The school
5 shall not be required to determine or verify the individual's
6 qualifications.

7 Sec. 2. Original section 71-9104, Revised Statutes
8 Cumulative Supplement, 2012, is repealed.