

BILL: House Bill 29
TITLE: Education – Participation in Youth Sports Programs – Concussions – Penalties for Coaches
DATE: January 28, 2016
POSITION: OPPOSE
COMMITTEE: Ways and Means Committee
CONTACT: John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE), representing all of the state's local boards of education, opposes House Bill 29.

MABE supported the legislation passed by this committee in 2011 to establish a statewide system of standards, training, and public awareness in order to protect Maryland's student athletes from head injuries and concussions. Local school systems are responsible for assuring that each coach is trained in concussion risk and management. At a minimum, the coach's training must include: the nature of the risk of a brain injury; the risk of not reporting a brain injury; and criteria for removal and return to play. The Maryland Public Secondary Schools Athletic Association (MPSSAA) had developed a comprehensive set of informational and training materials for student athletes, parents, and coaches. MPSSAA emphasizes the extensive resources provided by the Centers for Disease Control and Prevention.

The law is quite clear; a student or youth athlete who is suspected of sustaining a concussion or other head injury in a practice or game must be removed from play. Once removed from play, a student or youth athlete may not return to play until he or she has obtained written clearance from a licensed health care professional trained in the evaluation and management of concussions.

MABE and all local boards place the highest priority on protecting our students' health and welfare while under our care and supervision, and therefore appreciate this bill's intent to strengthen the enforcement of the concussion policies and protocols. However, the bill as introduced would create unintended consequences which would impede, not expedite, the suspension of a coach determined by the superintendent to have violated the law's protections of students suspected of suffering a head injury or concussion. Quite simply, current law provides ample discretion for a superintendent to take such action, promptly and without board action. In addition, although the coach could appeal the superintendent's decision, the local board's review would not be nearly as deferential to the coach as the process outlined in this bill.

Therefore, the remaining thrust of the bill is to better ensure that superintendents do in fact act on a determination that a coach violated the law's standard of care. MABE believes that this is a serious matter worthy of in depth dialogue with superintendents, local boards, and coaches, but one which may not lend itself to a legislative solution.

For these reasons, MABE requests an unfavorable report on House Bill 29.