



## Review and Refresh Your Concussion Management Program

By now all personnel should be knowledgeable on the requirements related to your school's concussion management program. While there is no guarantee that those requirements are being met by the responsible parties within your school, even simply meeting the requirements doesn't mean that there isn't more that can be done. Below are some concussion management issues that may warrant a review and a refresher within your program.

### Return to Learn

A traumatic brain injury doesn't just affect a student's athletic participation, it also affects their ability to learn. While a return-to-play protocol may be a part of your concussion management program, there is often no formal plan for managing a concussion in the classroom. Classroom teachers need to be made aware when one of their students is in the concussion protocol. They also should receive training on the signs and symptoms of concussions. The same principles used to slowly reintroduce an injured person to athletics should apply to learning. The Centers for Disease Control and Prevention has a [fact sheet](#) on this topic.

### Cognitive Testing

While it may not be a requirement for your program, the use of neurocognitive testing, such as [ImPACT](#), provides additional information pre-injury and post-injury for student-athletes that are reviewed during a return-to-play consideration.

Being able to testify that your district utilized all available information before approving a return-to-play will certainly help against a potential negligence claim. A double-edged sword would be the need to explain any decision contrary to the results of the testing. Concerns can also be raised that athletes could potentially falsify their baseline rating thus allowing for an earlier return-to-play. If your district uses, or may use, this rating system, it is important to remember that these results are only one thing to be considered, not a replacement for your concussion management program.

### Review Your Parent Packet

While information on concussions should be provided to parents, concussions aren't the only issue. Your parent packet should specifically warn of the potential for all injuries. Sample forms, including a Participant Release of Liability, Waiver of Claims, Express Assumption of Risk and Indemnity Agreement, can be found in our [Risk Management Manual](#).

### Duty to Warn

We know that not every injury will be prevented so we must consider a future defense of a claim. Maintaining documentation of your staff training, and providing as much information as possible to parents, as well as obtaining their signed acknowledgment will provide evidence of the good faith effort made by your district to warn parents of the potential for injury.

However, these waivers will only help to a certain extent. They will provide limited, if any, benefit for defense in the face of actual negligence on the part of the school. This is why formal policies and procedures should be in place as you manage your program. It is the strict adherence to your policies and procedures that reduce the potential for losses to take place, whether it is concussion management or snow/ice removal.

### Mann v. Palmerton Area School District

A September 2017 court decision looked at the issue of liability on the Palmerton Area School District and the coach for failure to remove an athlete from play after a head injury. While the Appeals Court ruling was favorable to the school and coach, based on the standards of 2011 when the loss took place, the court also noted that this would likely not be the case if applied to current standards.

Please see the next page for links to state-specific requirements.

Learn more about current concussion management requirements, including training for coaches at [www.cdc.gov/headsup](http://www.cdc.gov/headsup).

The information provided in this article is intended for general informational purposes and should not be considered as all encompassing, suitable for all situations, in compliance with all laws and regulations or legal advice. Consult an attorney or other specialist to obtain advice with respect to any particular issue or problem.



## Concussion Resources by State

### Connecticut

- [Department of Education - Concussion Education Plan and Guidelines for Connecticut Schools](#)
- [Concussion Laws in Connecticut](#)

### Georgia

- [Georgia High School Association - Concussion Management in High School Athletics](#)
- [Georgia Department of Public Health's Return to Play Policy](#)

### Maryland

- [Maryland Athletic Association - Concussions](#)

### Massachusetts

- [Mass.gov - Sports Related Concussions and Head Injuries](#)
- [Massachusetts Interscholastic Athletic Association - Concussion Corner](#)

### New Hampshire

- [New Hampshire Interscholastic Athletic Association - Concussions](#)

### New Jersey

- [New Jersey Department of Education – Sports-Related Concussion Policy](#)
- [Prevention and Treatment of Sports-Related Concussions and Head Injuries](#)

### New York

- [The State Education Department - Concussion: The Invisible Injury](#)
- [The State Education Department - Guidelines for Concussion Management in the School Setting](#)

### North Carolina

- [Concussion Monitoring and Management in NC Public Schools](#)
- [NC State Board of Education – Return-to-Learn After Concussion](#)

### Ohio

- [Ohio High School Athletic Association – Concussion Resources](#)
- [Ohio Department of Health – Sports/Recreation Traumatic Brain Injuries](#)

### Pennsylvania

- [Concussion Guidance for Pennsylvania Schools](#)
- [PA.gov Concussion Management](#)

### South Carolina

- [South Carolina High School League – Concussion Management](#)
- [SC Department of Health - Student Athlete Concussions Law](#)

### Tennessee

- [Tennessee Secondary School Athletic Association – Concussion Policy](#)
- [Tennessee Department of Health Sports Concussion Law](#)

### Texas

- [University Interscholastic League – Concussion Management Protocol Requirements](#)
- [Texas Sports Concussion Partnership](#)

### Virginia

- [Virginia Board of Education – Guidelines for Policies on Concussions in Students](#)
- [Virginia Law – Policies and Procedures on Concussions in Student-Athletes](#)

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