

HOUSE BILL REPORT

ESHB 2731

As Passed House:
February 18, 2020

Title: An act relating to reporting of student head injury information sustained during athletics and other activities.

Brief Description: Reporting of information about diagnosed concussions of students sustained during athletics and other activities.

Sponsors: House Committee on Education (originally sponsored by Representatives Irwin, Doglio, Davis, Pollet and Leavitt).

Brief History:

Committee Activity:

Education: 1/27/20, 2/6/20 [DPS].

Floor Activity:

Passed House: 2/18/20, 97-0.

Brief Summary of Engrossed Substitute Bill

- Requires, beginning with the 2020-21 school year, public schools to annually report to the Department of Health (DOH) information about each diagnosed concussion sustained by a student during athletic and other activities.
- Directs the DOH to report to the Legislature and the Office of the Superintendent of Public Instruction with a summary and analysis of students' diagnosed concussion information, beginning October 1, 2021, and by October 1 annually thereafter.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Steele, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Bergquist, Caldier, Callan, Corry, Harris, Ortiz-Self, Rude, Stonier, Thai, Valdez and Ybarra.

Staff: Megan Wargacki (786-7194).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background:

A head injury is an injury to the brain, skull, or scalp. A concussion is a head injury that affects brain function. The consequences of, and treatments for, a head injury vary greatly and depend on the cause and severity of the injury.

In Washington, policies for the management of concussion and head injury in youth sports have been in place since 2009, with the enactment of the Zackery Lystedt Law. This law requires that coaches, youth athletes, and parents be informed about the dangers of sports-related head injuries and that a youth athlete who has been suspected of getting a head injury be cleared by a trained and licensed health care provider before returning to play.

Since the early 1990s, the Washington State Department of Health (DOH) has required trauma care providers, but not youth coaches, schools, or nontrauma healthcare facilities, to submit information on the incidents, severity, and causes of trauma, including traumatic brain injury, to a state-wide registry.

In 2018 the federal Centers for Disease Control and Prevention began developing a National Concussion Surveillance System. One stated goal of the system is to provide national estimates of sports-related concussions among youth that occur both in and outside of organized sports. It is not yet known what the reporting requirements will be, including whether youth coaches or schools will be required reporters.

Summary of Engrossed Substitute Bill:

Annually, beginning in the 2020-2021 school year, public schools must report, and the DOH must collect, information about each diagnosed concussion sustained by a student during athletic and other activities. At a minimum, the following information must be reported: student's grade and gender, whether the student had a previous concussion, the event date and location of a diagnosed concussion, the type and level of activity that the student was participating in at the time of the event, whether it was a practice or competition, any known cause of the event, when during the activity the injury occurred, whether protective equipment was worn on the injured student's head at the time of the event, the type of surface on which the event occurred, who initially examined the student at the time of the event, whether the student was removed from the activity at the time of the event, and follow-up information related to whether the student was determined to have a concussion and whether the student was given a written authorization to return to the activity by the end of the season in which the event occurred and the amount of time before the student was authorized to return to the learning environment.

Beginning October 1, 2021, and by October 1 annually thereafter, the DOH must report a summary of the diagnosed concussion information received in the prior school year to the Legislature and the Office of the Superintendent of Public Instruction. The report must include rates, patterns, trends, and other relevant information.

Appropriation: None.

Fiscal Note: Requested on February 6, 2020.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) In Michigan, after implementing a concussion reporting protocol, it was determined that cheerleading is the number two cause of sports-based concussions in high schools and that 98 percent of these injuries occurred during practice. After discovering this, Michigan did not begin requiring helmets; instead cheerleading practices were changed to require pads and extra spotters. By using data, they were able to make simple changes that cut concussion rates by two-thirds.

Washington should have the data to keep young athletes healthy. Concussion researchers think that the pending health crisis that will affect youth is inactivity. Kids need to be active and move around. Many school districts are making decisions not based on data but based on a small number of adverse events. This is not a good way to build policy.

The WIAA is the premier sports league in the state and it has about 800 member schools. In the bill, member schools would be required to contribute concussion data to a database, which would be available to conduct research. There are leading researchers on youth concussions in Washington.

Ten years ago, Washington became the country's leader in return-to-play legislation. Getting the data needed to make good policy decisions will help the state as it develops a return-to-learn policy. The goal is not to fundamentally change the sports that youth are participating in, but to conduct the sports in the safest manner possible.

(Opposed) None.

(Other) Washington is a leader in policy that addresses youth concussion, treatment, and return-to-play. There is some concern about directing the WIAA to require reporting of information by schools. Instead the Legislature should require the schools to report this information to the WIAA. The WIAA has difficulty getting athletic directors to submit participation numbers.

It is not clear who at the schools should complete the report and what type of form should be used. The bill requires the WIAA to publish an annual report, but it is a small office. It is not clear who would be using the data and for what purpose.

Persons Testifying: (In support) Representative Irwin, prime sponsor; and Representative Leavitt.

(Other) Lisa Thatcher, Washington Interscholastic Activities Association.

Persons Signed In To Testify But Not Testifying: None.