



Frequently Asked Questions regarding Act 101: the Safety in Youth Sports Act

1. Are ALL Secondary Schools (i.e. Middle/High Schools) and Schools of Higher Education (i.e. Colleges/Universities) required to adhere to the Safety in Youth Sports Act?

The Safety in Youth Sports Act applies to all school entities as defined in Section 1602-A of the Act of March 10, 1949 (P.L. 30, No.14) and is not intended for the higher education level. According to the definition of “Interscholastic athletics” which is defined under the Public School Code of 1949, both nonpublic and public are required to adhere to this Act. See definition below.

Section 24 P.S. §16-1602-A. Definitions.--The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

Association: The Pennsylvania Interscholastic Athletic Association.

Committee: The Legislative Budget and Finance Committee.

Council: The Pennsylvania Athletic Oversight Council as established in Section 24 P.S. §16-1603-A.

Interscholastic athletics: All athletic contests or competitions conducted between or among school entities situated in counties of the second class, second class A, third class, fourth class, fifth class, sixth class, seventh class and eighth class.

Nonpublic school: A school, other than a public school within this Commonwealth, wherein a resident of this Commonwealth may legally fulfill the compulsory school attendance requirements of this act and Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 78 Stat. 241).

School entity: A public school, school district, nonpublic school or private school in this Commonwealth other than a private or nonpublic school which elects not to become a member of the association.

(1602-A added Nov. 22, 2000, P.L.672, No.91)

2. If a rugby club is a school club does it fall under the Act?

This club would be considered "...sports activities sponsored by school-affiliated organizations," and would, therefore be covered under the act.

3. Does a youth school organization (pee wee/midget football in elementary school) fall under the regulations if they hold their games and practices on the high school fields?

If the athletic activity is sponsored by a school-affiliated organization it is covered. The language of the Act seems to indicate that it is substance of the activity (e.g. athletic activity including interscholastic athletics and non-interscholastic athletics) and not the location that determines whether the activities falls within the scope of the Act.

4. Interscholastic -Does it cover 7-12 grades only or can it also cover elementary schools?

There is no language in the Act which limits the coverage to Grades 7-12. Rather the Act refers to a school entity. A school entity as defined by the Public School Code of 1949 is "A public school, school district, nonpublic school or private school in this Commonwealth other than a private or nonpublic school which elects not to become a member of the association." 24 P.S. § 16-1602-A.

The Safety in Youth Sports Act defines what activities are specifically included in the definition of "Athletic Activity." "Interscholastic Athletics" is the first enumerated item that is included under the definition of "Athletic Activity." The Act provides "Interscholastic Athletics" as defined in the Public School Code of 1949. 24 P.S. § 16-1602-A.

The Interscholastic Activities Accountability chapter of the Public School Code of 1949 defines Interscholastic Athletics as: "All athletic contests or competitions conducted between or among school entities situated in counties of the second class, second class A, third class, fourth class, fifth class, sixth class, seventh class and eighth class. 24 P. S. § 16-1602-A. This seems to broaden the definition of interscholastic athletic to possibly include grades other than 7-12.

The Safety in Youth Sports Act does not contain language that limits its scope to grade 7-12.

5. Under the definition of a physician who would make the decision to return to play....what education on concussion management is acceptable and where would they get this training?

The Act specifically references training courses offered by the Centers for Disease Control and Prevention, the National Federation of State High School Associations, or another provider approved by the Department of Health. Links to approved training courses are available on the Department of Health website.

6. Will the Department of Health offer concussion training? Who can attend? Will there be a charge to attend?

The Department is in the process of developing regionally based concussion training. The training will be free of charge and will be open to all interested groups on a first come, first serve basis. For additional information see:

http://www.portal.state.pa.us/portal/server.pt/community/grants_funding/14140/traumatic_brain_injury/666239

7. How do I go about having my concussion management training course approved by the Department of Health?

The Department has approved the concussion management training courses offered by the Centers for Disease Control and Prevention, the National Federation of State High School Associations and the Pennsylvania Athletic Trainers Society. In order to ensure the integrity and consistency of the information provided to coaches and athletes, these curricula will be the only training courses approved by the Department of Health. The Department will reexamine the need for approval of additional curricula in the second full year of implementation of the Act.

8. How long is the online coaches training?

Approx. 20-30 minutes online. A certificate of completion is provided at the end.

9. Who is responsible for monitoring the coaches' penalties?

The governing body of a school entity.

10. When a return to play note is provided, is there a specific person who must receive the note to allow the student to play again?

School entities must create and implement procedures to comply with the Act. This question would fall under procedures that the school entity must implement.

11. How do I develop a policy for return to play? Is there a sample available?

Schools should collaborate with coaches, school administrators, school nurses and other interested parties to develop a policy for return to play. Having a policy in place will insure consistency of application. For an example to a model policy please see <http://www.biapa.org/site/apps/nlnet/content2.aspx?c=iuLZJbMMKrH&b=1843921&ct=11590269¬oc=1>

12. Is it mandatory that each school entity develop a policy for return to play?

This is not mandated by the Pennsylvania Law.

13. What is the BIAPA Model Policy?

In response to the passage of the Safety in Youth Sports Act, the Brain Injury Association of Pennsylvania (BIAPA) developed a Model Policy and Guidance for Pennsylvania Schools for Sports-Related Concussion/Mild Traumatic Brain Injury. This document is designed to provide guidance to Pennsylvania school boards of education in the development, establishment, and implementation of policies, protocols and programs for the prevention, detection, and treatment of Sports Related Concussion/Mild Traumatic Brain Injury.

14. What is BrainSTEPS?

BrainSTEPS is a school re-entry program aimed at facilitating a return to school for students who have sustained a brain injury. BrainSTEPS teams work with schools to develop educational programs, academic interventions, strategy implementation and monitoring of students. BrainSTEPS stands for Strategies Teaching Educators, Parents, Students.

15. Is there an entity to which coaches will be reported when they are suspended?

This protocol is not addressed in the Act.

16. Do all coaches need to complete annual training or just the head coach (example- assistant coaches)?

All coaches must be trained.

17. What personnel are responsible for communicating that a concussion has been identified at a sporting event to other personnel at the district level (nurse, guidance, etc.)? Coach? Athletic Trainer? Athletic Director?

This protocol is not addressed in the Act.

18. Why does the act require that "medical personnel making return to play decisions must complete training in evaluation and management of concussion?"

The science of the evaluation and management of concussions has changed dramatically. In addition it is reasonable to expect that changes will continue to happen. It is imperative that medical professionals who are involved in the treatment of our student athletes be current in the most recent developments in this science.

19. How will the school entity know that the physician providing the medical note for return to play has been properly and recently trained in concussion?

This is not specified in the act.

20. Is there a school affiliated professional that would take a student through the step by step return to play progression or does this have to happen in an outpatient setting at a concussion clinic?

The Act does not specifically mention the step-by-step return to play. The language of the Act indicates that return to play evaluation and clearance is limited to appropriate medical professionals.

21. How will confidentiality of student's medical information be protected if this information is shared with school officials?

Any provider who evaluates or treats a student with concussion must follow HIPAA guidelines in terms of the dissemination of Protected Health Information (PHI), which means that (in the case of a minor) a parent would have to sign a release of information form for the provider to communicate with the school.

22. Is the baseline for all athletes required or recommended? Is it for each sport played? Or is it once a year? Do you need parent permission for the baseline testing taken by the student?

Concussion baseline testing is not required under the Act.

23. In Pennsylvania who is considered a "licensed physician"?

The Medical Practice Act defines Physician as: "A medical doctor or doctor of osteopathy. 63 P.S. § 422.2.

24. How does the school know if a psychologist has been trained in concussion?

The school entity should develop a policy to ascertain this information.

25. In terms of parents signing off on the information sheet: the new PIAA physical sheet includes a disclaimer on acknowledging that your child can sustain a concussion. If school entities ask if this is "good enough" to fulfill this requirement, is it?

The law states that students/parents shall sign and return an acknowledgement of receipt and review of a "concussion and traumatic brain injury information sheet" to the student's school each school year.

26. Is there a sample acknowledgement form available?

The Pennsylvania Department of Education (PDE) has developed a sample concussion information/acknowledgement form which has been reviewed and adopted by the PIAA. It can be accessed here:

http://www.portal.state.pa.us:80/portal/server.pt/gateway/PTARGS_0_75878_1235269_0_0_18/sample%20parent%20athlete%20acknowledgement%20form.pdf

Additionally, PDE has developed a sample return to play form which can be access here:

http://www.portal.state.pa.us:80/portal/server.pt/gateway/PTARGS_0_75878_1235270_0_0_18/Sample%20return%20to%20play%20form.pdf

27. Who is policing, enforcing the coach violations and who is that reported to?

The school entities are responsible for policing and enforcing violations.

28. The Act states, "medical personnel making return to play decisions must complete training in evaluation and management of concussion" - Is this just another way of saying they have to be evaluated by an appropriate medical professional trained in concussion? Because the phrase "must complete training" is confusing. It leads one to believe that these individuals don't already have those credentials and need to acquire them.

It is quite common to find physicians who have had no training in concussions. A physician, without current concussion training, would not know the protocol for dealing with a concussion.

29. Who is responsible for collecting and keeping track that coaches have met their annual concussion management certification training course?

Each school entity is required to maintain that the appropriate information is maintained. If a coach is questioned for a violation of the Safety in Youth Sports Act for any reason the school will have to demonstrate that they have met the law. If not, the penalties would be enforced.

**The PATS ConcussionWise registry could be used to determine who has passed the course.*

30. Which students and parents or guardians need concussion education and how often?

All students participating in or desiring to participate in an athletic activity and the student's parent or guardian shall each school year, prior to participation sign and return an acknowledgement of receipt and review of a concussion and traumatic brain injury information sheet. Athletic activity includes: 1) interscholastic athletics, 2) An athletic contest or competition, other than interscholastic athletics, that is sponsored by or associated with a school entity, including cheerleading; club-sponsored sports activities and sports activities sponsored by school-affiliated organizations, 3) Noncompetitive cheerleading that is sponsored by or associated with a school entity, 4) Practices, interschool practices and scrimmages for all of the activities listed above.

31. Who is responsible for collecting and keeping track of the students and parents or guardians who must the sign concussion and traumatic brain injury information sheet?

Each school entity is required to ensure that the appropriate information is maintained.

32. Who is responsible for penalizing coaches in penalties of found?

The governing body of the school entity shall set and enforce all penalties. The Safety in Youth Sports Act clearly established minimum penalties for first, second, and third violations.

33. Should a coach wait until July 1, 2012 in order for their concussion education to be effective?

The Act states that the concussion education course must be taken each school year.

34. If coaches take a concussion course successfully, does that allow them to make Return to Play decisions if there is NO appropriate medical professional present?

No, the coach can remove them from play but the law specifically states that the coach shall not return a student to participation until the student is evaluated and cleared for return to participation in writing by an appropriate medical professional.

35. Who should determine if a concussion has occurred?

The appropriate medical professionals on-site should be used to determine whether a concussion has occurred.

This Act gives the official the opportunity to remove an athlete from a game to be examined by an appropriate medical professional to determine if a concussion has occurred. For example, if an official would see an athlete vomiting, unbalanced, confused, or struggling to get back into play he would refer to the appropriate medical professional onsite. At this point, the appropriate medical professional will evaluate the athlete and if they are in distress for any reason other than a concussion they may return to the game when fit to do so. Once the diagnosis of concussion has been determined, an athlete will not return to play. If an

appropriate medical professional is not available to determine if a concussion has, or has not, been sustained the athlete should not return to play until evaluated by an appropriate medical professional.

36. Are Athletic Trainers considered appropriate medical professionals?

Yes. Athletic trainers (ATs) are licensed health care professionals who are considered appropriate medical professionals as long as they are designated by a licensed physician trained in the management of concussions. Athletic trainers should have an established and delineated subsection on concussion included in their written protocol with their physician that discusses criteria on how concussions will be handled from assessment to establishing a safe return to play and school.