

By: Lucio III

H.B. No. 1690

A BILL TO BE ENTITLED

AN ACT

relating to requiring school districts, open-enrollment charter schools, and private schools to adopt and implement policies and procedures relating to the care of students diagnosed with concussions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 38, Education Code, is amended by adding Sections 38.034 and 38.035 to read as follows:

Sec. 38.034. RETURN-TO-LEARN POLICIES AND PROCEDURES FOR STUDENTS DIAGNOSED WITH CONCUSSIONS. (a) Each school district, open-enrollment charter school, and private school shall adopt and implement policies and procedures regarding a student's return to school activities following a concussion diagnosis.

(b) The policies and procedures adopted under Subsection (a) must:

(1) address the academic needs of a student who has been diagnosed with a concussion;

(2) establish a return-to-learn protocol, based on peer-reviewed scientific evidence, for a student's return to academic course work and activities following a concussion diagnosis; and

(3) except as provided by Subsection (c), require a student who has been diagnosed with a concussion to resume all academic activities without any restrictions or modifications

1 before:

2 (A) initiating the return-to-play protocol
3 established under Section 38.153; or

4 (B) participating in any physical activity at
5 school.

6 (c) A student diagnosed with a concussion must have resumed
7 all academic activity before:

8 (1) the return-to-play protocol established under
9 Section 38.153 is initiated; and

10 (2) the student may participate in physical activity
11 at the school.

12 (d) Each school district, open-enrollment charter school,
13 and private school shall assign at least one person at each school
14 campus to oversee compliance with the return-to-learn protocol
15 established under Subsection (b)(2).

16 Sec. 38.035. TRAINING AND EDUCATIONAL MATERIALS REGARDING
17 CONCUSSIONS. (a) Each school district, open-enrollment charter
18 school, and private school shall adopt a policy requiring each
19 district or school employee or volunteer who has direct contact
20 with students to complete not less than two hours of training at
21 least once every two years regarding concussions.

22 (b) The training required under Subsection (a) must be
23 approved by the agency and include information regarding:

24 (1) how to recognize the signs and symptoms of a
25 concussion;

26 (2) the effects of a concussion on a student's academic
27 abilities;

1 (3) the importance of communication between a parent
2 or guardian and educators and health care providers to enable a
3 student diagnosed with a concussion to successfully resume all
4 academic activities, including establishing and enforcing academic
5 restrictions or modifications as needed; and

6 (4) the development and management of a plan for the
7 care of a student diagnosed with a concussion as the student resumes
8 academic activities, including information on:

9 (A) modifications to learning environments that
10 may assist a student recovering from a concussion; and

11 (B) strategies for educators to assist a student
12 recovering from a concussion to remain current with course work
13 during the student's recovery.

14 (c) Each school district, open-enrollment charter school,
15 and private school may make materials detailing the signs and
16 symptoms of and course of recovery and treatment for concussions
17 available to employees, students, and parents or guardians of
18 students. The materials may be provided in English and Spanish and
19 in electronic or written form.

20 SECTION 2. This Act applies beginning with the 2019-2020
21 school year.

22 SECTION 3. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2019.