

BILL ANALYSIS

Senate Research Center

S.B. 2398
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Education K-16
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Students with concussions returning to school while also recovering from their concussion run the risk of falling behind in their classwork, which can lead to uncharacteristically poor academic outcomes for the student. Concussion also has an invisible impact on a child's social-emotional well-being and can lead to social isolation, behavioral challenges, and mental health obstacles. If a student recovering from a concussion is not given appropriate academic, social, and behavioral accommodation during their recovery, a short-term injury can have long-term, detrimental effects on that student's overall success. Schools need to provide temporary academic, social, and behavioral accommodations and support to students recovering from concussions.

The Texas Education Agency (TEA) identifies accommodations for students recovering from concussions on its website. Our school leadership demonstrate an understanding of the needs of students recovering from concussions. Unfortunately, these recommended accommodations are not generally provided to the students who need them. In other words, TEA knows what accommodations are necessary, but that knowledge is not applied with a plan.

S.B. 2398 instructs TEA to create a list of nonmedical academic accommodations for concussions and other traumatic brain injuries and allow school districts to opt in to provide those accommodations. A model has been developed to create a simple plan for educators to follow, providing accommodations necessary to ensure a student's brain has time to heal, thereby enabling them to achieve their full potential. It is called an immediate temporary accommodation plan (ITAP). An ITAP acknowledges the immediate need for accommodation for students with concussions returning to school and describes those accommodations in terms of three categories: Academic, Social, and Behavioral.

Key Provisions:

1. Adds Section 38.0051 to Subtitle A, Chapter 38, Education Code, requiring TEA to create a list of nonmedical academic accommodations that may be provided to a student diagnosed with a concussion or other brain injury.
2. Instructs TEA to develop a form for participating school districts that outlines the accommodations a district may provide.
3. Requires the form to be accessible to school districts, teachers, administrators, students, and parents.
4. Outlines concussion notification procedures for school districts providing accommodations.

(Original Author's/Sponsor's Statement of Intent)

S.B. 2398 amends current law relating to certain policies and procedures related to concussions or other brain injuries sustained by public school students.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 38, Education Code, by adding Section 38.0051, as follows:

Sec. 38.0051. **ACADEMIC ACCOMMODATIONS FOR STUDENT WITH CONCUSSION OR OTHER BRAIN INJURY.** (a) Requires the Texas Education Agency (TEA) to develop a list of nonmedical academic accommodations a school district is authorized to offer to a student diagnosed with a concussion or other brain injury.

(b) Requires TEA to:

(1) develop a form for use by school districts describing the accommodations a district is authorized to offer under this section; and

(2) make the form developed under Subdivision (1) available on TEA's Internet website for use by school districts, district educators or administrators, students, and parents or guardians.

(c) Requires a school district that provides accommodations under this section to make the form developed under Subsection (b) available to:

(1) a district employee as soon as practicable after receiving notice that a student enrolled in the district has been diagnosed with a concussion or other brain injury or a request from the employee; and

(2) a student enrolled in the district or the student's parent or guardian as soon as practicable after receiving notice that the student has been diagnosed with a concussion or other brain injury or a request from the student or parent or guardian.

(d) Prohibits this section from being construed to require a school district to provide any accommodations under this section.

SECTION 2. Amends Chapter 38, Education Code, by adding Subchapter D-1, as follows:

SUBCHAPTER D-1. TREATMENT OF CONCUSSIONS AFFECTING STUDENTS OTHER THAN STUDENT ATHLETES

Sec. 38.171. **DEFINITION.** Defines "concussion."

Sec. 38.172. **APPLICABILITY.** Provides that this subchapter does not apply to a concussion believed to have been sustained by a student while participating in an interscholastic athletic activity described by Section 38.152 (Applicability).

Sec. 38.173. **CONCUSSION RESPONSE POLICY.** (a) Requires a school district to adopt and implement a policy regarding how to respond to a concussion believed to have been sustained by a student while on school property or participating in a school-sponsored or school-related activity on or off school property.

(b) Requires that the policy adopted under Subsection (a) provide for:

(1) the immediate removal of a student from a school-sponsored or school-related activity if a school district employee or volunteer believes the student might have sustained a concussion;

(2) notice to the student's parent or guardian or another person with legal authority to make medical decisions for the student of the student's suspected concussion and removal under Subdivision (1); and

(3) the student's return to a school-sponsored or school-related activity only after the requirements under Section 38.157(a) (relating to

prohibiting a student removed from an interscholastic athletics practice or competition from being permitted to practice or compete following a concussion) have been satisfied.

SECTION 3. Provides that this Act applies beginning with the 2025–2026 school year.

SECTION 4. Effective date: upon passage or September 1, 2025.