

BILL ANALYSIS

S.B. 2398
By: Campbell
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill sponsor has informed the committee that students returning to school while recovering from a concussion run the risk of falling behind in their classwork, which can lead to uncharacteristically poor academic outcomes, and that 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. The bill sponsor has also informed the committee that there are certain types of academic accommodations that can be provided to a student with a concussion to ensure the student's brain has time to heal and the student is able to achieve their full potential, such as extended time for assignments and tests, access to a quiet room for rest periods, and scheduled breaks during class to prevent cognitive overload. S.B. 2398 seeks to require the Texas Education Agency to create a list of nonmedical academic accommodations that may be provided to a student diagnosed with a concussion or other brain injury and to allow for public school districts to opt in to providing those accommodations.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 2398 amends the Education Code to require the Texas Education Agency (TEA) to take the following actions:

- develop a list of nonmedical academic accommodations a public school district may offer to a student diagnosed with a concussion or other brain injury;
- develop a form for use by districts describing the accommodations a district may offer; and
- make the form available on TEA's website for use by districts, district educators or administrators, students, and parents or guardians.

The bill requires a district that provides those accommodations to make the form describing the accommodations available as follows:

- to a district employee as soon as practicable after receiving either a request from the employee or notice that a student enrolled in the district has been diagnosed with a concussion or other brain injury; and
- to a student enrolled in the district or the student's parent or guardian as soon as practicable after receiving either a request from the student, parent, or guardian or notice that the student has been diagnosed with a concussion or other brain injury.

The bill establishes that these provisions may not be construed to require a district to provide any nonmedical academic accommodations for a student diagnosed with a concussion or other brain injury.

S.B. 2398 requires a 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. The policy must provide for the following:

- the immediate removal of a student from a school-sponsored or school-related activity if a district employee or volunteer believes the student might have sustained a concussion;
- 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; and
- the student's return to a school-sponsored or school-related activity only after the requirements under statutory provisions relating to a student's return to play in a practice or competition have been satisfied.

The bill makes these provisions inapplicable to a concussion believed to have been sustained by a student while participating in an interscholastic athletic activity, including practice and competition, sponsored or sanctioned by a district, including a home-rule school district; a public school, including any school for which a charter has been granted; or the University Interscholastic League. The bill defines "concussion" for purposes of these provisions by reference to statutory provisions relating to the prevention, treatment, and oversight of concussions affecting student athletes.

S.B. 2398 applies beginning with the 2025-2026 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2025.