

1-1 By: Campbell, Creighton S.B. No. 2398
1-2 (In the Senate - Filed March 12, 2025; March 25, 2025, read
1-3 first time and referred to Committee on Education K-16;
1-4 April 22, 2025, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 11, Nays 0; April 22, 2025,
1-6 sent to printer.)

1-7	COMMITTEE VOTE				
1-8		Yea	Nay	Absent	PNV
1-9	Creighton	X			
1-10	Campbell	X			
1-11	Bettencourt	X			
1-12	Hagenbuch	X			
1-13	Hinojosa of Nueces	X			
1-14	King	X			
1-15	Menéndez	X			
1-16	Middleton	X			
1-17	Parker	X			
1-18	Paxton	X			
1-19	West	X			

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 2398 By: Hinojosa of Nueces

1-21 A BILL TO BE ENTITLED
1-22 AN ACT

1-23 relating to certain policies and procedures related to concussions
1-24 or other brain injuries sustained by public school students.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Subchapter A, Chapter 38, Education Code, is
1-27 amended by adding Section 38.0051 to read as follows:

1-28 Sec. 38.0051. ACADEMIC ACCOMMODATIONS FOR STUDENT WITH
1-29 CONCUSSION OR OTHER BRAIN INJURY. (a) The agency shall develop a
1-30 list of nonmedical academic accommodations a school district may
1-31 offer to a student diagnosed with a concussion or other brain
1-32 injury.

1-33 (b) The agency shall:

1-34 (1) develop a form for use by school districts
1-35 describing the accommodations a district may offer under this
1-36 section; and

1-37 (2) make the form developed under Subdivision (1)
1-38 available on the agency's Internet website for use by school
1-39 districts, district educators or administrators, students, and
1-40 parents or guardians.

1-41 (c) A school district that provides accommodations under
1-42 this section must make the form developed under Subsection (b)
1-43 available to:

1-44 (1) a district employee as soon as practicable after
1-45 receiving:

1-46 (A) notice that a student enrolled in the
1-47 district has been diagnosed with a concussion or other brain
1-48 injury; or

1-49 (B) a request from the employee; and

1-50 (2) a student enrolled in the district or the student's
1-51 parent or guardian as soon as practicable after receiving:

1-52 (A) notice that the student has been diagnosed
1-53 with a concussion or other brain injury; or

1-54 (B) a request from the student or parent or
1-55 guardian.

1-56 (d) This section may not be construed to require a school
1-57 district to provide any accommodations under this section.

1-58 SECTION 2. Chapter 38, Education Code, is amended by adding
1-59 Subchapter D-1 to read as follows:

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

Sec. 38.171. DEFINITION. In this subchapter, "concussion" has the meaning assigned by Section 38.151.

Sec. 38.172. APPLICABILITY. 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.

Sec. 38.173. CONCUSSION RESPONSE POLICY. (a) A school district shall 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) The policy adopted under Subsection (a) must 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) have been satisfied.

SECTION 3. This Act applies beginning with the 2025-2026 school year.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2025.

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