

## Making “Return to Learn” the New “Return to Play”

### Using the Momentum in Sports Safety Advocacy

It is nothing short of remarkable that 50 states have responded to the heightened awareness and concern about concussions in youth sports and passed “return to play” laws. The law was inspired [by Zachary Lystedt](#) of Washington State. Safe Kids coalitions have been involved in this wave of legislative action.

Some of the “return to play” laws are stronger than others, and now some states are entertaining legislation to make the laws stronger. Most notably, states are considering bills that would extend the coverage of the law to middle school students, private and parochial schools and/or non-school sports. A few new laws limit full contact in practice to 90 minutes per week.

In Nebraska, Virginia, Vermont and Oklahoma, legislatures passed bills refining its return to play laws by including a provision requiring a protocol to be followed before a concussed student athlete returns to full cognitive activity. This is known as a “return to learn” protocol. This Advokit will help you propose a bill for introduction by a legislator and draft a letter or other communication to a State Department of Education or School Board urging the adoption of a “return to learn” protocol.

### Return to Play > Return to Learn.

Another refinement of the “return to play” protocol are standards for how and when a student athlete should return to cognitive thinking and educational activity. Preparing the brain for renewed sports activity and learning go together. The transition should be careful and supervised by medical professionals. Among other organizations and entities which have provide guidance on this aspect is the Centers for Disease Control and Prevention which has provided a robust suite of materials to help every category of individual engaged in the prevention, detection, treatment and recovery from concussion. The CDC Heads-Up program has provided content for [coaches](#) including an [on-line training course](#), [school professionals & teachers](#), [parents](#), [health care professionals \(clinicians\)](#), [kids](#), [school nurses](#) and others.

The CDC tells educational professionals, “you will often be challenged with helping return a student to school who may still be experiencing concussion symptoms—symptoms that can result in learning problems and poor academic performance.” Just like the return to sports activity can be perilous in terms of traumatic brain injury, a hasty jump into cognitive thinking can be counterproductive and potentially pose significant risk.

“Cognitive Rest,” according to the [“Guidelines for Concussion Management in the School Setting,”](#) by the New York State Education Department, means avoiding participation that involves concentration or mental stimulation, like computers and video games, television, texting, reading, writing, studying homework, loud music, bright lights and other stimuli. It advises, “Districts should have policies and procedures in place related to transitioning students back to school and for making accommodations for missed tests and assignments.”



## Does There Gotta Be a Law?

For Safe Kids, passing a law to reach a remedy involving a safety risk is the place of last resort, even though good laws and policy have been effective. Often, change can be brought about by working with a governmental body or a school board, and this could be the case with “return to learn” best practices. It is also true, however, that sometimes we pass laws to send a message to the public and policy makers.

## Model Law

### Preamble

Many states have a tradition of including a factually based preamble in a piece of legislation. Following are some suggestions with a national slant, but state information and data is helpful.

- WHEREAS, in 2012, 1.35 million children were seen in emergency rooms in the United States with sports related injuries, including concussions,
- WHEREAS, sports injuries make up 20 percent of all injury-related ER visits for children 6 to 19;
- WHEREAS, in 2012, 163,670 children were seen in ERs for sports related concussion, that’s one child ever three minutes;
- WHEREAS, in recent years, there has been intense and constant awareness about the dangers of concussion sustained in contact sports at the professional level, college sports and in youth athletics;
- WHEREAS, according to a study in the American Journal of Sports Medicine, many high school athletes do not report when they suffer concussions despite the increased awareness of and focus on the seriousness of such injuries and the potential for catastrophic outcomes, particularly from multiple concussions; and
- WHEREAS, a 2013 clinical report by the American Academy of Pediatrics stated that a concussion not only requires a student athlete to take a break from sports activity but also from classroom and cognitive activity, and that such a return be gradual and measured.

### Bill Language

Since 50 states and DC have already passed return to play laws, it is most likely that you will be inserting language, hopefully brief, into that existing law. It could be something like this:

- A. **Return to Play Protocol.** The state recognizes that a student who has sustained a concussion may experience difficulty in returning to full learning capacity. The Department of Education shall establish a procedure for students that have sustained a concussion as defined in [insert name and citation of the return to play law] so that they transition into academic activities, known as a “return to learn” protocol. The return to learn protocol shall require schools to:
- (1) Ensure that teachers and relevant school personnel receive continuing education on the cognitive implications of a concussion so they can be alert to a student’s difficulty in concentration, organization, reasoning, long-term and short-term memory, sensitivity to lighting and sound, and language and speech;



- (2) Make informal or formal accommodations in terms of curriculum, testing and monitoring by medical or academic staff until the student is fully recovered;
- (3) Inform all teachers involved in a student's academic activities so they are aware of the student's condition and unique needs;
- (4) Determine whether and under what circumstances the school, and the student's parent(s) and health care providers, consult on a "return to play" recovery management plan for a student; and;
- (5) Consider all aspects of a student's recovery from concussion.

Variations in the legislation may include:

- What is the state Department with jurisdiction.
- Definition of "concussion" and other terms.
- What if the concussion occurs outside of school sports, say for example in a Pop Warner game or a pick-up ice hockey game? How is the connection made between the concussed student and the school?

The Safe Kids advocacy team is available to help you integrate the new bill into the existing law in your state. [Just contact us.](#)

## Model Letter to School Boards

A state department of education or a school board may not need legislative authority or a direction to set a "return to learn" protocol. This is a model letter to a school board asking it to establish such a protocol.

Dear School Board:

As parents of kids attending (name of school district) schools, we join together to urge the Board of Education to develop, adopt and implement a policy to help a student athlete who has received a concussion gradually and carefully return to full academic activity. This is known as a "return to learn" protocol. In (insert information about the enactment of state return to play law 20XX, the state of XXXX) passed a law which required student athletes who sustained a serious blow to the head to be removed from play. The law says that a student athlete cannot return to play until cleared by a licensed medical professional with specific training in concussions. We greatly appreciate the spirit and conscientiousness with which the Board has worked to implement the "return to play" law.

However, because of the intense attention paid to concussions in sports at all levels, we continue to learn more about the issue. While every concussion is different, the need for cognitive rest following a concussion has been found to be critical. Just as one would not allow a concussed athlete to return directly to full gameplay, one should not allow a concussed student to return immediately to full cognitive and academic activities. According to the Centers for Disease Control and Prevention (CDC), "the experience of learning and engaging in academic activities that require concentration can actually cause a student's concussion symptoms to reappear or worsen."

It is because of this risk that we urge the Board to develop a "return to learn" protocol. By implementing a student's gradual return to academic and cognitive activities, the Board is acting in the interest of the injured student. We recognize the Board is the best expert in designing school policies and protocols for



the schools in your area. We offer, however, some suggestions as to what a “return to learn protocol” should contain:

- A graduated return to learn plan that is tailored to the needs of the student and approved by his or her private medical provider.
- Allowances for the student in terms of modified curriculum, postponed testing, and daily monitoring by academic and athletic staff.
- A concussion management team to help the student’s graduated return. This team may include the student, parents/guardians, administrators, school nurse, athletic director/trainers, the student’s private medical provider, and teachers.
- The recognition that every child and concussion is different, thus allowing for flexibility in the structuring and implementation of the protocol.
- A written release from the student’s private medical provider before full return to activities.

In addition, continuing education for teachers and all relevant school personnel is important. We urge the Board to help lead the nation in youth sports safety by developing, adopting, and implementing a “return to learn” protocol in recognition of the positive impact it will have on the recovery of student athletes.

### Tips for your Advocacy Effort

- **Preparing the Field.** Don’t jump into the “return to learn” advocacy effort by first writing to the school officials or elected officials at the state or local level. Make sure that interest groups that would care about academic policies are aware and support the effort. Otherwise, school administrators and teachers may not appreciate meddling in academic policies.
- **Media Support.** Another foundation for your campaign would involve seeking the support of newspaper editorial boards. Ask for a visit to brief them on the problem and the solution. You can also supplement this through op-ed articles.
- **Storytelling.** Often, safety oriented legislative campaigns gain momentum from the story of an individual who would have benefited from the measure you are suggesting. Thus, try to find a story which tells the need for “return to learn” story. The best story would involve a student athlete who was taken out of the game and held back from sports activity until being cleared by a medical professional, but he or she still struggled to recover because the student returned to school activity too quickly, or other kinds of cognitive functions such as work on the computer, video games and other activities. Safe Kids’ sports report in 2013, “Game Changers,” contained an [excellent story](#) about “Steve” (page 9) which implicated the idea of gradual return to learn and think.

### Virginia “Return to Learn” Law

Summary: Return to Learn Protocol; school personnel must recognize that students who previously suffered a concussion **may suffer from cognitive and academic difficulties** (difficulty with



concentrating, organizing, long and short term memory, speech, language, reasoning, planning, and bright light sensitivity); return to school **must be gradual** and guided by a health care professional.

#### CHAPTER 349

An Act to require the Board of Education to amend its guidelines for school division policies and procedures on concussions in student-athletes.

[H 1096]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. § 1. The Board of Education shall amend its guidelines for school division policies and procedures on concussions in student-athletes to include a "Return to Learn Protocol" with the following requirements:
  1. School personnel shall be alert to cognitive and academic issues that may be experienced by a student-athlete who has suffered a concussion or other head injury, including (i) difficulty with concentration, organization, and long-term and short-term memory; (ii) sensitivity to bright lights and sounds; and (iii) short-term problems with speech and language, reasoning, planning, and problem solving; and
  2. School personnel shall accommodate the gradual return to full participation in academic activities by a student-athlete who has suffered a concussion or other head injury as appropriate, based on the recommendation of the student-athlete's licensed health care provider as to the appropriate amount of time that such student-athlete needs to be away from the classroom.

#### Nebraska (Link to Return to Learn Provision)

**Summary:** Summary: relevant to public, private, denominational, or parochial schools; concussion training for school medical officer; disseminate concussion information to athletes and parents; **Return to Learn; school must recognize that previously concussed student may need additional assistance, modification of curriculum, and/or monitoring; remove athlete from game if exhibiting sign of concussion;** notify parents of concussion; does not require schools to have medical professional present at games

Sec. 5. Section 71-9104, Revised Statutes Cumulative

Supplement, 2012, is amended to read:

- 71-9104 (1) Each approved or accredited public, private, denominational, or parochial school shall:
- (a) Make available training approved by the chief medical officer on how to recognize the symptoms of a concussion or brain injury and how to seek proper medical treatment for a concussion or brain injury to all coaches of school athletic teams; and
  - (b) Require that concussion and brain injury information be provided on an annual basis to students and the students' parents or guardians prior to such students initiating practice or competition. The information provided to students and the students' parents or guardians shall include, but need not be limited to:
    - (i) The signs and symptoms of a concussion;
    - (ii) The risks posed by sustaining a concussion; and



(iii) The actions a student should take in response to sustaining a concussion, including the notification of his or her coaches; and

12 (c) Establish a return to learn protocol for students that have sustained a concussion. The return to learn protocol shall recognize that students who have sustained a concussion and returned to school may need informal or formal accommodations, modifications of curriculum, and monitoring by medical or academic staff until the student is fully recovered.

...

(c) Nothing in this subsection shall be construed to require any school to provide for the presence of a licensed health care professional at any practice or game.

(d) The signature of an individual who represents that he or she is a licensed health care professional on a written clearance to resume participation that is provided to a school shall be deemed to be conclusive and reliable evidence that the individual who signed the clearance is a licensed health care professional. The school shall not be required to determine or verify the individual's qualifications.

## Vermont

Summary: Does not mention return to learn by name but briefly mentions return to academics. “The action plan shall include policies on...what steps the student athlete must take in order to return to any athletics or **learning activity**.”

Requires schools to have a “concussion management action plan,” which includes, “(e) Action plan.

(1) The principal or headmaster of each public and approved independent school in the State or a designee shall ensure that each school has a concussion management action plan that describes the procedures the school shall take when a student athlete suffers a concussion. The action plan shall include policies on: . . .

(B) what steps the student athlete must take in order to return to any athletic or learning activity;

## Oklahoma (Return to Learn Provision)

Summary: All school districts will work to develop guidelines and information programs in regards to concussions; coaches must receive concussion training annually; if athlete exhibits signs of concussion, must be removed from the game and may not return the same day; athlete may only return to sport once received written permission form medical professional; penalties listed for violators; **all public, private, and charter schools that participate in athletics must develop a return to learn policy**

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 70 O.S. 2011, Section 24-155, is amended to read as follows:

Section 24-155. A. Each school district board of education shall work in cooperation with the Oklahoma Secondary School Activities Association to develop the guidelines and other pertinent information and forms to inform and educate coaches, youth athletes, and their parents or guardians of the nature and risk of concussion and head injury, including continuing to play after concussion or head injury. On an annual basis, a concussion and head injury information sheet shall be completed and



returned to the school district by the youth athlete and the athlete's parent or guardian prior to the youth athlete's participation in practice or competition. . . .

G. The sponsors of youth athletic activities not associated with a school are encouraged to follow the guidance stated in this act.

H. All school district boards, including private and charter schools who participate in athletics, must implement a return to learn protocol.

I. A youth sports organization shall provide to the parent, guardian, or other person having care or charge of an individual who wishes to practice for or compete in an athletic activity organized by a youth sports organization the concussion and head injury information sheet provided in subsection M of this section. The organization shall provide the information sheet annually for each sport or other category of athletic activity for or in which the individual practices or competes. . . .

M. The State Department of Health shall create a concussion and head injury information sheet for participants in interscholastic athletics and youth sports organizations. The Department shall include in the information sheet pertinent information to inform and educate coaches, athletes, and the parents, guardians, or other persons having care or charge of athletes of the signs and symptoms of concussion or head injury and the risks of continuing to practice for or compete in an athletic event or activity after sustaining a concussion or head injury. The Department periodically shall review the information sheet and update it accordingly.

1. The Department shall make the information sheet available on its internet website in a format suitable for easy downloading and printing.

2. The Department shall provide a link on its internet website to one or more free online training programs in recognizing the symptoms of concussions and head injuries. . . .

## Bills Not Passed

## New York

Summary: Primarily discusses the creation of a concussion management advisory board that would advise education departments. One of the responsibilities of the advisory board would be to develop “protocols for return to practice or play or **return to school and/or school activities.**”

### S. 185

[Excerpt]

3. When a head injury is suspected or observed:

(a) any student determined to show signs or symptoms or behaviors of concussion or head injury during an activity shall be immediately removed from participation.

(b) the action removing the student from an activity shall be documented using a concussion signs and symptoms checklist by the school personnel or licensed health care provider.



(c) the student shall not return to school or activities until they have been evaluated by a licensed health care provider; (ii) they have received written clearance to return to participation from that licensed health care provider; and (iii) they have successfully completed a return to activity protocol as determined by a licensed health care provider.

## Safe Sports Legislation, Beyond Return to Learn

Beyond “return to learn,” here are bills that have been passed or introduced to build on return to play laws.

**California**, AB2127, Limits full contact practices in football to 90 minutes. ENACTED  
<<http://legiscan.com/CA/text/AB2127/2013>>

**Connecticut**, HB 5113, Requires education for coaches to include content about the frequency of contact in practices.

**Virginia**, SB172, signed by Governor, extends reach of return to play law to include non-interscholastic sports played on school property. <<http://legiscan.com/VA/text/SB172/id/1010642/Virginia-2014-SB172-Chaptered.html>> ENACTED

**Vermont**, S0004, signed by Governor, adds referees to those required to have training, requires schools to have an action plan on concussions, requires home team to have a health care provider at games which includes an athletic trainer. <<http://legiscan.com/VT/text/S0004/id/862483>>

**Rhode Island**, HB7367, adds school nurses and teachers to those who must receive training on concussions. <<http://legiscan.com/RI/bill/H7367/2014>>

**Connecticut**, HB 5113, pending with the Governor, requires state to develop a concussion education plan, limits full contact practices to 90 minutes per week, requires school boards to maintain information on concussions sustained in school <<http://legiscan.com/CT/text/HB05113/2014>>

**Oklahoma**, SB 1790, would require a return to learn protocol and sanctions for allowing athlete to return to play prematurely <http://legiscan.com/OK/text/SB1790/2014>

**Indiana**, HB1290, adds “athletic trainer” to the definition of “health care provider” for certain public care matters. Also includes provision on provision of information about sudden cardiac arrest in school sports. (PASSED)

**Oregon**. Its Jenna’s Law, SB 721, expanded its law to cover all youth sports programs, not just school sports. <<https://olis.leg.state.or.us/liz/2013R1/Measures/Text/SB0721/Enrolled>>

**New Hampshire**, HB 180, applies its return to play law to grades 4-12.  
<<http://www.gencourt.state.nh.us/legislation/2013/HB0180.pdf>>





## More “return to learn” tools for policymakers, including school administrators

American Academy of Pediatrics report on “Returning to Learn Following a Concussion.”

<http://www.aap.org/en-us/about-the-aap/aap-press-room/Pages/After-a-Concussion-Students-Need-a-Gradual-Transition-Back-to-Academics.aspx>

Return to School Protocol developed by BrainSTEPS program in Pennsylvania

[http://www.pattan.net/presentation/download/index.php?presentation\\_id=508a98c40c1c449c3c000004&download\\_id=5148a4de8b0332e10a00000a&file\\_name=Returning%20to%20School%20After%20Concussion:%20Recommended%20Protocol&content\\_type=pdf&url=http://frameweld-workshop.s3.amazonaws.com/files/4f5e004c0c1c44d876000125/4fd9fbd8b03320c6700003c/508a98c40c1c449c3c000004/7\\_brainstepsretprotocol\\_113/2013/03/19/7\\_brainstepsretprotocol\\_113.pdf](http://www.pattan.net/presentation/download/index.php?presentation_id=508a98c40c1c449c3c000004&download_id=5148a4de8b0332e10a00000a&file_name=Returning%20to%20School%20After%20Concussion:%20Recommended%20Protocol&content_type=pdf&url=http://frameweld-workshop.s3.amazonaws.com/files/4f5e004c0c1c44d876000125/4fd9fbd8b03320c6700003c/508a98c40c1c449c3c000004/7_brainstepsretprotocol_113/2013/03/19/7_brainstepsretprotocol_113.pdf)

Colorado Concussion Management Guidelines

<https://docs.google.com/viewer?url=http%3A%2F%2Fwww.cde.state.co.us%2Fsites%2Fdefault%2Ffiles%2Fdocuments%2Fhealthandwellness%2Fdownload%2Fbrain%2520injury%2Ffinalconcussionguidelines%208.22.12.pdf>>

New York State Department of Education “Guidelines for Concussion Management in the School Setting,” pages 9-10

<http://www.p12.nysed.gov/sss/schoolhealth/ConcussionManageGuidelines.pdf>

SportsCapp “State Concussion Laws 2.0: Return to Learn Suggestions,”

<http://www.sportscapp.com/2013/10/15/state-concussion-laws-2-0-return-to-learn-suggestions/>

