



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health

**SPORTS-RELATED HEAD INJURY REGULATIONS:
FREQUENTLY ASKED QUESTIONS**

Revised January 5, 2012

WHO IS COVERED BY THE REGULATIONS?

1. We are an independent school – are we subject to these regulations?

It depends. The regulations apply to *all public middle and high schools*, and all other schools which are subject to the official rules of the Massachusetts Interscholastic Athletic Association (MIAA). If your school is a member of the MIAA, then it is subject to the regulations. However, even if your school is not an MIAA member, you may still decide that you wish to adopt the approach promoted by the regulations for the safety and well-being of your student athletes.

2. We have a band at our school, but they are not a marching band – are they subject to the regulations?

No. The law and the regulations refer only to marching bands.

3. For purposes of these regulations, is cheerleading considered to be an extracurricular activity?

Yes, cheerleading is expressly included in the regulatory definition of an extracurricular athletic activity.

TRAINING REQUIREMENTS

4. We are planning to have a pre-season meeting of parents and students –can we provide concussion training during that meeting?

Yes, definitely. As you know, the regulations require that parents and students, as well as a variety of school personnel, receive DPH-approved concussion training annually. If schools wish to, they can provide this training in a pre-season meeting for parents and students. There are at least two strategies for providing such training in a pre-season meeting:

Schools may offer one of the following on-line trainings: the Centers for Disease Control's (CDC) *Heads Up Concussion* training or the National Federation of State High School Association's (NFHS) *Concussion in Sports – What You Need to Know* training. Schools may use the agenda and attendance roster as a record of verification for participants who are trained in this type of group setting.

Alternatively, schools may use DPH approved written training materials to meet the training requirement. The versions for parents and students are available in English and Spanish. If schools distribute these training materials to parents and students at a pre-season meeting, all parents and students should be asked to sign an acknowledgement verifying that they have reviewed the written materials.

The on-line courses can be found at:

- http://www.cdc.gov/concussion/HeadsUp/online_training.html
- <http://www.nfhslearn.com/electiveDetail.aspx?courseID=15000>

The written materials can be found at:

- Student athletes:
 - http://www.cdc.gov/concussion/pdf/Athletes_Fact_Sheet-a.pdf
 - http://www.cdc.gov/concussion/pdf/Athletes_Fact_Sheet_Spanish-a.pdf
- Parents:
 - http://www.cdc.gov/concussion/pdf/Parents_Fact_Sheet-a.pdf
 - http://www.cdc.gov/concussion/pdf/Parents_Fact_Sheet_Spanish-a.pdf
- Coaches:
 - http://www.cdc.gov/concussion/pdf/Coach_Guide-a.pdf
 - http://www.cdc.gov/concussion/pdf/coaches_Engl.pdf
- School nurses: <http://www.cdc.gov/concussion/HeadsUp/schools.html>

5. We would like to have our certified athletic trainer provide the required concussion training to all of our coaches and athletic staff – is that allowed?

Currently, DPH has identified two free, on-line courses that meet the training requirements. CDC written training materials may also be used to meet the training requirement. (See above.) If the certified athletic trainer uses these materials as part of their presentation, that would meet the requirements of the regulations.

DPH is developing criteria that will allow designation of other courses or training to meet the requirements of the regulations. However, until those criteria are available you can meet the training requirements by distributing the relevant CDC educational materials, geared toward coaches, in addition to the in-person training your certified athletic trainer will provide.

- 6. If we distribute the Centers for Disease Control (CDC)'s *Heads Up Concussion* materials to parents and students, would that satisfy the annual training requirement?**

Yes, however your school must maintain records that show which parents and students were trained in this manner. All parents and students must sign and date an acknowledgement verifying that they have reviewed these materials.

- 7. What should we do if a student turns in a concussion training form, but his or her parent does not? Can we let the student play?**

The regulations require concussion training for parents and students. The policies that schools/school districts develop should address this situation, including procedures for outreach to parents who do not return completed forms required for students to participate in extracurricular sports.

PRE-PARTICIPATION REQUIREMENTS

- 8. Is baseline neurocognitive testing required before a student can play sports?**

No. Although baseline neurocognitive testing can be very helpful in assessing an athlete's recovery after a concussion, it is not required by the law or the regulations. However, many school districts have decided to perform these tests on their athletes.

- 9. What should we do if a student does not turn in his/her pre-participation disclosure form seeking information about his/her past head injuries as required by the law?**

You should not permit the student to participate in practice or competition until s/he submits the completed form. The head injury policies that schools/school districts develop should consider how to respond to this situation as they would to other situations when students or parents have not completed required forms or permission slips.

- 10. Our school already has a pre-season permission form that students and parents have to sign – can we add the pre-participation information required by DPH to that form so we only have to collect one?**

Yes, definitely. In fact, the regulations were written with the flexibility to allow schools/school districts to include the information found on the DPH forms in "school-based equivalents." Schools/school districts are encouraged to make use of this opportunity to streamline information collection and to avoid unnecessary duplication of effort. Schools just need to make sure that their school based forms collect all of the data elements included on the DPH forms.

11. We already have our pre-season form printed – it contains a question about whether a student has had a head injury, but doesn't have all of the elements of the DPH Pre-Participation Form – do we have to do both?

Not necessarily. You could review the forms you receive to identify those students who have a history of head injury and follow up with that subgroup of students to get the additional information. You could use the DPH Pre-Participation Form for this or a school-based equivalent that includes the same information.

12. If a student turns in a pre-participation form for fall sports, does he or she have to turn in another one before winter or spring season?

Yes. The law and the regulations require that before the start of *every sports season*, the student and the parent must complete the pre-participation form or school-based equivalent. However, the concussion awareness training only has to be completed once a year.

13. One of my players reported a history of multiple concussions on his pre-participation disclosure form – should I let him play this season?

Current evidence indicates that youth who have suffered one or more concussions are more likely to suffer a subsequent one. The decision on whether a student who has had multiple concussions should play a sport where there is a risk of another concussion is a complicated one. It should be made only after consultation with the student's physician or primary care provider; the sports medicine or concussion specialist, if involved; the neuropsychologist, if involved, and the appropriate school athletic staff and the parent. Options may include switching positions, limiting contact in practices, or changing sports altogether to minimize the risk of re-injury. The focus should be on protecting the health and safety of the student and avoiding long-term consequences that can occur from repeated concussions.

MEDICAL CLEARANCE FOR RETURN TO PLAY

14. If one of my players suffers a head injury, who can provide the medical clearance to allow him or her to return to participation in extracurricular athletics?

The regulations allow the following 4 categories of health professionals to authorize a student to return to play:

- A duly licensed physician;
- A duly licensed certified athletic trainer in consultation with a licensed physician;
- A duly licensed nurse practitioner in consultation with a licensed physician; or

- A duly licensed neuropsychologist in coordination with the physician managing the student's recovery.

If a student is seen by a physician assistant (PA), the physician supervising the PA must provide the authorization.

15. What if a doctor's clearance comes on a prescription pad or note paper?

Medical clearance for returning to play must use the DPH Medical Clearance Form available on the DPH website (www.mass.gov/dph/injury) or a school-based equivalent that includes the same information. The Medical Clearance Form contains information that is helpful to schools as they monitor the student returning from a concussion – more detailed information than a simple statement that the student is ready to return to athletics. Therefore, this form or a school-based equivalent that collects the same information should be used. You may consider providing this form to the athlete to share with the physician. DPH will work with the Massachusetts Medical Society and others to disseminate the form as well.

16. If a student has a concussion, does the student have to complete a graduated return to play program before returning to full participation in their sport?

Yes. The regulations require that students who have been removed from play due to a head injury or suspected concussion must have medical clearance to return to play. If a student is diagnosed with a concussion, this clearance can *only* be provided after he or she completes a graduated return to play program and shows no recurrence of symptoms. If a student is diagnosed with a concussion, he or she must have a written graduated reentry plan for return to full academic and athletic activity. This plan must be developed by the student's teachers, guidance counselor, school nurse, certified athletic trainer, if available or involved, parent, and the primary care provider or the physician who is managing the student's recovery.

17. What if a student is starting back at school on a modified schedule but still has some concussion symptoms – can he or she start a graduated return to play program?

No. Students who still have symptoms should not begin athletic activity. The graduated return to play program should begin only after a student is *completely* symptom free at rest. If a student is still having symptoms that prevent a full return to academic activities, he or she is not ready to begin the graduated return to play program.

18. In the past, we have had situations where a student's doctor has cleared him/her to return to sports, but the school staff noted that the student still had symptoms. In such a situation, who has the final say regarding whether a student can actually return to play?

The school has the final say. Whether a student may participate in a given extracurricular activity is a privilege that may be granted or withheld by a school based on individual circumstances. If these situations arise, the school staff should communicate to the physician or health care provider who provided the clearance that the student is not symptom-free. It is possible that the health care provider was not aware of the student's symptoms when the provider gave the clearance. If the athlete still has symptoms, the athlete should NOT return to play. A school physician, if available, should also be involved. Medical clearance is meant to be provided AFTER a student has completed his or her graduated return to play plan, so hopefully, these situations will be rare.

EXCLUSION FROM PLAY

19. What happens if there is disagreement among the coach, certified athletic trainer and the game official regarding whether a player should be removed from a game after a head injury?

Coaches and certified athletic trainers both have regulatory responsibilities for identifying players with head injuries or suspected concussions and removing them from play. In the event of a disagreement between them, or with a game official, the governing rule should be "when in doubt, sit them out".

20. I am concerned that there may be times when the coach and certified athletic trainer think that a player should be removed from a practice or game after a head injury, but the player's parent disagrees and thinks the player should continue playing – who makes the final decision?

Ideally, parents, coaches and others who have all received the DPH approved head injury training will recognize the signs and symptoms of a possible concussion. However, school staff are responsible for removing an athlete from play if he or she loses consciousness or shows the signs and symptoms of a concussion -- even if a parent or the player disagrees. As has always been the case, the focus is on the health and safety of the player.

21. What if a student suffers a head injury outside of school-sponsored extracurricular athletics – do the parent and student have to let the school know?

Yes. Schools/school districts should make sure that parents and students understand their responsibilities. Parents must inform the coach, school nurse or other school staff designated by school policy about any head injury or concussion that a student suffers while not participating in a school-sponsored extracurricular athletic activity. The parent may use the Report of Head Injury Form, or a school-based equivalent.

School staff needs this information to ensure safe participation in extracurricular athletics.

SCHOOL HEAD INJURY POLICIES

22. Our school is developing a head injury policy – do we have to have DPH review it before we can use it?

No. Schools/school districts are responsible for developing their policies in accordance with the regulations. However, DPH will be posting best practice and guidance documents to assist schools in this process.

23. The regulations say that we have to submit an affirmation that we have developed a head injury policy to the Department of Public Health by January 1, 2012 – do we also need to submit the policy itself?

No. DPH will not be routinely reviewing individual school/school district head injury policies. However, DPH will collect the affirmations, on school or school district letterhead, as documentation that the school/school district has complied with the regulatory requirement to develop appropriate head injury policy. [Please see question #29 below for additional information concerning school policies.](#)

24. We are wondering about academic reentry – will students who need academic accommodations during their recovery all need 504 plans?

[Please see Question #27 and its response.](#)

REPORTING

25. What kind of reporting are schools required to do by these new regulations?

Starting with the 2011-2012 school year, schools will need to report the following information each year:

- The total number of Report of Head Injury Forms or school-based equivalents they receive; and
- The total number of students who suffer head injuries and suspected concussions when engaged in any extracurricular athletic activities

These two statistics will provide crucial data to help us understand more about the nature and extent of head injuries in extracurricular athletic activities in Massachusetts.

26. We already have to report participation data to the MIAA – is there a way that we can add these statistics to what we already have to send to them?

DPH and MIAA continue to work together to promote the safety of student athletes while minimizing paperwork burdens on schools, coaches and athletic directors. Part of this effort includes an exploration of adding DPH required data elements to the MIAA required reports. DPH will post information about this on its website and it will also be communicated by MIAA.

27. Will a student on a graduated reentry plan also need a 504 plan or IEP for their return to academic activities? What about providing MCAS accommodations to these students?

All students recovering from a concussion will need a written graduated reentry plan, as described under DPH regulation 105 CMR 201.010. These students should receive instructional accommodations and modifications for routine classroom work (or tutoring) and for classroom assessments, as described in their reentry plan. In addition, to be eligible to receive accommodations on statewide assessments (e.g., MCAS tests), the student will also need either a 504 plan or an Individualized Education Program (IEP).

Instructional accommodations and modifications should be based on an individual student’s academic performance and stage of recovery and must be described either in the graduated reentry plan, current IEP, or a 504 plan. The 504 plan may be used to address section 201.010 (2) (b) of the graduated reentry plan (i.e., “instructions for the student’s graduated return to extracurricular athletic activities and classroom studies, as appropriate, including accommodations and modifications as needed”). A reference to the graduated reentry plan should be included in the student’s IEP, if appropriate, in the section titled “Additional Information.”

Note: An *accommodation* is intended to provide a student with a support that allows the student to achieve at the same level as other students.

A *modification* is a change in the expectations for a student’s performance, such as taking a reduced workload or specially-adapted classroom tests.

It may be necessary to “try out” various approaches for adapting instruction, then revise the information in the academic portion of the graduated reentry plan based on whether the accommodation or modification appears to be having the desired effect and the student is comfortable using it.

In terms of MCAS participation, the student must have either an IEP or the 504 plan to be eligible to receive test accommodations. The IEP or 504 team must evaluate the student’s current academic performance, profile, and learning preferences and make separate decisions in each subject as to how the student will participate in MCAS, including whether the student will take the standard MCAS test and, if so, which

accommodations will be provided. Accommodations must be listed *separately* for routine instruction and for MCAS testing in the 504 plan.

It may be appropriate for a student with a concussion to participate in the MCAS Alternate Assessment (MCAS-Alt), instead of the standard MCAS test in a subject, even with the provision of test accommodations, because the complexity and severity of the student's disability may make it impossible for the student to take a test of the intensity and duration of MCAS and/or to complete each test session in a single school day, as required. The MCAS-Alt is a collection of the student's work and other information in the assessed subject collected into a portfolio by the student's teacher over the course of the school year and submitted each year to the state in early April. The decision to designate a student for the MCAS-Alt is made by the IEP or 504 team.

The principal may determine that a student diagnosed with a concussion who is on a graduated reentry plan should *not* participate in MCAS testing because participation may impede the student's recovery or endanger the student's health. In making this determination, the principal should consult with any of the following, as appropriate: the school nurse, guidance counselor, student's teacher(s), members of the student's building-based support and assistance team or Individualized Education Program (IEP) Team, the physician who made the diagnosis or is managing the student's recovery, and the child's parent or guardian. In such cases, the student should be designated *Absent Medical* in the student's test booklet, which will be reflected in reports of test results received by the parent, school, and district.

Information on participation requirements for students with disabilities in MCAS can be found on the Department's website at www.doe.mass.edu/mcas/participation/?section=sped.

- 28. The regulations specify that school policies must include documentation of a physical examination prior to a student's participation in extracurricular athletic activities on an annual basis consistent with 105 CMR 200.100(B)(3): *Physical Examination of School Children*. The MIAA has a rule for its members (Rule 56.1 Student Eligibility/School Requirements: Physical Examinations/Medical Coverage/Concussions) which requires a physical exam within 13 months of the start of each season, but allows a student "who meet[s] this criterion at the start of the season will remain eligible for that season." What do we do if a student needs another physical exam during the sports season?**

The DPH regulations regarding head injuries and concussions in extracurricular athletic activities, **105 CMR 201.006(A)(3)**, were written to be consistent with existing DPH regulations regarding physical exam requirements for students, **105 CMR 200.100(B)(3)**, and to apply to all public middle and high schools and MIAA member schools. Both require a physical exam "on an annual basis." DPH is sensitive to issues of insurance coverage in those cases where repeat physical examinations within a 12 month period would not be covered. For that reason, the

DPH regulations do not specifically define “on an annual basis” as being strictly within a 12 month period, but left that policy-making decision to schools. To comply with DPH regulations, schools have the option to choose to adopt a policy that requires physical examinations within 12 or 13 months of the student’s last physical.

29. If our school is working on our policies but has not completed them by January 1, 2012, will DPH accept an affirmation from a school/school district by January 1, 2012 that we have developed interim policies and expect to submit an additional affirmation after the deadline affirming that our school/school board has adopted a final policy?

Yes. The Department of Public Health understands that many schools adopted policies in school year 2010-2011. DPH also understands that most schools are hard at work aligning their policies with DPH regulations which became effective in June 2011, and that many schools and districts have been awaiting model program guidance from the Department. DPH plans to post model program guidance by December 15 taking into account exemplary policies that different districts have shared with us.

All schools districts that have adopted policies, whether interim policies or final policies, must submit an affirmation by **January 1, 2012**. If a school district does not have a final policy yet, DPH will accept an affirmation from a school/school district by **January 1, 2012** that indicates that

- (a) the school/school district has *interim policies in place*, and
- (b) that the school will submit an *additional affirmation after the deadline*, no later than **March 1, 2012**, affirming that our school/school board has adopted a final policy in accordance with 105 CMR 201.000.

29. How do I submit the required confirmation that my school/school district has interim policies in place by January 1 and approved policies by March 1, 2012?

Confirmation should be on school letterhead with the signature of the superintendent or athletic director. It can be emailed to DPH-ConcussionPolicies@MassMail.State.MA.US or mailed in hard copy to Carlene Pavlos, Director; Division of Violence and Injury Prevention; Massachusetts Department of Public Health; 250 Washington Street; Boston, MA 02108