

R277-614 received final approval by the Utah State Board of Education on April 8, 2021. R277-614 will be published in the May 1, 2021 Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of June 7, 2021.

R277. Education, Administration.

R277-614. Athletes and Students with Head Injuries.

R277-614-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution X, Section 3, which vests general control and supervision in the Board; and

(b) Section 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

(2) The purpose of this rule is to direct LEAs under the general control and supervision of the Utah State Board of Education to adopt and enforce a head injury policy for students participating in physical education and extracurricular sporting events.

R277-614-2. Definitions.

(1) "Agent" has the same meaning as described in Subsection 26-53-102(1).

(2) "Free play" means unstructured student play, games and field days during school hours.

(3) "Head injury" means any injury to the head not described in Subsection 26-53-102(6) including a mild bump.

(3) "LEA" includes for purposes of this rule, the Utah Schools for the Deaf and the Blind.

(4) "Parent" means a parent or legal guardian of a student for whom an LEA is responsible.

(5) "Physical education class" means a structured school class that includes an adult supervisor.

(6) "Sporting event" has the same meaning as described in Subsection 26-53-102(5).

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(7) "Traumatic head injury" has the same meaning as described in Subsection 26-53-102(6).

R277-614-3. Superintendent Responsibilities.

(1) The Superintendent shall, in consultation with Utah State Risk Management, provide a model policy for LEAs to use in developing the policy required in Section R277- 614-4.

(2) The Superintendent shall provide model forms for LEAs to use to inform parents of LEA policies and obtain parent signatures documenting the parents' understanding of and willingness to adhere to LEA policies.

(3) The Superintendent shall provide professional development, as needed and to the extent of funds available, to assist LEAs with training to:

(a) identify students' traumatic head injuries;

(b) provide notice to parents; ~~and~~

(c) encourage best practices in supporting a child in their recovery; and

([e]d) comply with the law.

(4) The Superintendent shall make the resources required by this Section R277-614-3 available on the Board website.

R277-614-4. LEA Responsibilities.

(1) An LEA shall comply with Title 26, Chapter 53, Protection of Athletes with Head Injuries Act, including all responsibilities of an amateur sports organization.

(2) All LEAs shall adopt and maintain a traumatic head injury policy for students:

(a) participating in physical education classes, excluding free play, offered by the LEA; and

(b) participating in extracurricular activities sponsored by the LEA or statewide athletic associations.

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(3) An LEA's policy shall include:

(a) direction to agents to remove a student from a sporting event if the student is suspected of sustaining a concussion or a traumatic head injury;

(b) the prohibition of the continued participation of a student removed under Subsection (3)(a) until the student is evaluated by a trained qualified health care professional;

(c) a written statement from a trained qualified health care provider clearing a student removed under Subsection (3)(a) to resume participation in a sporting event;

(d) adequate training for agents, consistent with their involvement and responsibility for supervising students in sporting events and physical education classes, about traumatic head injuries and response to suspected student injuries, consistent with the law; and

(e) a requirement of notice at least annually to parents of students who participate in sporting events, to be acknowledged by a parent in writing, of an LEA's traumatic head injury policy.

(4) An LEA shall post the policy required under Subsection (2) on the LEA's website where the information will be readily accessible to the public and to parents.

(5) An LEA shall notify a parent if a student is reported to have experienced a head injury during school hours or a school sanctioned activity.

KEY: athletes, head injuries

Date of Enactment of Last Substantive Amendment: [~~July 7, 2018~~] 2021

Notice of Continuation: [~~May 15, 2013~~] 2021

Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53[A-1]E-3-401(3)