

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)



Senate
Office of the Secretary

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SENATE
S. No. 573

RECEIVED BY: *ja*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The involvement in sports can have tremendous benefits for the physical, social, emotional, and cognitive development of students. However, one risk of engaging in sports is sports-related injuries, such as concussions. Hence, all students have the right to know the risks of concussions because concussions, though a mild traumatic brain injury, present such a significant risk to not only the physical well-being of a developing student, but also the academic performance of the student.

Mild traumatic brain injuries, including concussions, reportedly represent 80 to 90 percent of all traumatic brain injuries, and children and adolescents are supposedly more vulnerable to brain injury than adults because their brains are still developing.

Surveys in the United States suggest that the prevalence of sport-related concussions is much higher than reported and the occurrence of concussions is higher at the high school level than at the collegiate level. A recent study also estimated that more than 40 percent of high school athletes return to participate in school athletics before they have fully recovered from concussions, which increases the susceptibility of the student athlete to greater injury or death.

The timely recognition and response to concussions aids recovery and helps prevent successive injury, chronic impairment, or death. Further, students should gradually return to physical activity and academic activities only as the symptoms of a concussion permit because research suggests that overexertion from physical activity and academic activities exacerbates symptoms and protracts recovery time for student athletes.

The institution of best practices offers a reasonable means for protecting student athletes from the risks and consequences of concussions.¹ Hence, this bill seeks to promote minimum requirements for the prevention and treatment of concussions caused by participation in school sports.²

acs.

MIRIAM DEFENSOR SANTIAGO

¹ <http://www.govtrack.us/congress/billtext.xpd?bill=h112-469>.

² This bill was originally filed during the Fifteenth Congress, First Regular Session.



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SENATE
S. No. 573

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1 AN ACT
2 TO PROMOTE MINIMUM REQUIREMENTS FOR THE PREVENTION AND TREATMENT
3 OF CONCUSSIONS CAUSED BY PARTICIPATION IN SCHOOL SPORTS

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

4 SECTION 1. *Short Title.* – This Act shall be known as the “Protecting Student Athletes
5 from Concussions Act.”

6 SECTION 2 *Definition of Terms.* – For purposes of this Act:

- 7 (a) “Concussion” means a type of traumatic brain injury that:
 - 8 (A) is caused by a blow, jolt, or motion to the head or body that causes the
 - 9 brain to move rapidly in the skull;
 - 10 (B) disrupts normal brain functioning and alters the mental state of the
 - 11 individual, causing the individual to experience–
 - 12 (i) any period of observed or self-reported–
 - 13 (I) transient confusion, disorientation, or impaired
 - 14 consciousness;
 - 15 (II) dysfunction of memory around the time of injury; and
 - 16 (III) loss of consciousness lasting less than 30 minutes;
 - 17 (ii) any one of four types of symptoms of a headache, including:
 - 18 (I) physical symptoms, such as headache, fatigue, or dizziness;
 - 19 (II) cognitive symptoms, such as memory disturbance or
 - 20 slowed thinking;

1 (III) emotional symptoms, such as irritability or sadness; and

2 (IV) difficulty sleeping; and

3 (C) can occur—

4 (i) with or without the loss of consciousness; and

5 (ii) during participation in any organized sport or recreational activity.

6 (b) “Health care professional” means a physician, nurse, certified athletic trainer,
7 physical therapist, neuropsychologist or other qualified individual who:

8 (A) is a registered, licensed, certified, or recognized by the government to
9 provide medical treatment;

10 (B) is experienced in the diagnosis and management of traumatic brain injury
11 among a pediatric population; and

12 (C) may be a volunteer.

13 (c) “School-sponsored athletic activity” means:

14 (A) any physical education class or program of a school;

15 (B) any athletic activity authorized during the school day on school grounds
16 that is not an instructional activity; and

17 (C) any extracurricular sports team, club, or league organized by a school on
18 or off school grounds.

19 SECTION 3. *Minimum Requirements.* – Beginning with fiscal year 2013, in order to be
20 eligible to receive funds for such year or a subsequent fiscal year, each public educational agency
21 shall issue regulations establishing the following minimum requirements:

22 (a) *Local Educational Agency Concussion Safety and Management Plan.* – Each
23 public educational agency, in consultation with members of the community in which such
24 agency is located, shall develop and implement a standard plan for concussion safety and
25 management that includes:

26 (A) the education of students, parents, and school personnel about
27 concussions, such as:

- 1 (i) the training and certification of school personnel, including
2 coaches, athletic trainers, and school nurses, on concussion safety
3 and management; and
- 4 (ii) using and maintaining standardized release forms, treatment plans,
5 observation, monitoring and reporting forms, recordkeeping forms,
6 and post-injury fact sheets;
- 7 (B) supports for students recovering from a concussion, such as:
- 8 (i) guiding such student in resuming participation in athletic activity
9 and academic activities with the help of a multi-disciplinary team,
10 which may include:
- 11 (I) a health care professional, the parents of such student, a
12 school nurse, or other relevant school personnel; and
- 13 (II) an individual who is assigned by a public school to oversee
14 and manage the recovery of such student;
- 15 (ii) providing appropriate academic accommodations; and
- 16 (iii) referring students whose symptoms of concussion reemerge or
17 persist upon the reintroduction of cognitive and physical demands
18 for evaluation of the eligibility; and
- 19 (C) best practices designed to ensure, with respect to concussions, the
20 uniformity of safety standards, treatment, and management, such as:
- 21 (i) disseminating information on concussion management safety and
22 management to the public; and
- 23 (ii) applying uniform standards for concussion safety and management
24 to all students enrolled in public schools.

25 (b) *Posting of Information on Concussions.* – Each public elementary school and each
26 secondary school shall post on school grounds, in a manner that is visible to students and school
27 personnel, and make publicly available on the school website, information on concussions that:

28 (A) shall include:

- 29 (i) the risks posed by sustaining a concussion;

1 (ii) the actions a student should take in response to sustaining a
2 concussion, including the notification of school personnel; and

3 (iii) the signs and symptoms of a concussion; and

4 (B) may include:

5 (i) the definition of a concussion;

6 (ii) the means available to the student to reduce the incidence or
7 recurrence of a concussion; and

8 (iii) the effects of a concussion on academic learning and performance.

9 (3) *Response to Concussion.* – If any school personnel, including coaches and athletic
10 trainers, of a public school suspects that a student has sustained a concussion during a school-
11 sponsored athletic activity:

12 (A) the student shall be:

13 (i) immediately removed from participation in such activity; and

14 (ii) prohibited from returning to participate in school-sponsored
15 athletic activities:

16 (I) on the day such student sustained a concussion; and

17 (II) until such student submits a written release from a health
18 care professional stating that the student is capable of
19 resuming participation in school-sponsored athletic
20 activities; and

21 (B) such personnel shall report to the parent or guardian of such student–

22 (i) the date, time, and extent of the injury suffered by such student;
23 and

24 (ii) any actions taken to treat such student.

25 (d) *Return to Athletics and Academics.* – Before a student who has sustained a concussion
26 in a school-sponsored athletic activity resumes participation in school-sponsored athletic
27 activities or academic activities, the school shall receive a written release from a health care
28 professional, that:

1 (A) states that the student is capable of resuming participation in such
2 activities; and

3 (B) may require the student to follow a plan designed to aid the student in
4 recovering and resuming participation in such activities in a manner that:

5 (i) is coordinated, as appropriate, with periods of cognitive and
6 physical rest while symptoms of a concussion persist; and

7 (ii) reintroduces cognitive and physical demands on such student on a
8 progressive basis only as such increases in exertion do not cause
9 the reemergence or worsening of symptoms of a concussion.

10 SECTION 4. *Report to Secretary of Education.* – Not later than 6 months after
11 promulgating regulations pursuant to section 3 in order to be eligible to receive funds, each
12 public educational agency shall submit to the Secretary of Education a report that contains a
13 description of the regulations promulgated pursuant to section 3.

14 SECTION 5. *Separability Clause.* – If any provision of this Act shall be declared
15 unconstitutional, any other provision not affected thereby shall remain in full force and effect.

16 SECTION 6. *Repealing Clause.* – All laws, decrees, orders, rules and regulations, or
17 parts thereof inconsistent with this Act are hereby repealed or amended accordingly.

18 SECTION 7. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication
19 in at least two (2) newspapers of general circulation.

Approved,