



**MINNESOTA
SWIMMING**

Announcement: Concussion in Youth Sports Training

Background

The Minnesota Legislature passed legislation (MN Statute 121A.37 and 121A.38) in 2011 regarding youth athletes, concussions and return to play. On May 27, 2011, Governor Mark Dayton signed this legislation (attached) into law with a compliance date of September 1, 2011. The U.S. Center for Disease Control and Prevention has established the **HEADS UP: Concussion in Youth Sports** program and tool kit to provide training to coaches, athletes and parents regarding concussions. These resources are referenced in the language of the statute.

The statute came to our attention via an email from one of our members. It was considered applicable to school sponsored activities only, however, after additional research with peer organizations and advice (including recommendations from staff at USA Swimming), Minnesota Swimming must comply.

Application and Administration

The statute requires any nonprofit organization that organizes a youth athletic activity for which a fee is charged to meet the requirements of the statute. It specifies coaches and officials as taking the training. The conservative interpretation is to apply it to all coaches whether they are a head coach or assistant - paid or volunteer – working at practices, clinics or a meet. The same for officials – in our case all referees, starters, and stroke & turn officials. To be consistent, it will apply whether a team, coach, or official is located in Minnesota or Wisconsin as MSI opportunities cross state borders on a frequent basis. In the end, this is the right thing to do for our athletes.

While the statute does not include a penalty, it is prudent that our swimming community know where the educational resources are located, and urge all coaches and officials take the online training course immediately in order to comply with the law. The online course is free, lasts approximately 45 minutes, and when completed produce a dated certificate that will be valid for three years. MSI will not track whether online concussion training has been completed, however, all coaches and officials should retain this certificate in their personal records in the event there is a need to prove that training was completed. Going forward, new coaches and officials must take this training as part of their path to certification as well.

NOTE: Coaches or officials who have previously completed online concussion training offered by the National Federation of High Schools (through the Minnesota State High School League web site) may opt out of repeating the training offered by the CDC. Individuals should capture a screenshot of their transcript from the MSHSL web site that shows completion of the Concussion Management training.

As the statute is new it is entirely possible that the administrative requirements of the law may change in the future. However, this approach, which relies on the personal responsibility of coaches and officials, is appropriate to expedite compliance now.

ACTION: Complete Your Online Training

1. Coaches and officials must take the free CDC online training course *Concussion Training for Coaches*, www.cdc.gov/concussion/HeadsUp/online_training.html The certificate of completion at the end of the training is proof the course has been taken and is valid for three years. Parents and athletes may take the course for their own information.
2. Parents, athletes, coaches and officials should print more information about the nature and risks of concussions from the CDC at www.cdc.gov/concussion/HeadsUp/youth.html You may select the appropriate link for *Fact Sheets* for parents and athletes and a handy *Clipboard* reminder list for coaches and officials.

Removal from Practice, Clinics and Meets

Please note the statute requires coaches during practices, and coaches or officials during games, to remove an athlete from active participation if the athlete exhibits the signs, symptoms or behaviors consistent with a concussion or is suspected of sustaining a concussion (MN Statue 121A.37(b)).

Return to Play

The athlete will not be allowed to return to play until cleared in writing by a provider trained in evaluation and management of concussions (MN Statue 121A.37(c)). The coach shall inform the parent/legal guardian about the possible concussion and the event surrounding the possible concussion (e.g. collision, fall, etc.).

Report of Occurrence Form

As a reminder, the requirement to file a USA Swimming Report of Occurrence remains unchanged. Although not contained in the Minnesota statute this is a requirement under the Bylaws of MSI, Article 608.7.1. A meet director, coach or club officer must file a report with the MSI Safety Coordinator, General Chair, and MSI office. The Report of Occurrence form may be found [online](#) on the MSI web site under “Documents.”

Communication

This information will be disseminated by the MSI office to each of our clubs and officials. In addition, a link will be posted on the MSI web site as a friendly reminder for our coaches and athletes to complete the free online training. Questions should be directed to the MSI Office if you have any questions at 952-988-4184.

CHAPTER 90--S.F. No. 612

An act relating to health; establishing policies for youth athletes with concussions resulting from participation in youth athletic activities; amending Minnesota Statutes 2010, sections 124D.10, subdivision 8; 128C.02, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 121A. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[121A.37] YOUTH SPORTS PROGRAMS.**

(a) Consistent with section 121A.38, any municipality, business, or nonprofit organization that organizes a youth athletic activity for which an activity fee is charged shall:

(1) make information accessible to all participating coaches, officials, and youth athletes and their parents or guardians about the nature and risks of concussions, including the effects and risks of continuing to play after receiving a concussion, and the protocols and content, consistent with current medical knowledge from the Centers for Disease Control and Prevention, related to:

(i) the nature and risks of concussions associated with athletic activity; (ii) the signs, symptoms, and behaviors consistent with a concussion;

(iii) the need to alert appropriate medical professionals for urgent diagnosis and treatment when a youth athlete is suspected or observed to have received a concussion; and (iv) the need for a youth athlete who sustains a concussion to follow proper medical direction and protocols for treatment and returning to play;
and

(2) require all participating coaches and officials to receive initial online training and online training at least once every three calendar years thereafter, consistent with clause (1) and the Concussion in Youth Sports online training program available on the Centers for Disease Control and Prevention Web site.

(b) A coach or official shall remove a youth athlete from participating in any youth athletic activity when the youth athlete:

(1) exhibits signs, symptoms, or behaviors consistent with a concussion; or
(2) is suspected of sustaining a concussion.

(c) When a coach or official removes a youth athlete from participating in a youth athletic activity because of a concussion, the youth athlete may not again participate in the activity until the youth athlete:

(1) no longer exhibits signs, symptoms, or behaviors consistent with a concussion;
and

(2) is evaluated by a provider trained and experienced in evaluating and managing concussions and the provider gives the youth athlete written permission to again participate in the activity.

(d) Failing to remove a youth athlete from an activity under this section does not violate section 604A.11, subdivision 2, clause (6), consistent with paragraph (e).

(e) This section does not create any additional liability for, or create any new cause of legal action against, a municipality, business, or nonprofit organization or any officer, employee, or volunteer of a municipality, business, or nonprofit organization.

(f) For the purposes of this section, a municipality means a home rule charter city, a statutory city or a town.

EFFECTIVE DATE. This section is effective beginning September 1, 2011.

Sec. 2. **[121A.38] CONCUSSION PROCEDURES.**

Subdivision 1. **Definitions.** (a) For purposes of this section and section 121A.37, the following terms have the meanings given them.

(b) "Concussion" means a complex pathophysiological process affecting the brain, induced by traumatic biokinetic forces caused by a direct blow to either the head, face, or neck, or elsewhere on the body with an impulsive force transmitted to the head that may involve the rapid onset of short-lived impairment of neurological function and clinical symptoms, loss of consciousness, or prolonged postconcussive symptoms.

(c) "Provider" means a health care provider who is:

(1) registered, licensed, certified, or otherwise statutorily authorized by the state to provide medical treatment;

(2) trained and experienced in evaluating and managing pediatric concussions; and

(3) practicing within the person's medical training and scope of practice.

(d) "Youth athlete" means a young person through age 18 who actively participates in an athletic activity, including a sport.

(e) "Youth athletic activity" means any sport or other athletic activity related to competition, practice, or training exercises which is intended for youth athletes and at which a coach or official is present in an official capacity as a coach or official. For purposes of school-sponsored sports under this section, youth athletic activities are extracurricular athletic activities.

Subd. 2. **School-sponsored sports.**

(a) The appropriate sports governing body, including the high school league under chapter 128C, among other sports governing bodies, shall work with public and nonpublic school coaches, officials, and youth athletes and their parents or guardians to make information available about the nature and risks of concussions, including the effects of continuing to play after receiving a concussion. The information shall include protocols and content, consistent with current medical knowledge from the Centers for Disease Control and Prevention, related to:

(1) the nature and risks of concussions associated with athletic activity; (2) the signs, symptoms, and behaviors consistent with a concussion;

(3) the need to alert appropriate medical professionals for urgent diagnosis and treatment when a youth athlete is suspected or observed to have received a concussion; and (4) the need for a youth athlete who sustains a concussion to follow proper medical direction and protocols for treatment and returning to play.

A sports governing body that posts or provides appropriate links to the information indicated in this paragraph has complied with the requirements of this paragraph.

(b) Consistent with paragraph (a), the appropriate sports governing body shall provide access to the Concussion in Youth Sports online training program available on the Centers for Disease Control and Prevention Web site. Each school coach and official involved in youth athletic activities must receive initial online training and online training at least once every three school years thereafter.

(c) At the start of each school year, school officials shall make information available about the nature and risks of concussions to youth athletes and their parents or guardians. If a parent of a

youth athlete must sign a consent form to allow the youth athlete to participate in a school-sponsored athletic activity, the form must include information about the nature and risk of concussions.

(d) A coach or official shall remove a youth athlete from participating in any youth athletic activity when the youth athlete:

- (1) exhibits signs, symptoms, or behaviors consistent with a concussion; or
- (2) is suspected of sustaining a concussion.

(e) When a coach or official removes a youth athlete from participating in a youth athletic activity because of a concussion, the youth athlete may not return to the activity until the youth athlete:

- (1) no longer exhibits signs, symptoms, or behaviors consistent with a concussion;
and
- (2) is evaluated by a provider trained and experienced in evaluating and managing concussions and the provider gives the youth athlete written permission to again participate in the activity.

(f) Failing to remove a youth athlete from an activity as required under this section does not violate section 604A.11, subdivision 2, clause (6), consistent with paragraph (g). (g) This section does not create any additional liability for, or create any new cause of legal action against, a school or school district or any officer, employee, or volunteer of a school or school district.

EFFECTIVE DATE.This section is effective for the 2011-2012 school year and later.

Sec. 3. Minnesota Statutes 2010, section 124D.10, subdivision 8, is amended to read: Subd.

8. Federal, state, and local requirements.

- (a) A charter school shall meet all federal, state, and local health and safety requirements applicable to school districts.
- (b) A school must comply with statewide accountability requirements governing standards and assessments in chapter 120B.
- (c) A school authorized by a school board may be located in any district, unless the school board of the district of the proposed location disapproves by written resolution. (d) A charter school must be nonsectarian in its programs, admission policies, employment practices, and all other operations. An authorizer may not authorize a charter school or program that is affiliated with a nonpublic sectarian school or a religious institution. A charter school student must be released for religious instruction, consistent with section 120A.22, subdivision 12, clause (3).
- (e) Charter schools must not be used as a method of providing education or generating revenue for students who are being home-schooled.
- (f) The primary focus of a charter school must be to provide a comprehensive program of instruction for at least one grade or age group from five through 18 years of age. Instruction may be provided to people younger than five years and older than 18 years of age.
- (g) A charter school may not charge tuition.
- (h) A charter school is subject to and must comply with chapter 363A and section 121A.04.
- (i) A charter school is subject to and must comply with the Pupil Fair Dismissal Act, sections 121A.40 to 121A.56, and the Minnesota Public School Fee Law, sections 123B.34 to 123B.39.
- (j) A charter school is subject to the same financial audits, audit procedures, and

audit requirements as a district. Audits must be conducted in compliance with generally accepted governmental auditing standards, the federal Single Audit Act, if applicable, and section 6.65. A charter school is subject to and must comply with sections 15.054; 118A.01; 118A.02; 118A.03; 118A.04; 118A.05; 118A.06; 471.38; 471.391; 471.392; and 471.425. The audit must comply with the requirements of sections 123B.75 to 123B.83, except to the extent deviations are necessary because of the program at the school. Deviations must be approved by the commissioner and authorizer. The Department of Education, state auditor, legislative auditor, or authorizer may conduct financial, program, or compliance audits. A charter school determined to be in statutory operating debt under sections 123B.81 to 123B.83 must submit a plan under section 123B.81, subdivision 4.

(k) A charter school is a district for the purposes of tort liability under chapter 466. (l) A charter school must comply with chapters 13 and 13D; and sections 120A.22, subdivision 7 ; 121A.75; and 260B.171, subdivisions 3 and 5.

(m) A charter school is subject to the Pledge of Allegiance requirement under section 121A.11, subdivision 3.

(n) A charter school offering online courses or programs must comply with section 124D.095.

(o) A charter school and charter school board of directors are subject to chapter 181. (p) A charter school must comply with section 120A.22, subdivision 7, governing the transfer of students' educational records and sections 138.163 and 138.17 governing the management of local records.

(q) A charter school that provides early childhood health and developmental screening must comply with sections 121A.16 to 121A.19.

(r) A charter school that provides school-sponsored youth athletic activities must comply with section 121A.38.

Sec. 4. Minnesota Statutes 2010, section 128C.02, is amended by adding a subdivision to read:

Subd. 3b. **Concussion awareness, safety, and protection.** The league may adopt a concussion awareness, safety, and protection policy that exceeds the requirements of section 121A.38.

EFFECTIVE DATE.This section is effective for the 2011-2012 school year and later.

Presented to the governor May 24, 2011

Signed by the governor May 27, 2011, 10:30 a.m.