

MEMBER ALERT

RESTRICTIONS ON FULL-CONTACT FOOTBALL PRACTICE AND HEALTH CARE PROVIDERS WHO MAY CLEAR STUDENT ATHLETES SUSPECTED OF HEAD INJURY

As set forth below, new legislation has been passed to address growing public concern regarding head injuries associated with high school athletics. Education Code Section 35179.5 addresses “findings and declarations” relating to head injuries suffered by high school athletes, and in particular football players, by placing limits and restrictions on the frequency, duration and season that football teams may engage in full-contact practices. Additionally, the legislature has provided further definition as to the type of health care provider authorized to clear a student who is suspected of suffering from a head injury.

New Education Code Section 49475

Effective January 1, 2015, pursuant to new Education Code Section 49475:

- The high school football team of any high school or middle school **may not** conduct more than **2 full-contact practices per week** during the preseason and regular season.
- The full-contact portion of a practice **shall not exceed 90 minutes** in a single day. Full contact means a practice where drills or live action is conducted that involves collisions at game speed, where players execute tackles and other activity that is typical of an actual tackle football game.
- Football teams may not hold full-contact practice during the off-season. The off-season means a period extending from the end of the regular season until 30 days before the commencement of the next regular season. Preseason means the period of 30 days before the commencement of the regular season. Regular season means the period from the first interscholastic football game or scrimmage until the completion of the final interscholastic football game of that season.
- The legislature has requested that the California Interscholastic Federation (CIF) implement rules consistent with this section.
- Principals should ensure that all athletic directors and coaches of football teams are aware of these rules and that football coaches are making an effort to track practices in order to ensure that the law with respect to contact is followed.

Revisions to Education Code Section 49475

Effective January 1, 2015, Education Code Section 49475 has been revised as follows:

- This section, which was originally enacted on January 1, 2012, addresses athletes suspected of sustaining a concussion or head injury in an athletic activity.
- If a student is suspected of sustaining a concussion or head injury in an authorized school athletic activity, the student must immediately be removed from the activity and cannot resume practice, training, or participation, until he/she has been cleared by a licensed health care provider who is trained in the management of concussions and is acting within the scope of his or her practice. The athlete shall not be permitted to return to the athletic activity until he or she receives a written clearance to return to the athletic activity from that licensed health care provider.
- The legislature has provided further clarification with respect to the type of health care provider intended to clear a student to return to an athletic activity following a suspected head injury including concussion. Specifically, the legislature has defined “licensed health care provider” to mean a licensed health care provider who is trained in the management of concussions and is acting within the scope of his or her practice. By definition, this includes medical doctors or doctors of osteopathy exclusively. As such, physician assistants, nurse practitioners,

chiropractors, trainers, acupuncturists, or any other health care providers would not fall under the current legislative definition.

- This legislation does not apply to athletic activities during the regular school day such as during recess or as a part of a physical education course.

Provided with this Member Alert are four forms members may use to comply with their legal obligations.

1. Concussion/Head Injury Information Sheet, Section 49475, requiring that students and parents be provided with a “Concussion and Head Injury Information Sheet” that must be signed by all students/parents involved in covered activities.
2. Updated Sports Physical Examination Form.
3. Concussion and Head Injury Report Form/Concussion and Head Injury Release Form.
4. Updated Athletic Participation Form.

MEMORANDUM

TO: Schools Insurance Authority
FROM: J. Scott Donald, Spinelli, Donald & Nott
RE: Disposal of Football Helmets
DATE: 2/4/15

On March 9, 2011, the National Athletic Equipment Reconditioning Association (NAERA) announced that they would no longer certify reconditioned football helmets that are more than ten (10) years old. The NAERA is an association of athletic equipment reconditioners with a stated mission to increase awareness and acceptance of high quality athletic equipment reconditioning/recertification. All members of the NAERA are licensed by the National Operating Committee on Standards for Athletic Equipment (NOCSAE). The NOCSAE is an independent nonprofit standard setting body whose stated mission is to enhance athletic safety through scientific research and the creation of performance standards for protective equipment. The NOCSAE is comprised of representatives from a number of groups which have an interest in athletic equipment including manufacturers, reconditioners, athletic trades, coaches, equipment managers, sports medicine specialists and consumer organizations. To address increased public concern regarding head injuries incurred in high school athletics, the NOCSAE has undertaken steps to revise standards which in large part have been in place without much change since 1976. The revised standards have been developed to reduce concussion risk. However, both the NOCSAE and the NAERA recognize that there is still much to understand about the causes of concussion and the best ways to prevent them while still playing contact sports like football.

There is a significant expense associated with the purchase and maintenance of football helmets. Thus, it has been the practice for many years that high school football programs would recondition helmets rather than replace them when possible. A high school could meet the NOCSAE standard for helmet safety by having their helmets cleaned, and inspected every two (2) years. However, California Education Code Section 17578 has required annual cleaning, sterilizing and repair of football equipment in excess of the NOCSAE standard since 1996. Since 2013, helmet manufacturers have followed the California standard.

On March 9, 2011, the NAERA announced that it would no longer accept helmets that were more than ten (10) years old for reconditioning. The ten (10) years is determined by the

manufacturer's date of initial season use. As a result, a football helmet over ten (10) years old is no longer certified as appropriate for use and therefore must be disposed of.

From a standpoint of liability, reasonable disposal of helmets including placement in an appropriate receptacle free from being tampered with is permissible. However, schools would be encouraged to render the equipment useless by deconstructing the helmet. This could be accomplished by removing one side of the helmet or cutting it in half. Companies who provide the reconditioning service, including Continental Athletic Supply in Yuba City, typically dispose of the helmets after ten (10) years. Since they have an ongoing relationship with the schools and are aware of the life of the helmets they are reconditioning, as part of the reconditioning process they will retain those helmets over ten (10) years and dispose of them. In the event that a school either cannot or does not have a relationship with a licensed reconditioning facility who can in fact dispose of their helmets, it is recommended that schools completely destroy the helmet in question, for instance, cutting it in half which could be accomplished in a school's shop. Simply removing padding and facemask would not be sufficient to protect a school from having the football helmet reused.