



**STATE BOARD OF EDUCATION
TRUSTEES OF BOISE STATE UNIVERSITY
TRUSTEES OF IDAHO STATE UNIVERSITY
TRUSTEES OF LEWIS-CLARK STATE COLLEGE
BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO
STATE BOARD FOR PROFESSIONAL-TECHNICAL EDUCATION**

**APPROVED MINUTES
STATE BOARD OF EDUCATION
March 9, 2012
Special Board Meeting
Boise, ID**

A special meeting of the State Board of Education was held March 9, 2012. It originated at the Office of the State Board of Education, in the Len B. Jordan building, 650 W. State Street, 3rd Floor in Boise, Idaho. Board President Richard Westerberg presided and called the meeting to order at 2:35 p.m. A roll call of members was taken for the meeting.

Present:

Richard Westerberg, President
Ken Edmunds, Vice President
Don Soltman, Secretary
Milford Terrell

Emma Atchley
Bill Goesling
Rod Lewis

Absent:

Tom Luna

BUSINESS AFFAIRS & HUMAN RESOURCES

1. Athletic Committee - Youth Athletes Concussion Guidelines Legislation

Mr. Terrell introduced the item. He commented there was an Athletic Committee meeting yesterday and asked the chair of the committee, Ms. Atchley, to comment on the item being considered at today's meeting. Mr. Terrell also introduced Matt Kaiserman, McKinsey Miller and Lyn Darrington from Gallatin Public Affairs who were in attendance. Mr. Kaiserman was invited to offer comments at this special meeting regarding concussion legislation and provide some background on the matter.

Ms. Atchley led the discussion and commented the legislation has received a lot of public attention lately. She indicated the intention of today's special Board meeting is to make a motion on the proposed legislation. She invited Mr. Kaiserman to walk the Board members through the various sections of the proposed legislation.

Mr. Kaiserman walked the members section by section through the proposed legislation. He summarized in Section 1, it provides the State Board of Education and the Idaho High School Activities Association (IHSAA) shall provide a link on their internet web sites to guidelines and educational materials from the Centers for Disease Control and Prevention (CDC).

In section 2, the guidelines were applied to middle schools and they defined who a youth athlete is.

In section 3, it states at the beginning of each sports season, all parents and athletes shall be provided educational materials on concussion awareness and the potential risks of continuing to play with a concussion. Mr. Kaiserman indicated those educational materials are free on-line at the CDC and at KnowConcussion.org. It will be up to the school to decide how they would like to implement delivering the information (i.e., parent meeting, flyers). Also in section 3, at the request of John Billetz at the IHSAA, it provides for the biannual training of coaches, referees and athletic trainers on concussion awareness and risks. Mr. Kaiserman indicated the IHSAA is fully in support of this proposed legislation.

In section 4, the bill indicates while during practice, a game or competition, if an athlete is suspected of having a concussion, they will be removed from play. Additionally in section 4, they asked that each school provide a protocol consistent with CDC guidelines for removing youth athletes from play.

In section 5, once the athlete is removed from play, the athlete shall be seen by an appropriate healthcare provider trained in concussion treatment. Mr. Kaiserman indicated there is nothing in the language that mandates the school or the State Board of Education has any responsibility in supplying schools with these medical providers; they are simply asking that once a youth athlete is removed from play that they are referred on to a medical provider to receive clearance. Mr. Kaiserman clarified who qualifies as an appropriate health care provider is a physician, a physician's assistant, an advanced practice nurse practitioner and any other health care professional trained in the evaluation and management of concussions who is supervised by a directing physician. This would include athletic trainers and some physical therapists.

Section 6 states that as long as a school has a protocol in place and it is consistent with CDC guidelines, any individual acting in accordance with the protocols established are free from liability.

In section 7, any youth sport organization has the option of opting in, and as long as they are consistent with this section of code and the CDC guidelines and act within those protocols they can take part in the limited liability of section 6.

Mr. Terrell pointed out the schools, districts, and State Board are not responsible; that it is up to the local jurisdictions as much as possible to take care of these issues. Mr. Terrell pointed out this proposed legislation is an outline of what the districts can do and identifies the responsibility of the people on the field to educate the student.

President Westerberg asked if there are any questions from other Board members. Mr. Edmunds indicated the Idaho Youth Soccer Association endorses this legislation and that it helps them reduce their liability when they are in compliance. Mr. Lewis asked to confirm with State Board legal counsel that the liability associated with this statute would be civil not criminal. Mr. Jeff Schrader, legal counsel for the State Board, commented he did not see anything in the

bill that would impose criminal liability on the Board or on any entity. He confirmed it would be civil liability only, to the extent there was any liability at all. Ms. Atchley indicated the Athletic Committee has discussed the subject at length and supports the legislation.

M/S (Terrell/Atchley): I move to support House Bill 632, relating to youth athletes and concussions. This legislation would require the State Board of Education and the Idaho High School Activities Association to provide access to guidelines for middle schools, junior high schools and high schools to follow in developing a concussion protocol for removing young athletes from play who are suspected of sustaining a concussion by exhibiting outward signs or symptoms consistent with the injury. The motion passed unanimously. Superintendent Luna was absent for voting.

OTHER BUSINESS

There being no further business, a motion to adjourn was entertained.

M/S (Westerberg/Terrell): To adjourn at 2:50 p.m. The motion carried unanimously.