



October 19, 2022

The Honorable Kathy Hochul  
Governor of New York State  
NYS State Capitol Building  
Albany, New York 12224

VIA EMAIL: [legislative.secretary@exec.ny.gov](mailto:legislative.secretary@exec.ny.gov)

RE: S973 (Gaughran)/A8425 (Burke)

*AN ACT to amend the education law, in relation to requiring nonpublic schools to follow the same rules and regulations as public schools regarding a pupil who suffers a concussion*

Dear Governor Hochul,

The New York State Society of Orthopaedic Surgeons (NYSSOS), the medical specialty society of more than 800 orthopaedic specialists and practices, subspecialists, fellows, and residents who are committed to improving access to care, promoting public health, ensuring patient safety and providing the highest quality of care in New York State, **strongly supports the enactment of the above referenced legislation.**

This legislation, which passed the Legislature unanimously, would require non-public schools to abide by the Concussion Management Awareness Act enacted in 2011 (Chapter 496 of the Laws of 2011). Of note, the 2011 law authorized but *did not require* non-public schools to follow the law and regulations. The 2011 law had a number of minimum standards and components to protect students including: (1) directing the Commissioners of Health and Education to promulgate rules and regulations for the treatment and monitoring of students with mild traumatic brain injuries; (2) requiring biennial training for school officials including coaches, physical education teachers, nurses and athletic trainers on the signs and symptoms of injuries and the guidelines for returning to school; (3) requiring the immediate removal of a student from athletic activities if it is believed they have sustained a mild traumatic brain injury; (4) including information from items (2) and (3) as part of parental permission forms for participation in sports; and (5) authorizing schools to establish concussion management teams. As the law states, *"The rules and regulations established pursuant to this subdivision shall be deemed to be the minimum standards that must be complied with by every public school relating to mild traumatic injuries."*

NYS Society of Orthopaedic Surgeons, Inc

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NYSSOS supports the above referenced legislation to bring non-public schools into compliance with the Concussion Management Awareness Act as the first step New York must take to protect students as enrollment in non-public schools continues to rise making it imperative student athletes from these schools are protected as well. Recent data released from the State Education Department for 2021-2022 confirms public school enrollment has declined for a second consecutive year for a total of 5% since the start of the COVID-10 pandemic and public health emergency in 2020.<sup>1</sup> The decline in 2020-21 alone was 2.64 percent from the 2019-2020 levels.<sup>2</sup> The Albany *Times Union* reports, "In 10 years, enrollment [in public schools in New York State] has fallen 8 percent, from 2,665,612 to 2,453,123 —a loss of 212,489 students."<sup>3</sup>

The protections provided by the Concussion Management Awareness Act are critical as the Department of Health estimates 4,000 children (those under the age of 19) are annually treated at hospitals for sports-related traumatic brain injuries.<sup>4</sup> The State Education Department's Guidelines for Concussion Management in Schools released in July 2022 reports in 2019 – 109 children 19 years of age or younger died due to a traumatic brain injury in New York State and 11,976 children 19 years of age or younger visited the emergency room for traumatic brain injury and 1,501 were hospitalized.<sup>5</sup> The Concussion Management Awareness Act is consistent with the consensus statement of six major associations for the team physician including: American Academy of Family Physicians, American Academy of Orthopaedic Surgeons, American College of Sports Medicine, American Medical Society for Sports Medicine, American Orthopaedic Society for Sports Medicine, and the American Osteopathic Academy of Sports Medicine.

The enactment of this legislation is critical to assuring students across all educational settings have the protections provided for under the Concussion Management Awareness Act. There should be no disparity. For the above reasons, NYSSOS **strongly supports** the enactment of this legislation.

Sincerely,



Babette M. Atkins  
Executive Director

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<sup>1</sup> <https://www.empirecenter.org/publications/new-data-maps-ny-school-enrollment-change/>

<sup>2</sup> <https://www.empirecenter.org/publications/new-data-maps-ny-school-enrollment-change/>

<sup>3</sup> <https://www.timesunion.com/news/article/New-York-public-school-enrollment-expected-to-16940536.php>

<sup>4</sup> [https://www.health.ny.gov/prevention/injury\\_prevention/concussion.htm](https://www.health.ny.gov/prevention/injury_prevention/concussion.htm)

<sup>5</sup> [https://www.p12.nysed.gov/sss/documents/FinalConcussionGuidelines7\\_6\\_2022PDF.pdf](https://www.p12.nysed.gov/sss/documents/FinalConcussionGuidelines7_6_2022PDF.pdf)

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