

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 866

BY SENATORS GRADY AND TARR

[Introduced March 21, 2025; referred
to the Committee on Education]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §18-5-22f, relating to requiring the West Virginia Board of Education to
3 promulgate a legislative rule, in consultation with the West Virginia Board of Physical
4 Therapy, that governs concussion protocol, education, and training to prevent
5 concussions and the development of a Concussion Education Prevention and Response
6 Plan; allowing the West Virginia Board of Physical Therapy to provide a draft rule;
7 specifying to whom the rule applies; requiring initial rule to comply with certain concussion-
8 related code; allowing recommendation for code to be amended or repealed; requiring
9 rule to specify individuals who are to receive concussion-related education; and requiring
10 a school to adopt a Concussion Education, Prevention, and Response Plan in accordance
11 with the rule.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-22f. Concussion Education, Prevention, and Response Plan.

1 (a) For the purposes of this section, the following terms are defined:

2 "Concussion Education, Prevention, and Response Plan" or "the plan" means a written
3 document that establishes concussion-related education requirements for appropriate personnel
4 and sets forth practices for preventing concussions and responding to concussions when they do
5 occur.

6 "School" means any elementary or secondary school under the jurisdiction of a county
7 board of education.

8 "Youth sports league team" means any team that is a member of an entity that organizes
9 and establishes rules for competitive youth sports activities other than the West Virginia
10 Secondary School Activities Commission or any other entity that organizes and establishes rules
11 for competitive youth sports activities exclusively for teams that are created by and represent
12 schools.

13 (b) The state board shall promulgate a legislative rule pursuant to §29A-3B-1 *et seq.*, in
14 consultation with the West Virginia Board of Physical Therapy, that governs concussion protocol,
15 education, and training to prevent concussions and the development of a Concussion Education,
16 Prevention, and Response Plan. The West Virginia Board of Physical Therapy may provide a
17 draft rule for the state board to consider. The rule shall be applicable to athletic practices or events
18 in which an individual or team represents a school, youth sports league teams that play or practice
19 on school grounds, and practices and events under the regulation of the West Virginia Secondary
20 School Activities Commission. The initial rule shall comply with §18-2-25a, relating to
21 management of concussions and head injuries in activities regulated by the West Virginia
22 Secondary School Activities Commission, but the state board or West Virginia Board of Physical
23 Therapy may recommend to the Legislature that the code section be amended or repealed if
24 either determines it has a better method of educating appropriate personnel or preventing or
25 responding to concussions. The rule also shall specify the individuals required to receive the
26 concussion-related education.

27 (c) A school shall adopt a Concussion Education, Prevention, and Response plan in
28 accordance with the state board rules promulgated pursuant to this section.

NOTE: The purpose of this bill is to require the West Virginia Board of Education, in consultation with the West Virginia Board of Physical Therapy, to promulgate a rule that governs concussion protocol, education, and training to prevent concussions and the development of a Concussion Education, Prevention, and Response Plan.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.