

NOTICE OF INTENT

Board of Elementary and Secondary Education

Part CLVII. Bulletin 135—Health and Safety

(LAC 28: CLVII. 501, 503, and 507).

In accordance with R.S. 49:950, et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement to revise *Bulletin 135—Health and Safety*. The proposed revisions provide relative to injury management program protocols for educational training on serious sports injuries and serious heat illness and acclimatization, to align with Act 259 of the 2020 Regular Legislative Session.

Title 28 EDUCATION

Part CLVII. Bulletin 135—Health and Safety

Chapter 5. Injury Management Program Rules for Serious Sports Injuries

§501. Injury Management Program

A. – E. ...

F. Each school shall establish a comprehensive Emergency Action Plan (EAP) for each location of assembly located on the member school campus. A venue specific EAP must be reviewed annually prior to each sport season with all appropriate personnel. Recommended personnel include Emergency Medical Services (EMS), school public safety officials, school administrators, on-site medical personnel or school medical staff such as team physicians or athletic trainers, and all pertinent coaching staff members.

1. The venue specific EAP must be accessible to all personnel involved in a potential emergent situation.
2. The venue specific EAP must be available on site.
3. All emergency equipment available on site must be listed in the EAP.
4. The EAP must identify key personnel and responsibilities for implementation of the plan of action including a designated chain of command.
5. The EAP must include appropriate contact information for the local and/or responding EMS personnel.
6. A Pregame Administrative Conference (PAC) is required prior to all LHSAA sanctioned events to review the EAP. The EAP must provide a formal process to evaluate all post emergency incidents with appropriate personnel. The evaluation must be retained on file.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.186 and R.S. 40:1087.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 40:762 (April 2014), LR 47:

§503. Injury Management Program Protocol for Educational Training on Serious Sports Injuries

A. Each high school coach and non-faculty coaches certified by the Coaches Education and Certification Program shall receive annual documented training related to serious sports injuries in accordance with the National High School Coaches Association and the Louisiana High School Coaches Association. Each approved workshop or online course(s) shall be designed to educate the attendees concerning concussion awareness, exertional heat illness, sudden cardiac arrest, and the nature, and risks associated with, serious sport injuries.

A.1. – B.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.186.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 40:762 (April 2014), LR 47:

§507. Serious Heat Illness and Acclimatization

A. Each school participating in interscholastic sports shall follow best practices for any activity that does not occur in a climate-controlled facility. These best practices shall follow modified guidelines of the American College of Sports Medicine and the National Athletic Trainers Association regarding heat acclimatization and wet globe temperature policy. The policies shall be implemented on all school campuses where summer conditioning, pre-season practices or games, and fall or spring sports occur, including all activities when a coach is present.

B. Wet Bulb Globe Temperature Best Practices

1. Schedule practices during times of various Wet Bulb Globe Temperature (WBGT) levels.
2. The ratio of workout time allotted for rest and hydration during various WBGT levels will result in modified or terminated practice(s) or contest(s) in consideration of safe playing conditions.
3. Rest time should involve unrestricted access to fluids such as water or electrolyte beverages.
4. Sports requiring helmets, including but not limited to football, baseball, lacrosse, and field hockey, should be removed during rest time.
5. The site of rest time should be in a shaded area.
6. When the WBGT reading is >85.0°, cold-water immersion tubs or equivalent should be available to aid in the cooling process within the shaded area.

a. An instrument approved to measure WBGT must be utilized at each outdoor practice. WBGT readings should be taken at the practice site a minimum of every hour, beginning 30 minutes before the start of practice or contest. All readings should be recorded or data logged in either written or electronic form. In the event that a modification or cancellation is required, documentation using the WBGT Environment Modification/Cancellation Log must be completed.

b. In the event of potential Exertional Heat Stroke (EHS), each school participating in interscholastic sports must be properly prepared and equipped to initiate Cold Water Immersion (CWI) or Cold Tub. Cooling techniques must be implemented immediately and EMS concurrently contacted, noting that the focus is to cool first and then transport.

c. The best practices shall be carried out by a licensed athletic trainer, designated healthcare provider, or individual appointed by the athletic director.

C. Heat Acclimatization

1. The heat acclimation period is defined as the initial 14 days of preseason practice for all student athletes. During the 14 days there shall be no more than two days of rest, or the acclimatization process will restart to day one. The goal of the acclimation period is to gradually increase exercise heat tolerance and endurance to enhance athletic performance safely during warm and hot conditions. The heat acclimation period will begin on the first day of the start of the official sports season date as defined by the LHSAA. Any practices or conditioning conducted prior to this time should not be considered a part of the heat acclimation period.

D. Heat Acclimatization Best Practices

1. Regardless of the conditioning program and conditioning status leading to the first formal practice, all student athletes, including those that arrive at preseason practice after the first day, will follow the 14-day heat acclimation period.

2. Schools must follow the statewide policy for conducting practices and voluntary conditioning workouts in all sports. All preseason sports will begin with a 14-day acclimation period.

3. During days 1-5, no more than one practice can occur per day. If the team has one practice per day, the practice should not exceed 3 hours. During the first 5 days, a one-hour maximum walk-through is permitted; however, there must be a 3 hour break between practice and walk-through or vice versa.

4. Days 6-14 may include double-practice days, provided teams do not schedule more than one practice on consecutive days. Teams should not have more than 5 hours of practice in a day, with one practice not to exceed 3 hours. If there are 2 practices in one day there must be a minimum 3 hour break in a cool environment between the end of one practice and the beginning of the second practice.

5. With sports requiring protective equipment, during days 1–2 of first formal practices, a helmet must be the only protective equipment permitted. During days 3–5, only helmets and shoulder pads should be worn. Beginning on day 6, all protective equipment may be worn, and full contact may begin.

6. Football only: on days 3–5, contact with blocking sleds and tackling dummies may be initiated.

7. Full-contact sports: 100 percent live contact drills should begin no earlier than day 6.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.186 and R.S. 40:1087.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 40:762 (April 2014), LR 47:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Statement

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the cost to the providers to provide the same level of service; or
3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until 12 p.m. (noon), February 9, 2021 to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may be hand-delivered to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date-stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: *Bulletin 135—Health and Safety*

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be costs to local school districts and other public schools associated with the purchase of certain equipment, however these costs are indeterminable. Local costs will vary based on the number of and type of athletic facilities, to the extent schools do not currently have the required equipment, and whether schools choose to implement the proposed requirements (see note below).

The proposed revisions require all school campuses participating in interscholastic sports to monitor the Wet Bulb Globe Temperature (WBGT) and be able to respond to potential heat stroke. Costs associated with implementing WBGT best practices include the purchase of at least one device which measures wet bulb globe temperatures as well as at least one cold tub. Together this equipment may cost as low as \$200 to \$400, although schools may choose to purchase higher quality items. Some schools will need to purchase ice machines for athletic facilities in order to administer cold water immersion and in such cases these costs may be significant. Finally, schools may incur costs if they choose to hire licensed athletic trainers to implement WBGT best practices, although this is not specifically required by the proposed rule.

Note: State law tasks the Board of Elementary and Secondary Education (BESE) with promulgating rules needed to implement a comprehensive sports injury management program for student athletes. Per R.S. 40:1087.1(G), “[n]o school or school system shall be required to incur any financial cost related to the implementation of this Section, unless funds are appropriated by the legislature for such purpose.” At this point in time, the legislature has not appropriated funds for such activities. It is unknown how many schools already have the required equipment and staff or how many will choose to incur costs despite the lack of specific state appropriation for such purpose.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no estimated impacts on revenue collections as a result of the proposed policy revisions.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

There will be costs to nonpublic schools associated with the purchase of certain equipment, however these costs are indeterminable. Costs to nonpublic schools will vary based on the number of and type of athletic facilities, to the extent schools do not currently have the required equipment, and whether schools choose to implement the proposed requirements.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions may lead to increased employment for licensed athletic trainers and healthcare providers if they are hired by public or nonpublic schools to implement WBGT best practices.

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