




Date: June 15, 2023

To: Administrators of Religious and Independent Schools

From: Kathleen R. DeCataldo 
Assistant Commissioner, Office of Student Support Services

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Subject: Amendment of Section 136.5 of the Regulations of the Commissioner of Education Relating to Requiring Nonpublic Schools to Follow Concussion Management Protocols

In the interest of student health and safety, Chapter 617 of the Laws of 2022, effective July 1, 2023, requires nonpublic schools to follow the same statutory requirements as public schools when a student suffers a concussion.

To implement the new law, [at its June 2023 meeting](#), the Board of Regents amended section 136.5 of the Commissioner's regulations to require nonpublic schools to:

- Ensure their coaches, physical education teachers, school nurses and athletic trainers to biennially complete a course approved by the Department, related to recognizing the symptoms of mild traumatic brain injuries.
- Include information on concussions and/or reference how to obtain information on concussions from the [New York State Education Department](#) and [New York State Department of Health](#) websites on their permission or consent forms for students to participate interscholastic sports.
- Immediately remove from athletic activity any student suspected of having sustained a mild traumatic brain injury (a.k.a. concussion). The student:
 - Is not permitted to return to athletic activity until they have been symptom free for not less than 24 hours;
 - Has been evaluated by and received written authorization from a licensed physician to return.
- The authorization is required to be kept in the student's permanent health record.
- Nonpublic schools must follow any guidance from the student's treating healthcare provider regarding limitations on school attendance and activities for a student who has been diagnosed with a concussion regardless of where the injury occurred.

Additionally, nonpublic schools can choose to establish a concussion management team to oversee the implementation of these requirements. The concussion management team may establish a program which provides information on mild traumatic brain injuries to parents/guardians.

Details are included in the Guidelines for Concussion Management in Schools available on the [NYSSED:SSS:School Health Services](#). For questions, please contact the Office of Student Support Services at studentsupportservices@nysed.gov or 518-486-6090.