

February 27, 2014

Good Afternoon Representative Urban, Senator Bartolomeo, Representative Betts, Senator Linares and the other distinguished members of the Committee on Children.

My name is Elaine Whitney, and I am from Westport, Connecticut. **I am here to testify on HB 5113, AN ACT CONCERNING YOUTH ATHLETICS AND CONCUSSIONS.** I strongly endorse the intent of Raised Bill 5113 and appreciate the efforts which have been made to bring it forward; however, I cannot support the bill as written.

For the record, I am speaking today simply as an individual. That said, I feel it is important to note that my knowledge of and perspective on this matter has been shaped by three different roles I play: 1) first, I am a parent of three children who all play or have played competitive contact sports, and one of whom has suffered a concussion; 2) second, I am Chair of the Westport Board of Education, and our district has implemented a number of measures to significantly strengthen our practices in concussion education, prevention and management; and 3) third, I am an officer of the Connecticut Association of Boards of Education (CABE), through which I have been involved at the state level with a number of legislative and regulatory issues which impact the well being of Connecticut's children.

I have two main points to share with you today:

**First, I am strongly in favor of the *intent* of this legislation: to protect our children from the debilitating and sometimes long-term effects of concussions and other head injuries.**

**Second, I am very concerned about the *prescriptiveness* of the language in the current form of the bill, and I therefore cannot support it as it is currently drafted.**

### ***Why I support the intent of the bill***

The health and safety of our children is one of the most important responsibilities of the state, boards of education, local communities, and our families.

It is critical that Connecticut remains at the forefront of education, prevention, and management of concussions and other brain injuries, which can have substantial and long-term debilitating effects, especially if they are not managed promptly and effectively. And I believe that codifying an initiative such as this in legislation can be a very effective means of increasing public awareness about its importance and putting in place incentives and mechanisms to address it.

### ***Why I cannot support the language as currently drafted***

Concussion and brain injury prevention and management is an area of scientific understanding which is rapidly evolving. As such, I believe that it is essential to build in regulatory flexibility in order to effectively achieve the goals of the bill.

Regulatory flexibility would allow responsiveness to new information, grounded in a deep and up-to-date understanding of related operational considerations. It is far easier, more effective, and faster to modify regulations in order to implement an emerging understanding of best practice, rather than to require legislative action for changes which become necessitated by unnecessarily prescriptive or burdensome legislative language.

For example, the very element of the bill which has perhaps the greatest potential to help prevent injuries – limitations on contact time – is currently drafted so specifically – 90 minutes per week of contact practice – that it would seriously impede the ability of schools and youth programs to meet the current understanding of best practice on this dimension. That understanding is to provide for somewhat *more* time during the preseason, when safety is enhanced by spending adequate time to teach proper techniques, and *less* time in the postseason, when skill instruction is less necessary.

Further, this is one of the proactive measures which CAS-CIAC has already put in place, effective with the upcoming school year. Yet the current language of the bill would prevent that important regulatory and oversight body from being able to follow current best practice, and would instead require them to water down the new rule.

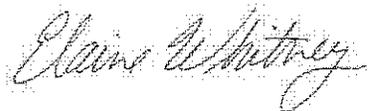
It is important to note that CAS-CIAC is also working to limit contact time in another important way: restrictions on the number of games in a season, as well as the minimum time between games. This is another example of an evolving area best managed through regulation rather than highly specific provisions in legislation.

\*\*\*\*

In closing, the prevention and management of concussions and other head injuries is a critical issue for Connecticut's children... and *it is of the utmost importance to get it right.*

Legislation has the potential to raise the level of attention to an issue and to help ensure that it will be a priority. However, if it is too prescriptive – particularly in an area where scientific understanding is rapidly evolving, such as is the case here – it can actually impede the achievement of the results it is intended to achieve.

Respectfully submitted,

A handwritten signature in cursive script that reads "Elaine Whitney".

Elaine Whitney  
12 Colony Road  
Westport, CT 06880  
(203) 221.7335