City of Philadelphia

Legislation Details (With Text)

File #:	210146	**Version:** 0	**Name:**	
Type:	Resolution	**Status:**	ADOPTED	
File created:	2/18/2021	**In control:**	CITY COUNCIL	
On agenda:		**Final action:**	2/25/2021	

Title: Calling on the National Football League to discontinue the practice "race norming" in their concussion compensation program.

Sponsors: Councilmember Johnson, Councilmember Gauthier, Councilmember Green, Councilmember Bass, Councilmember Gilmore Richardson, Councilmember Domb, Councilmember Gym, Councilmember Brooks, Councilmember Henon, Councilmember Parker

Indexes:

Code sections:

Attachments: 1. Resolution No. 21014600, 2. Signature21014600

Date	Ver.	Action By	Action	Result	Tally
2/25/2021	0	CITY COUNCIL	ADOPTED		
2/18/2021	0	CITY COUNCIL			

Calling on the National Football League to discontinue the practice "race norming" in their concussion compensation program.

WHEREAS, The concussion compensation program is a National Football League (NFL) program that allows for retired players to submit claims if they are experiencing negative medical repercussions due to head injuries sustained while playing in the NFL. A player might be entitled to compensation if their mental and cognitive functions have been severely and negatively impacted; and

WHEREAS, The concussion program's manual recommends the use of a "full demographic correction," in which a player's cognitive test scores are compared to average scores, or "norms," for similar demographic groups, and then adjusted to account for expected differences in age, gender, education and race; and

WHEREAS, The practice of adjusting test scores for race, commonly known as "race-norming," has long been used in medical fields as a supposed safeguard against misdiagnosis. However, the practice has been increasingly rejected within the medical profession for the racist assumptions that underly it and the racial disparities that result. "Race-based norms are not scientifically sound or fair," observes Bruce Miller, MD, the director of the Memory and Aging Center at the University of California, San Francisco; and

WHEREAS, In a recent investigation by ABC News, a neurologist re-evaluated the results of cognitive tests from a group of Black former players. Of 80 usable data points, 34 of them met the criteria to receive payouts through the program if the neurologist interpreted the test scores as if the individuals were White. When the "race-norming" demographic corrections were applied, only 10 of those same players qualified for the payout; and

WHEREAS, The true impact of these practices cannot be known as the NFL has repeatedly denied requests to release demographic data on program payouts, making it difficult to determine whether race-based adjustments have skewed payouts along racial lines; and

WHEREAS, Currently, two Black former players, Kevin Henry and Najeh Davenport, are litigating a suit against the NFL. The lawsuit accuses the organization of "explicitly and deliberately" discriminating against Black players filing dementia-related claims; and

WHEREAS, The NFL has refused to take any responsibility for racial discrimination and has repeatedly dismissed the lawsuit as entirely misguided. NFL Commissioner Roger Goodell has only gone so far as to suggest that the league could work with the U.S. District Court for the Eastern District of Pennsylvania, where the settlement is being heard, to consider whether changes to its protocols are necessary; and

WHEREAS, Among the troubling allegations against the NFL are that they have pressured doctors to disqualify Black former NFL players from benefits for which they qualify; and

WHEREAS, The NFL has announced a commitment of $250 million to address institutional racism, yet it is has failed to acknowledge the apparent harms of practices and policies that perpetuate structural racism; now, therefore, be it

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That it hereby calls on the National Football League to discontinue the practice of "race norming" in its concussion compensation program.