

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1128 Session of  
2021

INTRODUCED BY NEILSON, GUENST, SANCHEZ, HILL-EVANS, MERSKI,  
ZIMMERMAN, SCHLOSSBERG, SCHWEYER, FREEMAN, CIRESI, DELLOSO  
AND DEASY, APRIL 7, 2021

REFERRED TO COMMITTEE ON EDUCATION, APRIL 7, 2021

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
2 act relating to the public school system, including certain  
3 provisions applicable as well to private and parochial  
4 schools; amending, revising, consolidating and changing the  
5 laws relating thereto," in certification of teachers by the  
6 National Board for Professional Teaching Standards, further  
7 providing for CPR instruction and providing for procedures  
8 regarding response to cardiac arrest and for donations for  
9 use related to CPR and AED instruction; and, in school health  
10 services, repealing provisions relating to automatic external  
11 defibrillators and providing for availability and  
12 specifications of automated external defibrillators.

13 The General Assembly of the Commonwealth of Pennsylvania  
14 hereby enacts as follows:

15 Section 1. Section 1205.4 of the act of March 10, 1949  
16 (P.L.30, No.14), known as the Public School Code of 1949, is  
17 amended to read:

18 Section 1205.4. CPR and Use of AED Instruction.--(a) School  
19 entities shall [be required to offer a cardiopulmonary  
20 resuscitation training (CPR) class] make available to district  
21 employes and volunteers instruction in the principles and  
22 techniques of cardiopulmonary resuscitation (CPR) and the use of

1 an automated external defibrillator (AED) on school premises at  
2 least once every three years. The course shall be offered as an  
3 option to all employes and volunteers of the school entity.

4 (b) Completion of training, including testing of skills and  
5 knowledge, shall be documented by the signature and title of a  
6 representative of the training entity and shall include the date  
7 training was completed. Documentation shall be retained in the  
8 facility in that employe's or volunteer's file. Training shall  
9 be conducted by:

10 (1) the American Red Cross;

11 (2) the American Heart Association;

12 (3) an individual certified to conduct CPR training by the  
13 American Red Cross, American Heart Association or other  
14 certifying agency approved by the Department of Health; or

15 (4) other certifying agency approved by the Department of  
16 Health.

17 (c) School [districts] entities may include this training in  
18 the continuing education plan submitted by the district to the  
19 Department of Education under section 1205.1.

20 (c.1) (1) School entities shall assure that each AED  
21 location has at least five (5) persons trained and certified in  
22 the use of an AED. Each school nurse, assistant school nurse,  
23 athletic coach or sponsor, marching band director, physical  
24 education teacher, athletic trainer, athletic training student  
25 aide, cheerleading coach and any other school employe specified  
26 by the Secretary of Education must participate in the  
27 instruction in the use of an AED. A person described in this  
28 subsection must receive and maintain certification in the use of  
29 an AED from:

30 (i) the American Red Cross;

1 (ii) the American Heart Association;  
2 (iii) an individual certified to conduct AED training by the  
3 American Red Cross, American Heart Association or other  
4 certifying agency approved by the Department of Health; or  
5 (iv) other certifying agency approved by the Department of  
6 Health.

7 (2) A school entity shall assure that at a minimum one (1)  
8 person trained and certified in the use of an AED is in the  
9 immediate vicinity of the location of the AED during school  
10 hours.

11 (c.2) A nonpublic or private school that receives an AED  
12 from the Department of Education or receives funding from a  
13 certifying agency to purchase or lease an AED under section  
14 1205.7 shall adopt a policy under which the school makes  
15 available to school employes and volunteers instruction in the  
16 principles and techniques of CPR and the use of an AED. The  
17 policy must comply with the requirements prescribed by this  
18 section and rules adopted by the department.

19 (c.3) A cyber charter school may provide the instruction  
20 under this section through the Internet or other electronic  
21 means. If a cyber charter school provides the instruction under  
22 this section through the Internet or other electronic means, the  
23 cyber charter school shall be exempt from the academic standards  
24 and guidelines developed regarding in-person instructional  
25 requirements under this section.

26 (d) For purposes of this section, a school entity shall be  
27 defined as a local school district, intermediate unit or area  
28 career and technical school.

29 Section 2. The act is amended by adding sections to read:  
30 Section 1205.8. Procedures Regarding Response to Cardiac

1 Arrest.--(a) Each school entity as defined under section  
2 1205.4, nonpublic school and private school shall develop safety  
3 procedures to follow in responding to a medical emergency  
4 involving cardiac arrest, including the appropriate response  
5 time in administering cardiopulmonary resuscitation (CPR), using  
6 an automated external defibrillator (AED) or calling a local  
7 emergency medical services provider.

8 (b) A nonpublic or private school that receives an AED from  
9 the Department of Education or receives funding from the  
10 department to purchase or lease an AED shall comply with this  
11 section.

12 Section 1205.9. Donations for Use Related to CPR and AED  
13 Instruction.--(a) The Department of Education may accept  
14 donations, including donations of equipment, for use in  
15 providing cardiopulmonary resuscitation (CPR) and automated  
16 external defibrillator (AED) instruction to students, school  
17 employees and volunteers. The Department of Education:

18 (1) shall distribute the donations to school entities for  
19 the purpose of CPR and AED instruction under section 1205.4; and

20 (2) may use a portion of the donations to the extent  
21 necessary to pay administrative expenses related to the  
22 donations.

23 (b) A school entity may accept from the Department of  
24 Education donations the department receives under subsection (a)  
25 for use in providing instruction to students in the principles  
26 and techniques of CPR and operating an AED. A school entity may  
27 accept other donations, including donations of equipment, for  
28 use in providing the instruction.

29 (c) To the extent that resources are available to a school  
30 entity under this section, the school entity shall make

1 available instruction to students in the principles and  
2 techniques of CPR and operating an AED.

3 (d) A school entity may use resources other than those made  
4 available under this section to make available instruction to  
5 students in the principles and techniques of CPR and operating  
6 an AED.

7 (e) The Department of Education may adopt rules as necessary  
8 to implement this section.

9 (f) For purposes of this section, a school entity shall be  
10 defined as a local school district, intermediate unit, area  
11 vocational-technical school, charter school or cyber charter  
12 school.

13 Section 3. Section 1423 of the act is repealed:

14 [Section 1423. Automatic External Defibrillators.--(a) The  
15 department shall establish an automatic external defibrillator  
16 program to assist school entities and nonpublic schools in  
17 making automatic external defibrillators available in school  
18 buildings.]

19 (b) On a biennial basis, the department, in consultation  
20 with the Department of General Services and the Department of  
21 Health, shall issue an invitation to bid for the cost of  
22 automatic external defibrillators and other equipment and  
23 supplies necessary for the proper operation of the device. The  
24 department shall accept the bid of the lowest responsible bidder  
25 and permit any school entity or nonpublic school to purchase the  
26 devices at the contract bid price. The department may purchase  
27 automatic external defibrillators from any funds appropriated  
28 pursuant to subsection (k) for distribution to school entities  
29 and nonpublic schools.]

30 (c) To be eligible to obtain or purchase automatic external

1 defibrillators under the program a school entity or nonpublic  
2 school must:

3 (1) Assure that two (2) or more persons assigned to the  
4 location where the automatic external defibrillator will be  
5 primarily housed are trained as required in subsection (d).

6 (2) Ensure that the device will be secured in a safe and  
7 readily accessible location and agree to properly maintain and  
8 test the device according to the manufacturer's operational  
9 guidelines.

10 (3) Submit a valid prescription for the device from a  
11 licensed medical practitioner in this Commonwealth.

12 (4) Agree to provide the training required by subsection  
13 (d).

14 (d) School personnel who are expected to use the automatic  
15 external defibrillator shall complete training in  
16 cardiopulmonary resuscitation and in the use of an automatic  
17 external defibrillator provided by the American Heart  
18 Association, the American Red Cross or through an equivalent  
19 course of instruction approved by the Department of Health.

20 (e) A school entity may include the training required by  
21 subsection (d) in its continuing professional education plan  
22 submitted to the department under section 1205.1.

23 (f) The provisions of 42 Pa.C.S. § 8331.2 (relating to good  
24 Samaritan civil immunity for use of automated external  
25 defibrillator) shall apply to school employes who render care  
26 with an automatic external defibrillator.

27 (g) From funds appropriated for this purpose, the department  
28 may assist school entities and nonpublic schools that are not  
29 equipped with automatic external defibrillators by providing a  
30 discount from the contract bid price obtained under subsection

1 (b) or by providing automatic external defibrillators obtained  
2 under subsection (b).

3 (g.1) The purchase of an automatic external defibrillator  
4 shall be considered an allowable use of Pennsylvania  
5 Accountability Grants under section 2599.2(b).

6 (g.2) The purchase of automatic external defibrillators  
7 shall be considered an innovative educational program under  
8 Article XVII-F of the act of March 4, 1971 (P.L.6, No.2), known  
9 as the "Tax Reform Code of 1971."

10 (h) (Reserved).

11 (i) Not later than June 30, 2014, and each year thereafter,  
12 each school entity shall make a report to the department  
13 detailing the number, condition, age and placement of automatic  
14 external defibrillators in each school building. After the  
15 initial report is made, a school entity may report this  
16 information as part of the annual report required by the  
17 Commonwealth under section 2505.1 to receive State reimbursement  
18 for health services.

19 (i.1) A nonpublic school that participates in the automatic  
20 external defibrillator program under subsection (b) or (g) shall  
21 be subject to the reporting required under subsection (i).

22 (i.2) The department shall annually publish a report on its  
23 publicly accessible Internet website no later than December 31,  
24 2014, and each year thereafter. The report shall contain the  
25 following information:

26 (1) The total number of automatic external defibrillators by  
27 school entity and nonpublic school.

28 (2) The number of school buildings by school entity and  
29 nonpublic school that are equipped with automatic external  
30 defibrillators.

1 (3) The number of school buildings by school entity and  
2 nonpublic school that are not equipped with automatic external  
3 defibrillators.

4 (j) The department may adopt guidelines as necessary to  
5 administer this section.

6 (k) The General Assembly may appropriate funds to carry out  
7 the provisions of this section.

8 (l) As used in this section--

9 "Automatic external defibrillator" means a portable device  
10 that uses electric shock to restore a stable heart rhythm to an  
11 individual in cardiac arrest.

12 "Department" means the Department of Education of the  
13 Commonwealth.

14 "Nonpublic school" means a nonprofit school, other than a  
15 public school within this Commonwealth, wherein a resident of  
16 this Commonwealth may legally fulfill the compulsory school  
17 attendance requirements of this act and which meets the  
18 applicable requirements of Title VI of the Civil Rights Act of  
19 1964 (Public Law 88-352, 78 Stat. 241).

20 "School building" means a building owned by or under the  
21 control of a school entity or nonpublic school where classes are  
22 taught or extracurricular activities are conducted on a regular  
23 basis.

24 "School entity" means an area career and technical school, a  
25 charter school, a cyber charter school, an intermediate unit or  
26 a school district.

27 "Secretary" means the Secretary of Education of the  
28 Commonwealth.]

29 Section 4. The act is amended by adding a section to read:

30 Section 1423.1. Availability and Specifications of Automated

1 External Defibrillators.--(a) Every school entity, nonpublic  
2 school and private school shall have at least one automated  
3 external defibrillator (AED) in each occupied building on the  
4 school's premises or campus at all times. The board of school  
5 directors shall adopt a policy regarding the placement and use  
6 of AEDs and the number of personnel who must receive training as  
7 required under section 1205.4.

8 (b) Whenever a school entity uses its facility for its own  
9 school-sponsored or school-approved interscholastic athletics,  
10 the school entity shall, in cooperation with the Pennsylvania  
11 Interscholastic Athletic Association, make available an AED and  
12 at least one school employe who is trained and certified under  
13 section 1205.4 at each interscholastic athletic contest or  
14 competition. The presence of emergency services personnel shall  
15 fulfill the requirement.

16 (c) This section does not:

17 (1) waive any liability or immunity of a school entity or  
18 its officers or employes; or

19 (2) create any liability for or a cause of action against a  
20 school entity or its officers or employes.

21 (d) The provisions of 42 Pa.C.S. § 8331.2 (relating to good  
22 Samaritan civil immunity for use of automated external  
23 defibrillator) shall apply to school employes who render care  
24 with an AED.

25 (e) Every school entity, nonpublic school and private school  
26 shall ensure that every AED on the school's premises or campus  
27 is properly tested and maintained in accordance with the  
28 manufacturer's operational guidelines. Every AED in a school  
29 entity, nonpublic school or private school shall meet the most  
30 recent minimum specifications as required by the Department of

1 Health.

2       Section 5. School entities, nonpublic schools and private  
3 schools shall comply with the amendment to section 1205.4 and  
4 the addition of sections 1205.8 and 1423.1 of the act no later  
5 than three years after the effective date of this section.

6       Section 6. This act shall take effect in 60 days.