

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1038 Session of 2019

INTRODUCED BY NEILSON, SAPPEY, OTTEN, SCHLOSSBERG, READSHAW, BARRAR, MURT, ZIMMERMAN, HILL-EVANS, FREEMAN, DeLUCA, FARRY, FRANKEL, SIMS, RADER, MADDEN, WARREN, FITZGERALD AND KORTZ, APRIL 2, 2019

REFERRED TO COMMITTEE ON EDUCATION, APRIL 2, 2019

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, further
 6 providing for CPR instruction and providing for procedures
 7 regarding response to cardiac arrest and for donations for
 8 use related to CPR instruction; and, in school health
 9 services, repealing provisions relating to automatic external
 10 defibrillators and providing for availability and
 11 specifications of automated external defibrillators.

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

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

17 Section 1205.4. CPR and Use of AED Instruction.--(a) School
 18 entities shall [be required to offer a cardiopulmonary
 19 resuscitation training (CPR) class] make available to district
 20 employes and volunteers instruction in the principles and
 21 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 (d) For purposes of this section, a school entity shall be
20 defined as a local school district, intermediate unit, [or] area
21 vocational-technical school, charter school or cyber charter
22 school.

23 Section 2. The act is amended by adding sections to read:

24 Section 1205.7. Procedures Regarding Response to Cardiac
25 Arrest.--(a) Each school entity as defined under section
26 1205.4, nonpublic school and private school shall develop safety
27 procedures to follow in responding to a medical emergency
28 involving cardiac arrest, including the appropriate response
29 time in administering cardiopulmonary resuscitation (CPR), using
30 an automated external defibrillator (AED) or calling a local

1 emergency medical services provider.

2 (b) A nonpublic or private school that receives an AED from
3 the Department of Education or receives funding from the
4 department to purchase or lease an AED shall comply with this
5 section.

6 Section 1205.8. Donations for Use Related to CPR and AED
7 Instruction.--(a) The Department of Education may accept
8 donations, including donations of equipment, for use in
9 providing cardiopulmonary resuscitation (CPR) and automated
10 external defibrillator (AED) instruction to students, school
11 employees and volunteers. The Department of Education:

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

14 (2) may use a portion of the donations to the extent
15 necessary to pay administrative expenses related to the
16 donations.

17 (b) A school entity may accept from the Department of
18 Education donations the department receives under subsection (a)
19 for use in providing instruction to students in the principles
20 and techniques of CPR and operating an AED. A school entity may
21 accept other donations, including donations of equipment, for
22 use in providing the instruction.

23 (c) To the extent that resources are available to a school
24 entity under this section, the school entity shall make
25 available instruction to students in the principles and
26 techniques of CPR and operating an AED.

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

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

3 (f) For purposes of this section, a school entity shall be
4 defined as a local school district, intermediate unit, area
5 vocational-technical school, charter school or cyber charter
6 school.

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

8 [Section 1423. Automatic External Defibrillators.--(a) The
9 department shall establish an automatic external defibrillator
10 program to assist school entities and nonpublic schools in
11 making automatic external defibrillators available in school
12 buildings.

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

24 (c) To be eligible to obtain or purchase automatic external
25 defibrillators under the program a school entity or nonpublic
26 school must:

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

30 (2) Ensure that the device will be secured in a safe and

1 readily accessible location and agree to properly maintain and
2 test the device according to the manufacturer's operational
3 guidelines.

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

6 (4) Agree to provide the training required by subsection
7 (d).

8 (d) School personnel who are expected to use the automatic
9 external defibrillator shall complete training in
10 cardiopulmonary resuscitation and in the use of an automatic
11 external defibrillator provided by the American Heart
12 Association, the American Red Cross or through an equivalent
13 course of instruction approved by the Department of Health.

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

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

21 (g) From funds appropriated for this purpose, the department
22 may assist school entities and nonpublic schools that are not
23 equipped with automatic external defibrillators by providing a
24 discount from the contract bid price obtained under subsection
25 (b) or by providing automatic external defibrillators obtained
26 under subsection (b).

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

30 (g.2) The purchase of automatic external defibrillators

1 shall be considered an innovative educational program under
2 Article XVII-F of the act of March 4, 1971 (P.L.6, No.2), known
3 as the "Tax Reform Code of 1971."

4 (h) (Reserved).

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

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

16 (i.2) The department shall annually publish a report on its
17 publicly accessible Internet website no later than December 31,
18 2014, and each year thereafter. The report shall contain the
19 following information:

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

22 (2) The number of school buildings by school entity and
23 nonpublic school that are equipped with automatic external
24 defibrillators.

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

28 (j) The department may adopt guidelines as necessary to
29 administer this section.

30 (k) The General Assembly may appropriate funds to carry out

1 the provisions of this section.

2 (1) As used in this section--

3 "Automatic external defibrillator" means a portable device
4 that uses electric shock to restore a stable heart rhythm to an
5 individual in cardiac arrest.

6 "Department" means the Department of Education of the
7 Commonwealth.

8 "Nonpublic school" means a nonprofit school, other than a
9 public school within this Commonwealth, wherein a resident of
10 this Commonwealth may legally fulfill the compulsory school
11 attendance requirements of this act and which meets the
12 applicable requirements of Title VI of the Civil Rights Act of
13 1964 (Public Law 88-352, 78 Stat. 241).

14 "School building" means a building owned by or under the
15 control of a school entity or nonpublic school where classes are
16 taught or extracurricular activities are conducted on a regular
17 basis.

18 "School entity" means an area vocational-technical school, a
19 charter school, a cyber charter school, an intermediate unit or
20 a school district.

21 "Secretary" means the Secretary of Education of the
22 Commonwealth.]

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

24 Section 1423.1. Availability and Specifications of Automated
25 External Defibrillators.--(a) Every school entity, nonpublic
26 school and private school shall have at least one automated
27 external defibrillator (AED) in each occupied building on the
28 school's premises or campus at all times. The board of school
29 directors shall adopt a policy regarding the placement and use
30 of AEDs and the number of personnel who must receive training as

1 required under section 1205.4.

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

10 (c) This section does not:

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

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

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

19 (e) Every school entity, nonpublic school and private school
20 shall ensure that every AED on the school's premises or campus
21 is properly tested and maintained in accordance with the
22 manufacturer's operational guidelines. Every AED in a school
23 entity, nonpublic school or private school shall meet the most
24 recent minimum specifications as required by the Department of
25 Health.

26 Section 5. School entities, nonpublic schools and private
27 schools shall comply with the amendment to section 1205.4 and
28 the addition of sections 1205.7 and 1423.1 of the act no later
29 than three years after the effective date of this section.

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