

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 267 Session of 2013

INTRODUCED BY GREENLEAF, TARTAGLIONE, SCHWANK, BREWSTER, FERLO, SMUCKER, SOLOBAY AND WAUGH, JANUARY 18, 2013

SENATOR CORMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED, NOVEMBER 18, 2013

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 pupils and attendance, further
6 providing for excuses from attending school; IN SCHOOL HEALTH <--
7 SERVICES, FURTHER PROVIDING FOR AUTOMATED EXTERNAL
8 DEFIBRILLATORS; and making an editorial change.

9 The General Assembly of the Commonwealth of Pennsylvania

10 hereby enacts as follows:

11 Section 1. Section 1329 of the act of March 10, 1949 (P.L.
12 30, No.14), known as the Public School Code of 1949, amended
13 June 22, 2001 (P.L.530, No.35), is amended to read:

14 Section 1329. Excuses from Attending School.--(a) The board
15 of school directors of any school district may, upon
16 certification by any licensed practitioner of the healing arts
17 or upon any other satisfactory evidence being furnished to it,
18 showing that any child or children are prevented from attending
19 school, or from application to study, on account of any mental,
20 physical, or other urgent reasons, excuse such child or children

1 from attending school as required by the provisions of this act,  
2 but the term "urgent reasons" shall be strictly construed and  
3 shall not permit of irregular attendance. In every such case,  
4 such action by the board of school directors shall not be final  
5 until the approval of the [Department of Public Instruction]  
6 Department of Education has been obtained. Every principal or  
7 teacher in any public, private, or other school may, for reasons  
8 enumerated above, excuse any child for non-attendance during  
9 temporary periods.

10 (a.1) A school district may excuse a student from school  
11 attendance to participate in a nonschool-district-sponsored  
12 educational tour or trip consistent with State Board of  
13 Education regulations.

14 (b) Pursuant to the requirements of 22 Pa. Code § 11.41  
15 (relating to school district policies and rules), the board of  
16 school directors shall formally adopt, as part of its written  
17 rules governing pupil absences and excusals, a policy permitting  
18 a student to be excused for participation in a project sponsored  
19 by an organization that is eligible to apply for a grant under  
20 section 5(3) of the act of July 8, 1986 (P.L.437, No.92), known  
21 as the "Pennsylvania Agricultural Fair Act."

22 SECTION 2. SECTION 1423 OF THE ACT, ADDED MAY 17, 2001 <--  
23 (P.L.4, NO.4), IS AMENDED TO READ:

24 SECTION 1423. AUTOMATIC EXTERNAL DEFIBRILLATORS.--(A) [FOR  
25 THE FISCAL YEAR 2001-2002, THE] THE DEPARTMENT SHALL ESTABLISH  
26 [A ONE-TIME] AN AUTOMATIC EXTERNAL DEFIBRILLATOR PROGRAM TO  
27 ASSIST SCHOOL ENTITIES IN [ACQUIRING] MAKING AUTOMATIC EXTERNAL  
28 DEFIBRILLATORS AVAILABLE IN ALL SCHOOL BUILDINGS.

29 (B) [THE] ON A BIENNIAL BASIS, THE DEPARTMENT, IN  
30 CONSULTATION WITH THE DEPARTMENT OF GENERAL SERVICES AND THE

1 DEPARTMENT OF HEALTH SHALL ISSUE AN INVITATION TO BID FOR THE  
2 COST OF AUTOMATIC EXTERNAL DEFIBRILLATORS AND OTHER EQUIPMENT  
3 AND SUPPLIES NECESSARY FOR THE PROPER OPERATION OF THE DEVICE.  
4 THE DEPARTMENT SHALL ACCEPT THE BID OF THE LOWEST RESPONSIBLE  
5 BIDDER AND PERMIT ANY SCHOOL ENTITY TO PURCHASE THE DEVICES AT  
6 THE CONTRACT BID PRICE. THE DEPARTMENT MAY PURCHASE AUTOMATIC  
7 EXTERNAL DEFIBRILLATORS FROM ANY FUNDS APPROPRIATED PURSUANT TO  
8 SUBSECTION (K) FOR DISTRIBUTION TO SCHOOL ENTITIES.

9 (C) TO BE ELIGIBLE TO OBTAIN OR PURCHASE AUTOMATIC EXTERNAL  
10 DEFIBRILLATORS UNDER THE PROGRAM A SCHOOL ENTITY MUST:

11 (1) ASSURE THAT TWO (2) OR MORE PERSONS ASSIGNED TO THE  
12 LOCATION WHERE THE AUTOMATIC EXTERNAL DEFIBRILLATOR WILL BE  
13 PRIMARILY HOUSED ARE TRAINED AS REQUIRED IN SUBSECTION (D).

14 (2) ENSURE THAT THE DEVICE WILL BE SECURED IN A SAFE AND  
15 READILY ACCESSIBLE LOCATION AND AGREE TO PROPERLY MAINTAIN AND  
16 TEST THE DEVICE ACCORDING TO THE MANUFACTURER'S OPERATIONAL  
17 GUIDELINES.

18 (3) SUBMIT A VALID PRESCRIPTION FOR THE DEVICE FROM A  
19 LICENSED MEDICAL PRACTITIONER IN THIS COMMONWEALTH.

20 (4) AGREE TO PROVIDE THE TRAINING REQUIRED BY SUBSECTION  
21 (D).

22 (D) SCHOOL PERSONNEL WHO ARE EXPECTED TO USE THE AUTOMATIC  
23 EXTERNAL DEFIBRILLATOR SHALL COMPLETE TRAINING IN  
24 CARDIOPULMONARY RESUSCITATION AND IN THE USE OF AN AUTOMATIC  
25 EXTERNAL DEFIBRILLATOR PROVIDED BY THE AMERICAN HEART  
26 ASSOCIATION, THE AMERICAN RED CROSS OR THROUGH AN EQUIVALENT  
27 COURSE OF INSTRUCTION APPROVED BY THE DEPARTMENT OF HEALTH.

28 (E) A SCHOOL ENTITY MAY INCLUDE THE TRAINING REQUIRED BY  
29 SUBSECTION (D) IN ITS CONTINUING PROFESSIONAL EDUCATION PLAN  
30 SUBMITTED TO THE DEPARTMENT UNDER SECTION 1205.1.

1 (F) THE PROVISIONS OF 42 PA.C.S. § 8331.2 (RELATING TO GOOD  
2 SAMARITAN CIVIL IMMUNITY FOR USE OF AUTOMATED EXTERNAL  
3 DEFIBRILLATOR) SHALL APPLY TO SCHOOL EMPLOYES WHO RENDER CARE  
4 WITH AN AUTOMATIC EXTERNAL DEFIBRILLATOR.

5 (G) FROM FUNDS APPROPRIATED FOR THIS PURPOSE, THE  
6 DEPARTMENT[, UPON REQUEST, SHALL PROVIDE: UP TO TWO (2)  
7 AUTOMATIC EXTERNAL DEFIBRILLATORS TO EACH SCHOOL DISTRICT; ONE  
8 (1) AUTOMATIC EXTERNAL DEFIBRILLATOR TO EACH INTERMEDIATE UNIT;  
9 AND ONE (1) AUTOMATIC EXTERNAL DEFIBRILLATOR TO EACH AREA  
10 VOCATIONAL-TECHNICAL SCHOOL.] MAY ASSIST SCHOOL ENTITIES THAT  
11 NEED TO BE EQUIPPED WITH AUTOMATIC EXTERNAL DEFIBRILLATORS BY  
12 PROVIDING A DISCOUNT FROM THE CONTRACT BID PRICE OBTAINED UNDER  
13 SUBSECTION (B) OR BY PROVIDING AUTOMATIC EXTERNAL DEFIBRILLATORS  
14 OBTAINED UNDER SUBSECTION (B).

15 (G.1) THE PURCHASE OF AN AUTOMATIC EXTERNAL DEFIBRILLATOR  
16 SHALL BE CONSIDERED AN ALLOWABLE USE OF PENNSYLVANIA  
17 ACCOUNTABILITY GRANTS UNDER SECTION 2599.2(B).

18 (G.2) THE PURCHASE OF AUTOMATIC EXTERNAL DEFIBRILLATORS BY A  
19 SCHOOL ENTITY SHALL BE CONSIDERED AN INNOVATIVE EDUCATIONAL  
20 PROGRAM UNDER ARTICLE XVII-F OF THE ACT OF MARCH 4, 1971 (P.L.6,  
21 NO.2), KNOWN AS THE TAX REFORM CODE OF 1971.

22 (H) [NO SCHOOL ENTITY SHALL BE REQUIRED TO PARTICIPATE IN  
23 THE AUTOMATIC EXTERNAL DEFIBRILLATOR PROGRAM.]

24 (I) [NO LATER THAN JUNE 30, 2002, THE SECRETARY SHALL SUBMIT  
25 A REPORT TO THE GENERAL ASSEMBLY DESCRIBING THE EFFECTIVENESS OF  
26 THIS SECTION IN OUTFITTING THE COMMONWEALTH'S SCHOOL ENTITIES  
27 WITH AUTOMATIC EXTERNAL DEFIBRILLATORS.] NOT LATER THAN JUNE 30,  
28 2014, AND EACH YEAR THEREAFTER, EACH SCHOOL ENTITY SHALL MAKE A  
29 REPORT TO THE DEPARTMENT DETAILING THE NUMBER, CONDITION, AGE  
30 AND PLACEMENT OF AUTOMATIC EXTERNAL DEFIBRILLATORS IN EACH

1 SCHOOL BUILDING. AFTER THE INITIAL REPORT IS MADE, A SCHOOL  
2 ENTITY MAY REPORT THIS INFORMATION AS PART OF THE ANNUAL REPORT  
3 REQUIRED BY THE COMMONWEALTH UNDER SECTION 2505.1 TO RECEIVE  
4 STATE REIMBURSEMENT FOR HEALTH SERVICES.

5 (I.1) THE DEPARTMENT SHALL ANNUALLY PUBLISH A REPORT ON ITS  
6 PUBLICLY ACCESSIBLE INTERNET WEBSITE NO LATER THAN DECEMBER 31,  
7 2014, AND EACH YEAR THEREAFTER. THE REPORT SHALL CONTAIN THE  
8 FOLLOWING INFORMATION:

9 (1) THE TOTAL NUMBER OF AUTOMATIC EXTERNAL DEFIBRILLATORS BY  
10 SCHOOL ENTITY.

11 (2) THE NUMBER OF SCHOOL BUILDINGS BY SCHOOL ENTITY EQUIPPED  
12 WITH AUTOMATIC EXTERNAL DEFIBRILLATORS.

13 (3) THE NUMBER OF SCHOOL BUILDINGS BY SCHOOL ENTITY THAT  
14 NEED TO BE EQUIPPED WITH AUTOMATIC EXTERNAL DEFIBRILLATORS.

15 (I.2) A NONPUBLIC SCHOOL THAT AGREES TO THE PROVISIONS IN  
16 SUBSECTION (C) MAY PURCHASE AUTOMATIC EXTERNAL DEFIBRILLATORS  
17 UNDER SUBSECTION (B).

18 (J) THE DEPARTMENT MAY ADOPT GUIDELINES AS NECESSARY TO  
19 ADMINISTER THIS SECTION.

20 (K) THE GENERAL ASSEMBLY MAY APPROPRIATE FUNDS TO CARRY OUT  
21 THE PROVISIONS OF THIS SECTION.

22 (L) AS USED IN THIS SECTION--

23 "AUTOMATIC EXTERNAL DEFIBRILLATOR" MEANS A PORTABLE DEVICE  
24 THAT USES ELECTRIC SHOCK TO RESTORE A STABLE HEART RHYTHM TO AN  
25 INDIVIDUAL IN CARDIAC ARREST.

26 "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION OF THE  
27 COMMONWEALTH.

28 "SCHOOL BUILDING" MEANS A BUILDING OWNED BY OR UNDER THE  
29 CONTROL OF A SCHOOL ENTITY WHERE CLASSES ARE TAUGHT OR  
30 EXTRACURRICULAR ACTIVITIES ARE CONDUCTED ON A REGULAR BASIS.

1 "SCHOOL ENTITY" MEANS AN AREA VOCATIONAL-TECHNICAL SCHOOL, A  
2 CHARTER SCHOOL, A CYBER CHARTER SCHOOL, AN INTERMEDIATE UNIT, A  
3 NONPUBLIC SCHOOL OR A SCHOOL DISTRICT.

4 "SECRETARY" MEANS THE SECRETARY OF EDUCATION OF THE  
5 COMMONWEALTH.

6 Section ~~2~~ 3. This act shall take effect in 60 days.

<--