

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 525 Session of 2023

INTRODUCED BY NEILSON, CIRESI, HILL-EVANS, SANCHEZ, MADDEN, SCHLOSSBERG, GUENST, SCOTT, BURGOS, FLEMING, ZIMMERMAN, FREEMAN, KINKEAD, BRENNAN AND OTTEN, MARCH 17, 2023

REFERRED TO COMMITTEE ON EDUCATION, MARCH 17, 2023

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 and AED 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
 22 an automated external defibrillator (AED) on school premises at

1 least once every three years. The course shall be offered as an
2 option to all employes and volunteers of the school entity.

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

9 (1) the American Red Cross;

10 (2) the American Heart Association;

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

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

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

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

29 (i) the American Red Cross;

30 (ii) the American Heart Association;

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

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

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

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

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

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

29 Section 1205.9. Procedures Regarding Response to Cardiac
30 Arrest.--(a) Each school entity as defined under section

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

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

11 Section 1205.10. Donations for Use Related to CPR and AED
12 Instruction.--(a) The Department of Education may accept
13 donations, including donations of equipment, for use in
14 providing cardiopulmonary resuscitation (CPR) and automated
15 external defibrillator (AED) instruction to students, school
16 employees and volunteers. The Department of Education:

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

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

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

28 (c) To the extent that resources are available to a school
29 entity under this section, the school entity shall make
30 available instruction to students in the principles and

1 techniques of CPR and operating an AED.

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

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

8 (f) For purposes of this section, the term "school entity"
9 shall be defined as a local school district, intermediate unit,
10 area career and technical school, charter school or cyber
11 charter school.

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

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

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

29 (c) To be eligible to obtain or purchase automatic external
30 defibrillators under the program a school entity or nonpublic

1 school must:

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

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

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

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

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

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

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

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

1 under subsection (b).

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

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

9 (h) (Reserved).

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

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

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

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

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

30 (3) The number of school buildings by school entity and

1 nonpublic school that are not equipped with automatic external
2 defibrillators.

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

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

7 (l) As used in this section--

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

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

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

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

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

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

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

29 Section 1423.1. Availability and Specifications of Automated
30 External Defibrillators.--(a) Every school entity, nonpublic

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

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

15 (c) This section does not:

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

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

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

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

1 Section 5. School entities, nonpublic schools and private
2 schools shall comply with the amendment or addition of sections
3 1205.4, 1205.9 and 1423.1 of the act no later than three years
4 after the effective date of this section.

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