

BILL ANALYSIS

Senate Research Center

S.B. 7
By: Hinojosa et al.
Education
8/7/2007
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Each year, at least 250,000 Americans die of sudden cardiac arrest before they reach a hospital. Sudden cardiac arrest strikes people of all ages and degrees of fitness, and usually strikes without warning. Many lives can be saved if bystanders quickly phone 911 and begin cardiopulmonary resuscitation (CPR), or if a trained responder provides defibrillation within minutes. Most cardiac arrest is caused by ventricular fibrillation, an abnormal heart rhythm that prevents the heart from pumping blood, which can be treated by defibrillation.

S.B. 7 requires that at least one automated external defibrillator (AED) be made available at every public school campus, and school athletic competitions and practices, and that someone who knows how to use the AED be present at each location where the device is available. Also, S.B. 7 requires training of certain school personnel and certain students in the proper use of an AED and in using CPR. In addition, S.B. 7 requires the State Board of Education to include instruction in CPR and AED as part of the essential knowledge and skills of the health curriculum. S.B. 7 authorizes the Texas Education Agency to accept donations to assist in the cost of providing CPR and AED instruction, and the donations are to be made available to school districts for the purpose of providing CPR and AED instruction .

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 3 (Section 22.902, Education Code) and SECTION 6 (Section 38.019, Education Code) of this bill.

Rulemaking authority is expressly granted to the State Board of Education in SECTION 4 (Section 28.0023, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 5.001, Education Code, by adding Subdivision (6-a), to define "private school."

SECTION 2. Amends Section 7.026(a), Education Code, as follows:

(a) Requires the Texas Education Agency (TEA) to distribute donations, including donations of equipment, to school districts (districts) for the purpose of providing cardiopulmonary resuscitation (CPR) instruction, rather than distributing the donations to school districts that provide CPR instruction, to students under Sections 28.0023 and 29.903, rather than only Section 29.903.

SECTION 3. Amends Subchapter Z, Chapter 22, Education Code, by adding Section 22.902, as follows:

Sec. 22.902. INSTRUCTION RELATED TO CARDIOPULMONARY RESUSCITATION AND USE OF AUTOMATED EXTERNAL DEFIBRILLATOR. (a) Requires a school district (district) to annually make available to district employees and volunteers instruction in the principles and techniques of CPR and the use of an automated external defibrillator (AED), as defined by Section 779.001, Health and Safety Code.

(b) Requires the instruction provided in the AED training to meet guidelines for AED training approved under Section 779.002, Health and Safety Code.

(c) Requires certain school personnel and each student who serves as an athletic trainer to participate in the instruction for the use of an AED. Requires these individuals to receive and maintain certification in the use of an AED from the American Heart Association, the American Red Cross, or a similar nationally recognized association.

(d) Requires the commissioner of education (commissioner) to adopt rules as necessary to implement this section.

(e) Provides that this subsection applies only to a private school that receives an AED from TEA or receives funding from TEA to purchase or lease an AED. Requires a private school to adopt a policy under which the school makes available to school employees and volunteers instruction in the principles and techniques of CPR and the use of an AED. Requires the policy to comply with the requirements prescribed by this section and commissioner rules adopted under this section.

SECTION 4. Amends Subchapter A, Chapter 28, Education Code, by adding Section 28.0023, as follows:

Sec. 28.0023. CARDIOPULMONARY RESUSCITATION AND AUTOMATED EXTERNAL DEFIBRILLATOR INSTRUCTION. (a) Defines "automated external defibrillator."

(b) Requires the State Board of Education (SBOE) by rule to include elements relating to instruction in CPR and the use of an AED as part of the essential knowledge and skills of the health curriculum under Section 28.002(a)(2)(B).

(c) Provides that this subsection applies only to a private school that receives an AED from TEA or receives funding from TEA to purchase or lease an AED. Requires a private school to provide instruction to students in CPR and the use of an AED in a manner consistent with the requirements of this section and SBOE rules adopted under this section.

SECTION 5. Amends Section 29.903(a), Education Code, to delete existing text limiting donations to a district providing instruction to students in the principles and techniques of CPR. Authorizes a district to accept from TEA donations TEA receives under Section 7.026 for use in providing instruction to students in the principles and techniques of CPR

SECTION 6. Amends Subchapter A, Chapter 38, Education Code, by adding Sections 38.017, 38.018, and 38.019, as follows:

Sec. 38.017. AVAILABILITY OF AUTOMATED EXTERNAL DEFIBRILLATOR.

(a) Requires each district to make available at each campus in the district at least one AED, as defined by Section 779.001, Health and Safety Code. Requires a campus AED to be readily available during any University Scholastic League (UIL) athletic competition (competition) held on the campus. Requires the principal of a campus determining the location at which to store the campus AED to consider the primary location on campus where students engage in athletic activities.

(b) Requires each district, to the extent practicable and in cooperation with UIL, to make reasonable efforts to ensure that an AED is available at each UIL athletic practice held at a district campus. Requires a district, if the district is not able to make an AED available in the manner provided by this subsection, to determine the extent to which an AED is required to be available at each UIL athletic practice held at a district campus. Requires the determination to be based, in addition to any other appropriate considerations, on relevant medical information.

(c) Requires each district, in cooperation with UIL, to determine the extent to which an AED must be available at each competition held at a location other than a district campus. Requires the determination to be based, in addition to any other appropriate consideration, on relevant medical information and whether emergency services personnel are present at the athletic competition under a contract with the district.

(d) Requires each district to ensure the presence at each location at which an AED is required under Subsection (a), (b), or (c) of at least one campus or district employee trained in the proper use of the AED at any time a substantial number of district students are present at the location.

(e) Requires a district to ensure that an AED is used and maintained in accordance with standards established under Chapter 779, Health and Safety Code.

(f) Provides that this section does not waive any immunity from liability of a district or its officers or employees, does not create any liability for or a cause of action against a district or its officers or employees, and does not waive immunity from liability under Section 74.151 (Liability for Emergency Care), Civil Practice and Remedies Code.

(g) Provides that this subsection applies only to a private school that receives an AED from TEA or receives funding from TEA to purchase or lease an AED. Requires a private school to make available at the school at least one AED and, in coordination with the Texas Association of Private and Parochial Schools, to adopt a policy concerning the availability of an AED at athletic competitions and practices in a manner consistent with the requirements prescribed by this section, including the training and maintenance requirements prescribed by this section.

(h) Authorizes a school district to seek and accept gifts, grants, or other donations to pay the district's cost of purchasing AEDs required under this section.

Sec. 38.018. PROCEDURES REGARDING RESPONSE TO CARDIAC ARREST. (a) Requires each district and private school to develop safety procedures for a district or school employee or student to follow in responding to a medical emergency involving cardiac arrest, including the appropriate response time in administering cardiopulmonary resuscitation, using an AED, or calling a local emergency medical services provider.

(b) Provides that a private school is required to develop safety procedures under this section only if the school receives an AED from TEA or receives funding from TEA to purchase or lease an AED.

Sec. 38.019. CARDIOVASCULAR SCREENING PILOT PROGRAM. (a) Defines "pilot program."

(b) Requires the commissioner to establish a pilot program (program) under which sixth grade students at participating campuses are administered a cardiovascular screening (screening), including an electrocardiogram and an echocardiogram.

(c) Requires the commissioner to select campuses to participate in the program. Requires the commissioner, in selecting campuses, to ensure that screening is administered to an ethnically diverse range of students.

(d) Authorizes the commissioner to accept grants and donations for use in administering the program.

(e) Requires the commissioner to require a participating campus to provide the results of a student's screening to the student's parent or guardian.

(f) Requires each campus selected to participate in the program to provide a summary of the results of the screenings to the commissioner in a manner that does not identify specific students. Requires the commissioner to prepare and deliver to each member of the legislature a report summarizing the results of the screenings not later than January 1, 2009. Provides that this subsection expires June 1, 2009.

(g) Authorizes the commissioner to adopt rules necessary to administer this section.

SECTION 7. Amends Subchapter B, Chapter 44, Education Code, by adding Section 44.047, as follows:

Sec. 44.047. PURCHASE OR LEASE OF AUTOMATED EXTERNAL DEFIBRILLATOR. (a) Requires a district or private school that purchases or leases an AED to ensure that the AED meets standards established by the federal Food and Drug Administration.

(b) Provides that a private school that purchases or leases an AED is required to comply with the requirements of this section only if the school receives funding from the agency to purchase or lease the AED.

SECTION 8. Repealer: Section 29.903(b), Education Code (requiring districts to provide CPR instruction to the extent the resources are available to the districts).

SECTION 9. (a) Provides that except as otherwise provided by this Act, this Act applies beginning with the 2007-2008 school year.

(b) Requires SBOE to adopt rules relating to instruction in CPR and the use of an AED in accordance with Section 28.0023, Education Code, as added by this Act, not later than March 1, 2008. Requires the rules to require each district and open-enrollment charter school to provide instruction in CPR and the use of an AED beginning with the 2008-2009 school year.

(c) Requires each private school to which Section 28.0023(c), Education Code, as added by this Act, applies to provide instruction in CPR and the use of an AED as required by that section beginning with the 2008-2009 school year.

(d) Provides that SBOE is not required to review and adopt textbooks for the health curriculum to comply with the requirements of Section 28.0023, Education Code, as added by this Act, until those textbooks are otherwise scheduled for review and adoption under the cycle adopted under Section 31.022, Education Code.

SECTION 10. Effective date: upon passage or September 1, 2007.