

BILL ANALYSIS

C.S.S.B. 7
By: Hinojosa
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

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.

This bill 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, the bill requires training of certain school personnel and certain students in the proper use of an AED and in using CPR. In addition, the bill requires the State Board of Education (SBOE) to include instruction in CPR and AED as part of the essential knowledge and skills of the health curriculum. The bill authorizes the Texas Education Agency (TEA) 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

It is the committee's opinion that rulemaking authority is expressly granted to the Commissioner of Education (commissioner) in SECTION 3 and SECTION 6 of this bill, and to the State Board of Education in SECTION 4 of this bill, with additional specifications relating to such rulemaking authority set forth in SECTION 9 of the bill.

ANALYSIS

The bill amends Section 5.001, Education Code, by adding a definition of "private school."

The bill amends provisions of the Education Code relating to donations to schools for the purpose of providing CPR and AED instruction to students.

The bill includes provisions relating to CPR and AED instruction made available annually by a school district to employees and volunteers, specifies which school employees and students must participate in instruction on the use of an AED, provides that the commissioner shall adopt rules as necessary to implement such instruction, and specifies instructional requirements applicable to a private school that receives an AED from TEA or funding to purchase or lease an AED from TEA.

The bill provides that the SBOE by rule shall 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.

Various sections of the bill impose specific requirements applicable to a private school that receives an AED from TEA or funding to purchase or lease an AED from TEA (participating private school).

The bill sets forth requirements and other criteria for the availability and location of an AED, including requiring that each school district make at least one AED available at each campus in the district, and including criteria relating specifically to athletic competitions, practices, and

activities on and off campus, and the availability of trained personnel to operate the AED. The bill sets forth use and maintenance requirements for an AED.

The bill provides that specific provisions of the bill do not waive any liability or immunity of a school district, its officers, or employees, and do not create any liability for or a cause of action against a school district, its officers, or employees.

The bill requires each school district and participating private school to develop safety procedures to follow in response to a medical emergency involving cardiac arrest.

The bill establishes a cardiac screening pilot program under which sixth grade students at participating campuses are administered a cardiovascular screening. The bill sets forth certain selection criteria, possible funding sources, parental notification requirements, reporting requirements, the due date for a commissioner's report to the Legislature, an expiration provision, and a delegation of rulemaking authority to the commissioner.

The bill includes provisions relating to the purchase or lease of AEDs, and required standards for such AEDs.

The bill repeals Section 29.903 of the Education Code.

The bill provides that, except as otherwise provided by this Act, the Act applies beginning with the 2007-2008 school year.

The bill sets forth a deadline for the adoption of rules by the SBOE relating to instruction in CPR and the use of an AED, and sets forth required deadlines for such instruction to be provided by each school district, open-enrollment charter school, and participating private school.

The bill provides that the SBOE is not required to review and adopt textbooks for the health curriculum to comply with provisions of the bill until the textbooks are otherwise scheduled for review and adoption under the cycle adopted under Section 31.022, Education Code.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The original bill provides in Section 22.902(c), Education Code, in pertinent part, that each school nurse, assistant school nurse, athletic coach or sponsor, physical education instructor, marching band director, athletic trainer, cheerleading coach, and any other school employee specified by the commissioner and each student who serves as an athletic trainer must participate in the instruction in the use of an automated external defibrillator. The substitute bill strikes the first reference to "athletic trainer" in the above provision.