



Reprinted
April 13, 2023

ENGROSSED

SENATE BILL No. 369

DIGEST OF SB 369 (Updated April 12, 2023 12:07 pm - DI 107)

Citations Affected: IC 5-2; IC 20-34; noncode.

Synopsis: Automated external defibrillator requirements. Provides that school coaches, assistant coaches, marching band leaders, drama and musical leaders, and extracurricular activity leaders may ensure that an operational automated external defibrillator (AED) is present at each event in which students have an increased risk of sudden cardiac arrest (event) for which the individual is providing coaching or leadership. Allows two or more events to share an AED if certain conditions are
(Continued next page)

Effective: July 1, 2023.

**Rogers, Donato, Walker G,
Ford J.D., Johnson T, Qaddoura,
Yoder, Crane, Hunley,
Randolph Lonnie M**

(HOUSE SPONSORS — PRESSEL, DEVON, KING, JACKSON)

January 17, 2023, read first time and referred to Committee on Family and Children Services.

February 6, 2023, reported favorably — Do Pass.

February 14, 2023, read second time, amended, ordered engrossed.

February 15, 2023, engrossed.

February 16, 2023, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 28, 2023, read first time and referred to Committee on Education.

March 30, 2023, amended, reported — Do Pass.

April 10, 2023, read second time, amended, ordered engrossed.

April 11, 2023, engrossed. Returned to second reading.

April 12, 2023, re-read second time, amended, ordered engrossed.

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Digest Continued

met. Provides that a school corporation, charter school, and state accredited nonpublic school may: (1) ensure that each required AED is properly maintained; (2) establish a goal of responding within three minutes; and (3) share the goal with school coaches, assistant coaches, marching band leaders, drama and musical leaders, extracurricular activity leaders, and applicable students. Provides that a school corporation or charter school may apply for a grant from the Indiana safe schools fund to purchase an AED under certain circumstances. Requires the department of education to conduct a statewide survey of school corporations, charter schools, and state accredited nonpublic schools to determine: (1) the number of AEDs owned before July 1, 2023 by schools; and (2) school policies in effect before July 1, 2023 regarding AEDs.



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April 13, 2023

First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 369

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 5-2-10.1-2, AS AMENDED BY P.L.211-2019,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: Sec. 2. (a) The Indiana safe schools fund is established
4 to do the following:
- 5 (1) Promote school safety through the:
 - 6 (A) use of dogs trained to detect drugs and illegal substances;
 - 7 and
 - 8 (B) purchase of other equipment and materials used to
 - 9 enhance the safety of schools.
 - 10 (2) Combat truancy.
 - 11 (3) Provide matching grants to schools for school safe haven
 - 12 programs.
 - 13 (4) Provide grants for school safety and safety plans. However, a
 - 14 grant from the fund may not be used to employ a school resource
 - 15 officer (as defined in IC 20-26-18.2-1) or a law enforcement
 - 16 officer (as defined in IC 35-31.5-2-185).
 - 17 (5) Provide educational outreach and training to school personnel

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- 1 concerning:
- 2 (A) the identification of;
- 3 (B) the prevention of; and
- 4 (C) intervention in;
- 5 bullying.
- 6 (6) Provide educational outreach to school personnel and training
- 7 to school safety specialists and school resource officers
- 8 concerning:
- 9 (A) the identification of;
- 10 (B) the prevention of; and
- 11 (C) intervention in;
- 12 criminal organization activities.
- 13 (7) Provide grants for school wide programs to improve school
- 14 climate and professional development and training for school
- 15 personnel concerning:
- 16 (A) alternatives to suspension and expulsion; and
- 17 (B) evidence based practices that contribute to a positive
- 18 school environment, including classroom management skills,
- 19 positive behavioral intervention and support, restorative
- 20 practices, and social emotional learning.
- 21 **(8) Provide grants for automated external defibrillators**
- 22 **(AEDs) required under IC 20-34-8-9.**
- 23 (b) The fund consists of amounts deposited:
- 24 (1) under IC 33-37-9-4; and
- 25 (2) from any other public or private source.
- 26 (c) The institute shall determine grant recipients from the fund with
- 27 a priority on awarding grants in the following order:
- 28 (1) A grant for a safety plan.
- 29 (2) A safe haven grant requested under section 10 of this chapter.
- 30 (3) A safe haven grant requested under section 7 of this chapter.
- 31 (d) Except as provided in subsection (e), upon recommendation of
- 32 the council, the institute shall establish a method for determining the
- 33 maximum amount a grant recipient may receive under this section.
- 34 (e) A school corporation selected to participate in the school
- 35 intergenerational safety pilot project by the department under
- 36 IC 20-20-46-5 is eligible to receive a grant from the fund in an amount
- 37 described in IC 20-20-46-4 in addition to a grant requested by the
- 38 school corporation under section 6 of this chapter.
- 39 SECTION 2. IC 20-34-8-9, AS ADDED BY P.L.56-2021,
- 40 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 41 JULY 1, 2023]: Sec. 9. (a) This section applies to:
- 42 (1) a head coach or assistant coach who coaches an athletic



1 activity;

2 (2) a marching band leader; ~~or~~

3 **(3) a drama or musical leader; or**

4 ~~(3)~~ **(4) a leader of an extracurricular activity in which students**
 5 **have an increased risk of sudden cardiac arrest activity as**
 6 **determined by the department in consultation with an**
 7 **organization that specializes in the prevention of sudden cardiac**
 8 **arrest.**

9 (b) An individual described in subsection (a) shall complete the
 10 sudden cardiac arrest training course offered by a provider approved by
 11 the department in a manner specified by the state board under
 12 IC 20-28-5.5-1. **The sudden cardiac arrest training course described**
 13 **in this subsection must include training in the use of an automated**
 14 **external defibrillator (AED).** An individual described in subsection
 15 (a) may not coach or lead the ~~athletic activity event in which students~~
 16 **have an increased risk of sudden cardiac arrest** until the individual
 17 completes the training course required under this subsection. The
 18 provider shall provide the school with a certificate of completion to the
 19 school corporation, charter school, or state accredited nonpublic school
 20 for each individual who completes a course under this subsection.

21 (c) Each school corporation, charter school, or state accredited
 22 nonpublic school shall maintain all certificates of completion awarded
 23 under subsection (b) for each individual described in subsection (a).

24 (d) An individual described in subsection (a) who complies with this
 25 section and provides coaching or leadership services in good faith is
 26 not personally liable for damages in a civil action as a result of a
 27 sudden cardiac arrest incurred by an applicable student participating in
 28 an ~~athletic activity event in which students have an increased risk of~~
 29 **sudden cardiac arrest** for which the head coach, assistant coach,
 30 marching band leader, **drama or musical leader**, or other applicable
 31 leader provided coaching or leadership services, except for an act or
 32 omission by the individual described in subsection (a) that constitutes
 33 gross negligence or willful or wanton misconduct.

34 (e) **An individual described in subsection (a) may ensure that an**
 35 **operational automated external defibrillator (AED) is present at**
 36 **each event in which students have an increased risk of sudden**
 37 **cardiac arrest for which the individual described in subsection (a)**
 38 **is providing coaching or leadership.**

39 (f) **One (1) automated external defibrillator (AED) may be**
 40 **shared by two (2) or more events in which students have an**
 41 **increased risk of sudden cardiac arrest if the following conditions**
 42 **are met:**



- 1 **(1) The events in which students have an increased risk of**
- 2 **sudden cardiac arrest occur at the same time.**
- 3 **(2) The events in which students have an increased risk of**
- 4 **sudden cardiac arrest occur in locations that are in close**
- 5 **proximity to each other, as determined by the department.**
- 6 **(3) The automated external defibrillator (AED) is placed in a**
- 7 **designated location that is between the events in which**
- 8 **students have an increased risk of sudden cardiac arrest.**
- 9 **(4) Each individual described in subsection (a) who conducts**
- 10 **an event in which students have an increased risk of sudden**
- 11 **cardiac arrest described in this subsection is aware of the**
- 12 **designated location of the automated external defibrillator**
- 13 **(AED).**

14 **(g) Each school corporation, charter school, and state accredited**
 15 **nonpublic school may do the following:**

- 16 **(1) Ensure that an automated external defibrillator (AED)**
- 17 **described in subsection (e) is properly maintained.**
- 18 **(2) Establish a goal of responding within three (3) minutes to**
- 19 **a sudden cardiac arrest occurring within the venue.**
- 20 **(3) Share the goal described in subdivision (2) with each**
- 21 **individual described in subsection (a).**
- 22 **(4) Before the beginning of the season of each event in which**
- 23 **students have an increased risk of sudden cardiac arrest,**
- 24 **discuss the goal described in subdivision (2) with all**
- 25 **applicable students.**

26 **(h) A school corporation or charter school may apply for a**
 27 **grant under IC 5-2-10.1 to purchase an automated external**
 28 **defibrillator (AED) if the school corporation or charter school**
 29 **completed each of the tasks set forth in subsection (g)(1) through**
 30 **(g)(4) within the previous year.**

31 **SECTION 3. [EFFECTIVE JULY 1, 2023] (a) The department of**
 32 **education shall conduct a statewide survey of school corporations,**
 33 **charter schools, and state accredited nonpublic schools to**
 34 **determine:**

- 35 **(1) the number of automated external defibrillators (AEDs)**
- 36 **owned before July 1, 2023, by the schools; and**
- 37 **(2) school policies in effect before July 1, 2023, regarding**
- 38 **automated external defibrillators (AEDs).**

39 **(b) The department of education shall compile the results of the**
 40 **survey described in subsection (a) in a report. The department of**
 41 **education shall:**

- 42 **(1) publish the report on the department's website; and**



- 1 **(2) submit the report to the legislative council in an electronic**
- 2 **format under IC 5-14-6;**
- 3 **not later than December 31, 2023.**
- 4 **(c) This SECTION expires January 1, 2025.**



COMMITTEE REPORT

Madam President: The Senate Committee on Family and Children Services, to which was referred Senate Bill No. 369, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 369 as introduced.)

WALKER G, Chairperson

Committee Vote: Yeas 7, Nays 0

 SENATE MOTION

Madam President: I move that Senate Bill 369 be amended to read as follows:

Page 2, line 35, after "(2)" insert "**except for a cross country running practice,**".

(Reference is to SB 369 as printed February 7, 2023.)

ROGERS

 COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 369, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 16, strike "or".

Page 1, between lines 16 and 17, begin a new line block indented and insert:

"(3) a drama or musical leader; or".

Page 1, line 17, strike "(3)" and insert "**(4)**".

Page 2, line 10, strike "athletic activity" and insert "**event in which students have an increased risk of sudden cardiac arrest"**.

Page 2, line 22, strike "athletic activity" and insert "**event in which students have an increased risk of sudden cardiac arrest"**.

Page 2, line 23, after "leader," insert "**drama or musical leader,**".

Page 2, line 29, delete "athletic activity" and insert "**event in which**".

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students have an increased risk of sudden cardiac arrest".

Page 2, line 29, after "individual" insert "**described in subsection (a)**".

Page 2, between lines 32 and 33, begin a new line block indented and insert:

"(1) deployed in accordance with the venue specific emergency action plan for sudden cardiac arrest developed under subsection (i);"

Page 2, line 33, delete "(1)" and insert "(2)".

Page 2, line 34, delete "athletic activity occurs;" and insert "**event in which students have an increased risk of sudden cardiac arrest occurs; and"**.

Page 2, delete lines 35 through 37.

Page 2, line 38, delete "athletic activity." and insert "**event in which students have an increased risk of sudden cardiac arrest."**

Page 2, line 40, delete "athletic activities" and insert "**events in which students have an increased risk of sudden cardiac arrest"**.

Page 2, line 42, delete "athletic activities" and insert "**events in which students have an increased risk of sudden cardiac arrest"**.

Page 3, line 1, delete "athletic activities" and insert "**events in which students have an increased risk of sudden cardiac arrest"**.

Page 3, line 4, delete "athletic activities" and insert "**events in which students have an increased risk of sudden cardiac arrest"**.

Page 3, line 5, delete "(f)(2) and".

Page 3, line 7, delete "athletic activity" and insert "**event in which students have an increased risk of sudden cardiac arrest"**.

Page 3, line 10, delete "athletic activity," and insert "**event in which students have an increased risk of sudden cardiac arrest,"**".

Page 3, line 12, delete "athletic activity" and insert "**event in which students have an increased risk of sudden cardiac arrest"**.

Page 3, line 19, delete "arrest." and insert "**arrest that:**

(A) establishes a goal of responding within three (3) minutes to a sudden cardiac arrest occurring within the venue; and

(B) requires the performance of periodic drills at times and locations determined by the governing body."

Page 3, line 27, delete "each athletic activity's season," and insert "**the season of each event in which students have an increased risk of sudden cardiac arrest,"**".

and when so amended that said bill do pass.



(Reference is to SB 369 as reprinted February 15, 2023.)

BEHNING

Committee Vote: yeas 12, nays 1.

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 369 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-2-10.1-2, AS AMENDED BY P.L.211-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. (a) The Indiana safe schools fund is established to do the following:

- (1) Promote school safety through the:
 - (A) use of dogs trained to detect drugs and illegal substances; and
 - (B) purchase of other equipment and materials used to enhance the safety of schools.
- (2) Combat truancy.
- (3) Provide matching grants to schools for school safe haven programs.
- (4) Provide grants for school safety and safety plans. However, a grant from the fund may not be used to employ a school resource officer (as defined in IC 20-26-18.2-1) or a law enforcement officer (as defined in IC 35-31.5-2-185).
- (5) Provide educational outreach and training to school personnel concerning:
 - (A) the identification of;
 - (B) the prevention of; and
 - (C) intervention in; bullying.
- (6) Provide educational outreach to school personnel and training to school safety specialists and school resource officers concerning:
 - (A) the identification of;
 - (B) the prevention of; and
 - (C) intervention in; criminal organization activities.
- (7) Provide grants for school wide programs to improve school

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climate and professional development and training for school personnel concerning:

- (A) alternatives to suspension and expulsion; and
- (B) evidence based practices that contribute to a positive school environment, including classroom management skills, positive behavioral intervention and support, restorative practices, and social emotional learning.

(8) Provide grants for automated external defibrillators (AEDs) required under IC 20-34-8-9.

(b) The fund consists of amounts deposited:

- (1) under IC 33-37-9-4; and
- (2) from any other public or private source.

(c) The institute shall determine grant recipients from the fund with a priority on awarding grants in the following order:

- (1) A grant for a safety plan.
- (2) A safe haven grant requested under section 10 of this chapter.
- (3) A safe haven grant requested under section 7 of this chapter.

(d) Except as provided in subsection (e), upon recommendation of the council, the institute shall establish a method for determining the maximum amount a grant recipient may receive under this section.

(e) A school corporation selected to participate in the school intergenerational safety pilot project by the department under IC 20-20-46-5 is eligible to receive a grant from the fund in an amount described in IC 20-20-46-4 in addition to a grant requested by the school corporation under section 6 of this chapter."

Page 1, delete lines 1 through 10.

Page 2, delete lines 36 through 42.

Page 3, delete lines 1 through 3.

Page 3, line 4, delete "(g)" and insert "**(f)**".

Page 3, line 15, delete "arrest and" and insert "**arrest.**".

Page 3, delete line 16.

Page 3, delete lines 22 through 27.

Page 3, line 28, delete "(i)" and insert "**(g)**".

Page 3, line 32, delete "Develop a venue specific emergency action plan for sudden" and insert "**Establish a goal of responding within three (3) minutes to a sudden cardiac arrest occurring within the venue.**".

Page 3, delete lines 33 through 40.

Page 3, line 41, delete "(4)" and insert "**(3)**".

Page 3, line 41, delete "plan" and insert "**goal**".

Page 4, delete lines 1 through 3.

Page 4, line 4, delete "(6)" and insert "**(4)**".



Page 4, line 6, delete "share the plan" and insert "**discuss the goal**".

Page 4, after line 7, begin a new paragraph and insert:

"(h) A school corporation or charter school may apply for a grant under IC 5-2-10.1 to purchase an automated external defibrillator (AED)."

(Reference is to ESB 369 as printed March 30, 2023.)

PRESSEL

HOUSE MOTION

Mr. Speaker: I move that Senate Bill 369 be returned to the second reading calendar forthwith for the purpose of amendment.

PRESSEL

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 369 be amended to read as follows:

Page 3, line 34, delete "shall" and insert "**may**".

Page 4, line 15, delete "shall" and insert "**may**".

Page 4, line 28, delete "(AED)."

and insert "(AED) if the school corporation or charter school completed each of the tasks set forth in subsection (g)(1) through (g)(4) within the previous year.

SECTION 3. [EFFECTIVE JULY 1, 2023] (a) The department of education shall conduct a statewide survey of school corporations, charter schools, and state accredited nonpublic schools to determine:

(1) the number of automated external defibrillators (AEDs) owned before July 1, 2023, by the schools; and

(2) school policies in effect before July 1, 2023, regarding automated external defibrillators (AEDs).

(b) The department of education shall compile the results of the survey described in subsection (a) in a report. The department of education shall:

(1) publish the report on the department's website; and

(2) submit the report to the legislative council in an electronic



**format under IC 5-14-6;
not later than December 31, 2023.**

(c) This SECTION expires January 1, 2025."

(Reference is to ESB 369 as reprinted April 11, 2023.)

PRESSEL

