

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 267 Session of  
2013

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

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AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF  
REPRESENTATIVES, AS AMENDED, MARCH 19, 2014

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## 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  
12 (P.L.30, No.14), known as the Public School Code of 1949,  
13 amended 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 AN EDUCATIONAL TOUR OR TRIP NOT <--  
13 SPONSORED BY THE SCHOOL DISTRICT consistent with State Board of  
14 Education regulations.

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

23 ~~Section 2. Section 1423 of the act, added May 17, 2001~~ <--  
24 ~~(P.L.4, No.4), is amended to read:~~

25 ~~Section 1423. Automatic External Defibrillators. (a) [For~~  
26 ~~the fiscal year 2001 2002, the] The department shall establish~~  
27 ~~[a one time] an automatic external defibrillator program to~~  
28 ~~assist school entities in [acquiring] making automatic external~~  
29 ~~defibrillators available in all school buildings.~~

30 ~~(b) [The] On a biennial basis, the department, in~~

1 ~~consultation with the Department of General Services and the~~  
2 ~~Department of Health shall issue an invitation to bid for the~~  
3 ~~cost of automatic external defibrillators and other equipment~~  
4 ~~and supplies necessary for the proper operation of the device.~~  
5 ~~The department shall accept the bid of the lowest responsible~~  
6 ~~bidder and permit any school entity to purchase the devices at~~  
7 ~~the contract bid price. The department may purchase automatic~~  
8 ~~external defibrillators from any funds appropriated pursuant to~~  
9 ~~subsection (k) for distribution to school entities.~~

10 ~~(c) To be eligible to obtain or purchase automatic external~~  
11 ~~defibrillators under the program a school entity must:~~

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

15 ~~(2) Ensure that the device will be secured in a safe and~~  
16 ~~readily accessible location and agree to properly maintain and~~  
17 ~~test the device according to the manufacturer's operational~~  
18 ~~guidelines.~~

19 ~~(3) Submit a valid prescription for the device from a~~  
20 ~~licensed medical practitioner in this Commonwealth.~~

21 ~~(4) Agree to provide the training required by subsection~~  
22 ~~(d).~~

23 ~~(d) School personnel who are expected to use the automatic~~  
24 ~~external defibrillator shall complete training in~~  
25 ~~cardiopulmonary resuscitation and in the use of an automatic~~  
26 ~~external defibrillator provided by the American Heart~~  
27 ~~Association, the American Red Cross or through an equivalent~~  
28 ~~course of instruction approved by the Department of Health.~~

29 ~~(e) A school entity may include the training required by~~  
30 ~~subsection (d) in its continuing professional education plan~~

1 ~~submitted to the department under section 1205.1.~~

2 ~~(f) The provisions of 42 Pa.C.S. § 8331.2 (relating to good~~  
3 ~~Samaritan civil immunity for use of automated external~~  
4 ~~defibrillator) shall apply to school employes who render care~~  
5 ~~with an automatic external defibrillator.~~

6 ~~(g) From funds appropriated for this purpose, the~~  
7 ~~department[, upon request, shall provide: up to two (2)~~  
8 ~~automatic external defibrillators to each school district; one~~  
9 ~~(1) automatic external defibrillator to each intermediate unit;~~  
10 ~~and one (1) automatic external defibrillator to each area~~  
11 ~~vocational technical school.] may assist school entities that~~  
12 ~~need to be equipped with automatic external defibrillators by~~  
13 ~~providing a discount from the contract bid price obtained under~~  
14 ~~subsection (b) or by providing automatic external defibrillators~~  
15 ~~obtained under subsection (b).~~

16 ~~(g.1) The purchase of an automatic external defibrillator~~  
17 ~~shall be considered an allowable use of Pennsylvania~~  
18 ~~Accountability Grants under section 2599.2(b).~~

19 ~~(g.2) The purchase of automatic external defibrillators by a~~  
20 ~~school entity shall be considered an innovative educational~~  
21 ~~program under Article XVII F of the act of March 4, 1971 (P.L.6,~~  
22 ~~No.2), known as the Tax Reform Code of 1971.~~

23 ~~(h) [No school entity shall be required to participate in~~  
24 ~~the automatic external defibrillator program.]~~

25 ~~(i) [No later than June 30, 2002, the secretary shall submit~~  
26 ~~a report to the General Assembly describing the effectiveness of~~  
27 ~~this section in outfitting the Commonwealth's school entities~~  
28 ~~with automatic external defibrillators.] Not later than June 30,~~  
29 ~~2014, and each year thereafter, each school entity shall make a~~  
30 ~~report to the department detailing the number, condition, age~~

1 ~~and placement of automatic external defibrillators in each~~  
2 ~~school building. After the initial report is made, a school~~  
3 ~~entity may report this information as part of the annual report~~  
4 ~~required by the Commonwealth under section 2505.1 to receive~~  
5 ~~State reimbursement for health services.~~

6 ~~(i.1) The department shall annually publish a report on its~~  
7 ~~publicly accessible Internet website no later than December 31,~~  
8 ~~2014, and each year thereafter. The report shall contain the~~  
9 ~~following information:~~

10 ~~(1) The total number of automatic external defibrillators by~~  
11 ~~school entity.~~

12 ~~(2) The number of school buildings by school entity equipped~~  
13 ~~with automatic external defibrillators.~~

14 ~~(3) The number of school buildings by school entity that~~  
15 ~~need to be equipped with automatic external defibrillators.~~

16 ~~(i.2) A nonpublic school that agrees to the provisions in~~  
17 ~~subsection (c) may purchase automatic external defibrillators~~  
18 ~~under subsection (b).~~

19 ~~(j) The department may adopt guidelines as necessary to~~  
20 ~~administer this section.~~

21 ~~(k) The General Assembly may appropriate funds to carry out~~  
22 ~~the provisions of this section.~~

23 ~~(l) As used in this section—~~

24 ~~"Automatic external defibrillator" means a portable device~~  
25 ~~that uses electric shock to restore a stable heart rhythm to an~~  
26 ~~individual in cardiac arrest.~~

27 ~~"Department" means the Department of Education of the~~  
28 ~~Commonwealth.~~

29 ~~"School building" means a building owned by or under the~~  
30 ~~control of a school entity where classes are taught or~~

1 ~~extracurricular activities are conducted on a regular basis.~~

2 ~~"School entity" means an area vocational technical school, a~~  
3 ~~charter school, a cyber charter school, an intermediate unit, a~~  
4 ~~nonpublic school or a school district.~~

5 ~~"Secretary" means the Secretary of Education of the~~  
6 ~~Commonwealth.~~

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

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