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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1203 Session of  
2023

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INTRODUCED BY SAPPEY, OTTEN, HANBIDGE, PROBST, BRENNAN, HILL-  
EVANS, SANCHEZ, MADDEN, FLEMING, KAZEEM, TAKAC, WARREN AND  
CIRESI, MAY 19, 2023

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REFERRED TO COMMITTEE ON EDUCATION, MAY 19, 2023

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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 grounds and buildings, providing  
6 for automated external defibrillator placement, inspection,  
7 maintenance and plan; in school health services, further  
8 providing for automatic external defibrillators; and, in  
9 charter schools, further providing for provisions applicable  
10 to charter schools and for applicability of other provisions  
11 of this act and of other acts and regulations.

12 The General Assembly of the Commonwealth of Pennsylvania  
13 hereby enacts as follows:

14 Section 1. The act of March 10, 1949 (P.L.30, No.14), known  
15 as the Public School Code of 1949, is amended by adding a  
16 section to read:

17 Section 743. Automated External Defibrillator Placement,  
18 Inspection, Maintenance and Plan.--(a) Beginning in the 2023-  
19 2024 school year and each school year thereafter, each school  
20 building or facility where children in kindergarten through  
21 grade twelve attend school or participate in school-sponsored  
22 activities shall have at least one automated external

1 defibrillator system placed in a central location that is  
2 accessible for use. A school entity shall place an automated  
3 external defibrillator:

4 (1) with appropriate signage in accordance with best  
5 practices and American Heart Association guidelines on the  
6 effective date of this section, including three dimensional  
7 signs and arrows, in plain view, leading to and beside the  
8 automated external defibrillator;

9 (2) with instructions for the proper use of the automated  
10 external defibrillator at the location of the automated external  
11 defibrillator;

12 (3) in an accessible location during normal school hours and  
13 any school-sponsored activities;

14 (4) in compliance with 42 U.S.C. Ch. 126 (relating to equal  
15 opportunity for individuals with disabilities), including  
16 placing the automated external defibrillator not more than  
17 forty-eight (48) inches above the floor or ground;

18 (5) in a location that is no more than one thousand (1,000)  
19 feet in distance from a designated member of the cardiac  
20 emergency response team under subsection (d) in the school  
21 entity's protocol for access to the automated external  
22 defibrillator; and

23 (6) in a permanent and accessible location with climate  
24 control that is no more than one thousand (1,000) feet in  
25 distance from a school sports field.

26 (b) For an automated external defibrillator installed before  
27 the effective date of this section, a school entity shall  
28 register the automated external defibrillator within ten days of  
29 the effective date of this section. For an automated external  
30 defibrillator installed after the effective date of this

1 section, a school entity shall register the automated external  
2 defibrillator immediately upon installation. The school entity  
3 shall register the automated external defibrillator with the  
4 following:

5 (1) The National AED Registry.

6 (2) The manufacturer of the automated external  
7 defibrillator.

8 (3) Local emergency medical services.

9 (c) A school entity shall develop a schedule to inspect an  
10 automated external defibrillator in each school building or  
11 facility and a standard form for completion as a record of the  
12 inspection. The following shall apply:

13 (1) The schedule to inspect shall require the cardiac  
14 emergency response plan site coordinator under subsection (e) to  
15 inspect the automated external defibrillator in accordance with  
16 the manufacturer's guidelines and to visually determine if there  
17 is obvious damage indicating that the automated external  
18 defibrillator device or cabinet has been compromised. If the  
19 inspection indicates that the automated external defibrillator  
20 is nonoperational, the cardiac emergency response plan site  
21 coordinator shall immediately do all of the following:

22 (i) Notify local emergency medical services, the school  
23 building administrator, each cardiac emergency response team  
24 member and the students, parents, teachers and staff located in  
25 the school building or facility where the automated external  
26 defibrillator is located.

27 (ii) Indicate with appropriate signage at the location of  
28 the automated external defibrillator that the automated external  
29 defibrillator is nonoperational.

30 (iii) Provide instructions with appropriate signage at the

1 location of the automated external defibrillator where the  
2 closest operational automated external defibrillator is located.

3 (iv) Order replacement parts, request a loaner automated  
4 external defibrillator and provide notice of the expected date  
5 of restoration of the automated external defibrillator.

6 (2) The cardiac emergency response plan site coordinator  
7 shall maintain a record of inspection for an automated external  
8 defibrillator. The cardiac emergency response plan site  
9 coordinator shall make the record of inspection available to the  
10 public at the school entity building or facility where the  
11 automated external defibrillator is located and post the record  
12 of inspection on the school entity's publicly accessible  
13 Internet website. The record of inspection shall include, at a  
14 minimum, the date when maintenance last occurred or will occur  
15 under section 1423(c) (2) and a notation of all of the following  
16 data about the automated external defibrillator:

17 (i) The date of and location of purchase.

18 (ii) The serial number.

19 (iii) The warranty expiration date.

20 (iv) The pad, including the spare pad.

21 (v) The pad expiration date.

22 (vi) Whether the replacement of the pad occurred upon  
23 inspection.

24 (vii) The battery expiration date.

25 (viii) The number of times the automated external  
26 defibrillator was used since the last date of inspection.

27 (ix) Whether the automated external defibrillator is rescue  
28 ready as indicated per the manufacturer's guidelines.

29 (x) Any damage observed or repaired during the inspection of  
30 the automated external defibrillator or the automated external

1 defibrillator's case.

2 (d) A school entity shall develop a protocol for the use of  
3 an automated external defibrillator by a trained or untrained  
4 individual to address, at a minimum, the limitation of  
5 liability when there is an absence of gross negligence or  
6 willful or wanton misconduct that may arise in connection with a  
7 good faith attempt of use or nonuse of the automated external  
8 defibrillator. The following shall apply:

9 (1) The protocol shall include, at a minimum, the  
10 development of a cardiac emergency response plan in accordance  
11 with subsection (e) and the designation of a cardiac emergency  
12 response team in each school building or facility where an  
13 automated external defibrillator has been placed.

14 (2) The certified emergency response team shall be comprised  
15 in accordance with the following:

16 (i) At least ten per centum (10%) of the school personnel  
17 located in the same school building or facility as an automated  
18 external defibrillator who are certified in cardiopulmonary  
19 resuscitation and the use of an automated external  
20 defibrillator, with a minimum of at least two (2) persons, shall  
21 be on the certified emergency response team. The members shall  
22 attain and renew their certifications every two years through  
23 the American Health Association, American Red Cross or an  
24 equivalent course of instruction approved by the Department of  
25 Health. The school entity shall document and make available to  
26 the public a record of each member with the date certified, and  
27 renewed if applicable, at the school entity building or facility  
28 where each member is designated. The school entity shall ensure  
29 that an employe certified to use an automated external  
30 defibrillator is located in a school building or facility when

1 the school building or facility is in use for educational  
2 purposes or school-sponsored activities.

3 (ii) Any other employe or person the school entity deems  
4 essential to implement the cardiac emergency response plan,  
5 provide insight to defects found in the cardiac emergency  
6 response plan and respond to critical incidents related to  
7 cardiac emergencies.

8 (e) A school entity shall establish a cardiac emergency  
9 response plan and designate a cardiac emergency response plan  
10 site coordinator. The following shall apply:

11 (1) The school entity shall establish the cardiac emergency  
12 response plan in accordance with recommendations by the American  
13 Health Association on the effective date of this section and  
14 update the plan as the school entity deems necessary. The school  
15 entity shall provide a copy of the cardiac emergency response  
16 plan to the principal with a signed receipt and post the cardiac  
17 emergency response plan on the school entity's publicly  
18 accessible Internet website.

19 (2) The cardiac emergency response plan site coordinator  
20 shall assist the school entity with adapting to the school  
21 entity's needs regarding the cardiac emergency response plan,  
22 including a checklist of criteria and procedures. The cardiac  
23 emergency response plan site coordinator shall also have the  
24 following duties:

25 (i) Annually review the cardiac emergency response plan and  
26 submit the findings of the review to the school entity.

27 (ii) Designate members of the cardiac emergency response  
28 team in accordance with subsection (d).

29 (iii) Annually verify the certification of cardiac emergency  
30 response team members and maintain a database of the certified

1 status of the members in accordance with subsection (d).

2 (iv) Provide cardiac emergency response team members with  
3 information regarding the availability of courses for obtaining  
4 or maintaining certified status in accordance with subsection  
5 (d).

6 (v) Plan and schedule a cardiac emergency response drill for  
7 the cardiac emergency response team members at least once during  
8 the school year. The drill for cardiac emergency response team  
9 members shall adhere to the plan and can be scheduled during  
10 instructional or professional development time.

11 (vi) Prepare and submit to the school entity a summary with  
12 recommendations after each cardiac emergency response drill.

13 (vii) Perform inspections and reports as required under this  
14 section.

15 (viii) Maintain records, reports or summary and findings  
16 required under this section.

17 (f) Nothing in this section shall be construed to prohibit a  
18 school entity from placing more than one automated external  
19 defibrillator in a school building or facility.

20 (g) If a school building or facility is not required to have  
21 an automated external defibrillator and the school entity does  
22 not place an automated external defibrillator on every floor of  
23 the school building or facility, but has at least one automated  
24 external defibrillator centrally located, the school entity  
25 shall ensure that the building, facility or floor without an  
26 automated external defibrillator has clear and visible signage  
27 and directional arrows to the location of the automated external  
28 defibrillator in a separate building, facility or floor.

29 (h) The attendance of emergency medical services at school  
30 during school-sponsored activities shall not serve as a

1 substitute for any requirement under this section.

2 (i) As used in this section, the following words and phrases  
3 shall have the meanings given to them in this subsection:

4 "Athletic activity." Any of the following:

5 (1) Interscholastic athletics as defined in section 1602-A.

6 (2) An athletic contest or competition, other than  
7 interscholastic athletics, that is sponsored by or associated  
8 with a school entity, including cheerleading, club-sponsored  
9 sports activities or sports activities sponsored by school-  
10 affiliated organizations.

11 (3) Noncompetitive cheerleading that is sponsored by or  
12 associated with a school entity.

13 (4) Practices, interschool practices and scrimmages for an  
14 activity listed under clause (1), (2) or (3).

15 "Automated external defibrillator." As defined in section  
16 1423(1).

17 "Automated external defibrillator system." An automated  
18 external defibrillator and accessories necessary for the  
19 automated external defibrillator to detect and interpret an  
20 electrocardiogram and deliver an electrical shock, including,  
21 but not limited to, a battery, pad electrode, adapter and  
22 hardware key for pediatric use.

23 "School building or facility." A building or facility owned  
24 by or under the control of a school entity or, in the case of a  
25 cyber charter school at each location under its jurisdiction,  
26 where classes are taught or extracurricular activities are  
27 conducted on a regular basis.

28 "School entity." A school district, intermediate unit, area  
29 career and technical school, charter school, cyber charter  
30 school, regional charter school or multiple charter school



1 organization.

2 "School-sponsored activities." Assemblies, graduation  
3 ceremonies, athletic activities, extracurricular activities,  
4 clubs, groups, teams or any activities sponsored, held or  
5 approved by the school entity whether held during normal school  
6 hours or otherwise.

7 Section 2. Section 1423 heading, (a), (b), (c)(1) and (3),  
8 (d), (g), (g.1), (g.2), (i), (i.1), (i.2), (j) and (l) of the  
9 act are amended and the section is amended by adding a  
10 subsection to read:

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

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

1 (c) To be eligible to obtain or purchase [automatic]  
2 automated external defibrillators under the program a school  
3 entity or nonpublic school must:

4 (1) Assure that [two (2) or more persons] at least ten per  
5 centum (10%) of the school personnel, with a minimum of at least  
6 two (2) persons, assigned to the location where the [automatic]  
7 automated external defibrillator will be primarily housed are  
8 trained as required in subsection (d).

9 \* \* \*

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

12 \* \* \*

13 (d) School personnel who are expected to use the [automatic]  
14 automated external defibrillator shall complete training in  
15 cardiopulmonary resuscitation and in the use of an [automatic]  
16 automated 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 \* \* \*

20 (g) From funds appropriated for this purpose, or in the  
21 absence of funds appropriated for this purpose, from funds  
22 appropriated to the department, the department may assist school  
23 entities and nonpublic schools that are not equipped with  
24 [automatic] automated external defibrillators by providing a  
25 discount from the contract bid price obtained under subsection  
26 (b) or by providing [automatic] automated external  
27 defibrillators obtained under subsection (b).

28 (g.1) The purchase of an [automatic] automated external  
29 defibrillator shall be considered an allowable use of  
30 Pennsylvania Accountability Grants under section 2599.2(b).

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

5 \* \* \*

6 (i) The following apply:

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

15 (2) Within three months of the effective date of this  
16 paragraph, and in each year a school entity removes or obtains  
17 an automated external defibrillator, the school entity shall  
18 make a report on a form developed by the department under  
19 subsection (j.1), to the department detailing the automated  
20 external defibrillators in each school building or facility. The  
21 report shall include the following information:

22 (i) The serial number.

23 (ii) The date of purchase.

24 (iii) The date of warranty expiration.

25 (iv) The date of battery expiration.

26 (v) The date of pads expiration.

27 (vi) The precise location with identifying physical  
28 attribute markers in the vicinity.

29 (vii) The total number of automated external defibrillators  
30 at the school entity.

1 (3) Beginning with the 2023-2024 school year and each school  
2 year thereafter, a school entity shall make an annual report to  
3 the department with any date or information deemed necessary by  
4 the department, including the following:

5 (i) The total number of automated external defibrillators at  
6 the school entity.

7 (ii) The number of school buildings or facilities of the  
8 school entity that are equipped with automated external  
9 defibrillators.

10 (iii) The number of school buildings or facilities of the  
11 school entity that are not equipped with automated external  
12 defibrillators and an explanation for noncompliance with section  
13 743.

14 (iv) The number of school personnel certified to use an  
15 automated external defibrillator by the school entity.

16 (v) The number of inspections conducted and findings by the  
17 school entity under section 743.

18 (vi) The expiration date of the warranty provided by the  
19 manufacturer of each automated external defibrillator used by  
20 the school entity.

21 (vii) The expiration date of each automated external  
22 defibrillator battery and pads.

23 (viii) The number of times each automated external  
24 defibrillator was used for its intended purpose by the school  
25 entity.

26 (ix) The precise location of each automated external  
27 defibrillator with identifying physical attribute markers in the  
28 vicinity.

29 (4) After the initial report to the department is made, a  
30 school entity may report the information required under this

1 subsection as part of the annual report required by the  
2 Commonwealth to receive State reimbursement for health services  
3 under section 2505.1.

4 (i.1) A nonpublic school that participates in the  
5 [automatic] automated external defibrillator program under  
6 subsection (b) or (g) shall be subject to the reporting required  
7 under subsection (i).

8 (i.2) The department shall annually publish a report on its  
9 publicly accessible Internet website no later than December 31,  
10 2014, and each year thereafter. The report shall contain the  
11 following information:

12 (1) The total number of [automatic] automated external  
13 defibrillators [by] at the school entity [and] or nonpublic  
14 school.

15 (2) The number of school buildings and facilities by the  
16 school entity [and] or nonpublic school that are equipped with  
17 [automatic] automated external defibrillators.

18 (3) The number of school buildings and facilities by the  
19 school entity [and] or nonpublic school that are not equipped  
20 with [automatic] automated external defibrillators.

21 (4) The number of school personnel trained to use automated  
22 external defibrillators by the school entity or nonpublic  
23 school.

24 (5) The number of inspections conducted and findings by the  
25 school entity or nonpublic school required under section 743.

26 (6) The expiration date of the warranty provided by the  
27 manufacturer of each automated external defibrillator used by  
28 the school entity or nonpublic school.

29 (7) The expiration date of each automated external  
30 defibrillator battery and pads.

1 (8) The number of times each automated external  
2 defibrillator was used for its intended purpose by the school  
3 entity or nonpublic school.

4 (9) The precise location each automated external  
5 defibrillator with identifying physical attribute markers in the  
6 vicinity.

7 (10) Any other information required by the department.

8 [(j) The department may adopt guidelines as necessary to  
9 administer this section.]

10 (j.1) Within six months of the effective date of this  
11 subsection, the department shall develop a standardized form or  
12 use a form developed by the National AED Registry for a school  
13 entity to complete for the purpose of submitting to the  
14 department data and information required under this section,  
15 test schedules, inspections and test findings required under  
16 section 743 for each automated external defibrillator placed in  
17 the school entity's school buildings or facilities and any other  
18 data and information deemed necessary by the department. The  
19 department shall, in consultation with the Department of Health,  
20 adopt guidelines based on best practices and industry standards  
21 relating to automated external defibrillator use and programs  
22 and any other necessary guidelines to administer this section.  
23 The guidelines shall be posted on the department's publicly  
24 accessible Internet website and shall be provided to a school  
25 entity or nonpublic school on request.

26 \* \* \*

27 (1) As used in this section--

28 "[Automatic] Automated external defibrillator" means a  
29 portable device that uses electric shock to restore a stable  
30 heart rhythm to an individual in cardiac arrest.

1 "Department" means the Department of Education of the  
2 Commonwealth.

3 "Nonpublic school" means a nonprofit school, other than a  
4 public school within this Commonwealth, wherein a resident of  
5 this Commonwealth may legally fulfill the compulsory school  
6 attendance requirements of this act and which meets the  
7 applicable requirements of Title VI of the Civil Rights Act of  
8 1964 (Public Law 88-352, 78 Stat. 241).

9 ["School building" means a building owned by or under the  
10 control of a school entity or nonpublic school where classes are  
11 taught or extracurricular activities are conducted on a regular  
12 basis.]

13 "School building or facility" means a building or facility  
14 owned by or under the control of a school entity or nonpublic  
15 school where classes are taught or school-sponsored activities,  
16 athletic or otherwise, are conducted on a regular basis,  
17 including a field used for organized athletic events or  
18 competitions.

19 "School-sponsored activities" means assemblies, graduation  
20 ceremonies, athletics, extracurricular activities, clubs,  
21 groups, teams or any activities sponsored, held or approved by  
22 the school entity or nonpublic school, whether held during  
23 normal school hours or otherwise.

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

27 "Secretary" means the Secretary of Education of the  
28 Commonwealth.

29 Section 3. Sections 1732-A(a) and 1749-A(a) (1) of the act  
30 are amended to read:

1 Section 1732-A. Provisions Applicable to Charter Schools.--

2 (a) Charter schools shall be subject to the following:

3 Sections 108, 110, 111, 321, 325, 326, 327, 431, 436, 443,  
4 510, 518, 527, 708, 736, 737, 738, 739, 740, 741, 743, 752, 753,  
5 755, 771, 776, 777, 808, 809, 810, 1109, 1111, 1112(a), 1301,  
6 1310, 1317, 1317.1, 1317.2, 1318, 1326, 1327, 1327.2, 1329,  
7 1330, 1332, 1333, 1333.1, 1333.2, 1333.3, 1303-A, 1513, 1517,  
8 1518, 1521, 1523, 1531, 1547, 2014-A, Article XIII-A and Article  
9 XIV.

10 Act of July 17, 1961 (P.L.776, No.341), known as the  
11 "Pennsylvania Fair Educational Opportunities Act."

12 Act of July 19, 1965 (P.L.215, No.116), entitled "An act  
13 providing for the use of eye protective devices by persons  
14 engaged in hazardous activities or exposed to known dangers in  
15 schools, colleges and universities."

16 Section 4 of the act of January 25, 1966 (1965 P.L.1546,  
17 No.541), entitled "An act providing scholarships and providing  
18 funds to secure Federal funds for qualified students of the  
19 Commonwealth of Pennsylvania who need financial assistance to  
20 attend postsecondary institutions of higher learning, making an  
21 appropriation, and providing for the administration of this  
22 act."

23 Act of July 12, 1972 (P.L.765, No.181), entitled "An act  
24 relating to drugs and alcohol and their abuse, providing for  
25 projects and programs and grants to educational agencies, other  
26 public or private agencies, institutions or organizations."

27 Act of December 15, 1986 (P.L.1595, No.175), known as the  
28 "Antihazing Law."

29 \* \* \*

30 Section 1749-A. Applicability of other provisions of this act



1 and of other acts and regulations.

2 (a) General requirements.--Cyber charter schools shall be  
3 subject to the following:

4 (1) Sections 108, 110, 111, 321, 325, 326, 327, 431,  
5 436, 443, 510, 518, 527, 708, 743, 752, 753, 755, 771, 776,  
6 777, 808, 809, 810, 1109, 1111, 1112(a), 1205.1, 1205.2,  
7 1301, 1302, 1310, 1317.2, 1318, 1326, 1327, 1327.2, 1329,  
8 1330, 1332, 1333, 1333.1, 1333.2, 1333.3, 1303-A, 1518, 1521,  
9 1523, 1531, 1547, 1702-A, 1703-A, 1714-A, 1715-A, 1716-A,  
10 1716.1-A, 1719-A, 1721-A, 1722-A, 1723-A(a) and (b), 1724-A,  
11 1725-A, 1727-A, 1729-A, 1730-A, 1731-A(a) (1) and (b) and  
12 2014-A and Articles XII-A, XIII-A and XIV.

13 \* \* \*

14 Section 4. This act shall take effect in 60 days.