

Louis Law ,2002

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 207 and 917 and Chapters 60 and 61 of the Laws of 2002

Section 136.4 of the Regulations of the Commissioner of Education is added, effective September 1, 2002, as follows:

136.4 On-site cardiac automated external defibrillators.

(a) Definitions. As used in this section:

(1) automated external defibrillator means a device as defined in Public Health Law section 3000-b(1)(a);

(2) instructional school facility means a building or other facility maintained by a school district, a board of cooperative educational services, a county vocational education and extension board or a charter school where instruction is provided to students pursuant to its curriculum;

(3) school-sponsored or school-approved curricular or extracurricular events or activities means events or activities of a school district, a board of cooperative educational services, a county vocational education and extension board or a charter school that are, respectively, associated with its instructional curriculum or otherwise offered to its students;

(4) school-sponsored athletic contest means an extraclass intramural athletic activity of instruction, practice and competition for pupils in grades 4 through 12 consistent with section 135.4 of this Title;

(5) school-sponsored competitive athletic event means an extraclass interschool athletic activity of instruction, practice and competition for pupils in grades 7 through 12 consistent with section 135.4 of this Title.

(b) Each school district, board of cooperative educational services, county vocational education and extension board and charter school shall provide and maintain on-site in each instructional school facility functional cardiac automated external defibrillator equipment for use during emergencies. Each such facility shall have sufficient automated external defibrillator equipment available to ensure ready and appropriate access for use during emergencies. In determining the quantity and placement of automated external defibrillators, consideration shall be given to:

(1) the number of students, staff and other individuals that are customarily or reasonably anticipated to be within such facility; and

(2) the physical layout of the facility, including but not limited to:

(i) locations of stairways and elevators;

(ii) number of floors in the facility;

(iii) location of classrooms and other areas of the facility where large congregations of individuals may occur; and

(iv) any other unique design features of the facility.

(c) Whenever an instructional school facility is used for a school-sponsored or school-approved curricular or extracurricular event or activity, the public school officials and administrators responsible for such facility shall ensure the presence of at least one staff person who is trained, pursuant to Public Health Law section 3000-b(3)(a), in the operation and use of an automated external defibrillator.

(d) During any school-sponsored athletic contest or school-sponsored competitive athletic event held at any location, public school officials and administrators responsible for such contest or event shall ensure that automated external defibrillator equipment is provided on-site and that at least one staff person who is trained, pursuant to Public Health Law section 3000-b(3)(a), in its use is present during such contest or event.

(e) Each automated external defibrillator device shall be approved by the Food and Drug Administration for adult use and/or for pediatric use, as appropriate for the population reasonably anticipated to be served by such device, and shall be used according to the manufacturer's instructions with due attention provided to operating procedures, maintenance and expiration date.