






THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

**TO:** P-12 Education Committee

**FROM:** Ken Wagner 

**SUBJECT:** Proposed Amendment to section 100.2(c)(11) of the Commissioner's Regulations to Require Instruction in Cardiopulmonary Resuscitation and the use of Automated External Defibrillators

**DATE:** June 8, 2015

**AUTHORIZATION(S):**  

## SUMMARY

### Issue for Decision

Should the Board of Regents amend section 100.2(c)(11) of the Commissioner's regulations to require hands-only instruction in cardiopulmonary resuscitation (CPR) and instruction in the use of automated external defibrillators (AEDs) in senior high schools?

### Reason(s) for Consideration

Implementation and review of the policy as required by statute (Chapter 417 of the Laws of 2014).

### Proposed Handling

The Department will seek approval of the P-12 Education Committee and the full Board at the June 2015 meeting to proceed to publish the proposed amendment for public comment. It is anticipated that a Notice of Proposed Rule Making will be published in the State Register on July 1, 2015. A copy of the proposed amendment is attached. Supporting materials are available upon request from the Secretary to the

Board of Regents. The proposed amendment will be proposed for final adoption by the Board of Regents at the September 2015 meeting.

### **Procedural History**

Chapter 417 of the Laws of 2014 added Education Law §305(52) to require the Commissioner to make a recommendation to the Board of Regents regarding a potential new mandate for required instruction in CPR and the use of AEDs in senior high schools. The law further required the Commissioner to seek the recommendations of teachers, school administrators, educators, and others with educational expertise in such curriculum, as well as comments from parents, students, and other interested parties prior to making a recommendation to the Board of Regents.

Pursuant to the provisions of Chapter 417 of the Laws of 2014, the Department sought feedback from teachers, school administrators, educators, parents, students, and other interested parties. Specifically, the Department sought feedback on the fiscal impact of the mandate to both school districts and the State, the amount of instructional time such curriculum would require and whether such time would detract from other mandated courses of study.

At the April 2015 Regents meeting, the Department presented a discussion item to the P-12 Education Committee which outlined the steps the Department took in compliance with the requirements of Education Law §305(52), including feedback received from stakeholders, and made a recommendation to the Committee that, despite the fiscal challenges presented by requiring CPR/AED instruction, because CPR/AED affect matters of life and death, students in senior high school should be required to receive instruction in hands-only CPR/AED.

### **Background Information**

Education Law §804-c authorizes school districts to provide CPR instruction as part of the health education curriculum at their own discretion. If a district chooses to include such instruction, in addition to the requirement that all teachers of health education are certified to teach health, persons providing CPR instruction must possess valid certification in the performance and teaching of CPR. School districts that choose to offer CPR instruction under §804-c are required to provide necessary facilities, time, learning aids, and curricular resource materials to support such course study. Additionally, Education Law §804-d provides that senior high schools in which CPR instruction is provided pursuant to Education Law §804-c, must also include instruction regarding the correct use of AEDs. Individuals providing instruction in the correct use of AEDs must possess valid certification by a nationally recognized organization or the State emergency medical services council offering certification in the operation of an AED and in its instruction.

Furthermore, the New York State Learning Standards for Health and Family (Standard 2: Commencement Health Education) provide that: "Students will demonstrate personally and socially responsible behaviors. They will care for and respect themselves and others. They will recognize threats to the environment and offer appropriate strategies to minimize them." It further states that meeting this Standard is evidenced when, among other activities, students "use precautions and apply first aid, CPR, and other emergency procedures appropriately."

Pursuant to the requirements of Chapter 417 of the Laws of 2014, the Department sought feedback from stakeholders regarding the impact of mandating such a course rather leaving the decision to provide CPR instruction to local school boards. The results from the survey were presented at the April 2015 meeting. (see <http://www.regents.nysed.gov/meetings/2015Meetings/April/415p12d9.pdf>). The results of the survey indicated that although a majority of survey responders agreed to varying degrees that CPR/AED instruction is important, the field expressed concern that implementation of this mandate would present fiscal challenges to districts through the purchase of equipment, as well as the provision of professional development and classroom instruction.

In general, the Department continues to recommend that curriculum decisions, such as whether to offer CPR/AED instruction, be made at the local school district level rather than through a statewide mandate. Additionally, current New York State law allows for CPR/AED instruction in an educational setting and is encouraged by current New York State learning standards. (see Education Law § 804-c; Education Law §804-d). However, recognizing that CPR/AED affects the vital matters of life and death, the Department recommends the board consider an exception to this general policy and implement required instruction in hands-only CPR/AED for students in senior high schools.

Sensitive to both the life and death nature of CPR/AED skills, and the fiscal impact of a new instructional mandate, the Department recommends including instruction in hands-only CPR in the required course of instruction for senior high school students. The American Heart Association and the American Red Cross have established a program for instruction in CPR and awareness in the use of AEDs which can be delivered in one or two class periods. This program utilizes the most current guidelines for cardiopulmonary resuscitation and emergency cardiovascular care and incorporates the use of hands-on compressions to support instruction. Additionally, unlike instruction provided pursuant to Education Law §804-a, the instruction of hands-only CPR, does not require the instructor to be an authorized CPR/AED instructor because such hands-only instruction will not result in a course completion card. To meet this requirement, schools may choose from a variety of low cost and no-cost options which provide hands-only CPR instruction. Therefore because hands-only CPR/AED instruction requires fewer resources than comprehensive CPR, limiting the mandate to hands-only CPR strives to mitigate the concerns expressed by survey responders while still providing students with access to potentially lifesaving instruction.

Pursuant to the provisions of Education Law §804-c and 804-d, where approved by local school boards, school districts may continue to offer comprehensive CPR certification instruction at their discretion. However, in cases where districts do not offer such a course, all high school students will be required to receive instruction in hands-only CPR and the use of AEDs.

### **Recommendation**

It is recommended that the Board of Regents take the following action:

VOTED: that pursuant to Education Law section 305(52)(c), as added by Chapter 417 of the Laws of 2014, the Board of Regents directs Department staff to file a Notice of Proposed Rule Making for purposes of receiving public comment on the proposed amendment of section 100.2(c)(11) of the Commissioner's regulations to require hands-only instruction in cardiopulmonary resuscitation (CPR) and instruction in the use of automated external defibrillators (AEDs) in senior high schools.

### **Timetable for Implementation**

It is anticipated that the proposed amendment will be presented for adoption at the September 16-17, 2015 Regents meeting, after publication of a Notice of Proposed Rule Making in the State Register and expiration of the 45-day public comment period prescribed for State agency rule makings. If adopted at the September meeting, the proposed amendment will take effect on October 7, 2015.

# DRAFT

## AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 101, 207, 305, 308, 804-c, 804-d and Chapter 417 of the Laws of 2014.

Paragraph (11) of subdivision (c) of section 100.2 is added, effective October 7, 2015, as follows:

(11) Students in senior high schools shall be provided instruction in hands-only cardiopulmonary resuscitation and the use of an automated external defibrillator.

(i) Standards for such instruction shall be based on a nationally recognized instructional program that utilizes the most current guidelines for cardiopulmonary resuscitation and emergency cardiovascular care issued by the American Heart Association or a substantially equivalent organization and be consistent with the requirements of the programs adopted by the American Heart Association or the American Red Cross, and shall incorporate instruction designed to:

(a) recognize the signs of a possible cardiac arrest and to call 911;

(b) provide an opportunity to demonstrate the psychomotor skills necessary to perform hands-only compression cardiopulmonary resuscitation; and

(c) provide awareness in the use of an automated external defibrillator..

(ii) Nothing in this paragraph shall prohibit a voluntary course of instruction in comprehensive cardiopulmonary resuscitation provided by a properly certified instructor in cardiopulmonary resuscitation which results in a certificate pursuant to the provisions of Education Law section 804-c. Students who receive such instruction in

comprehensive cardiopulmonary resuscitation pursuant to the provisions of Education Law section 804-c shall be deemed to meet the requirements of this paragraph.

(iii) Nothing in this paragraph relating to required instruction in hands-only cardiopulmonary resuscitation and instruction in the use of an automated external defibrillator shall require a licensed teacher to possess certification for such instruction that does not result in certification in cardiopulmonary resuscitation or certification in the operation of an automated external defibrillator and in its instruction.