

Date of Hearing: May 1, 2019

ASSEMBLY COMMITTEE ON EDUCATION  
Patrick O'Donnell, Chair  
AB 1595 (Maienschein) – As Introduced February 22, 2019

**AS PROPOSED TO BE AMENDED**

**SUBJECT:** Interscholastic athletic programs: automated external defibrillator

**SUMMARY:** This bill as proposed to be amended will become the 2019 K-12 education omnibus technical bill, an Assembly Education Committee sponsored bill. This bill makes technical and other non-controversial revisions to numerous provisions of the Education Code. Specifically, **this bill:**

- 1) Clarifies that a school district or charter school that elects to offer any interscholastic athletic program is required to acquire at least one automated external defibrillator (AED) only for each school within the school district or charter school that participates in the interscholastic athletic program.
- 2) Updates a cross reference in Education Code Sections 47605 and 47605.5 to include the requirement created by AB 1747 (Rodriguez), Chapter 806, Statutes of 2018, that procedures for conducting tactical responses to criminal incidents be a component of a school safety plan.
- 3) Replaces “homemaking” with “family and consumer sciences” throughout the K-12 sections of the Education Code.

**EXISTING LAW:**

- 1) Requires a school district or charter school that elects to offer any interscholastic athletic program, to acquire at least one AED for each school within the school district or charter school by July 1, 2019. Encourages the school district or charter school to ensure that the AED or AEDs are available for the purpose of rendering emergency care or treatment within a recommended three to five minutes of sudden cardiac arrest to pupils, spectators, and other individuals in attendance at the athletic program's on campus activities or events and must ensure that the AED or AEDs are available to athletic trainers and coaches and authorized persons at these activities or events (Education Code Section 35179.6).
- 2) Authorizes public schools to receive non-state funds to acquire and maintain an AED. Authorizes these funds to also be used to provide training to school employees regarding the use of an AED. Provides that an employee of a school district shall not be liable for any civil damages resulting from his or her use, attempted use, or nonuse of an AED in the rendering of emergency care or treatment, provided that the employee acted in good faith. Provides that these protections do not apply in the case of personal injury or wrongful death, resulting from gross negligence or willful or wanton misconduct on the part of the person who uses, attempts to use, or maliciously fails to use an AED to render emergency care or treatment (Education Code Section 49417).

- 3) Encourages schools to provide pupils with general information on the use and importance of an AED, but does not require the physical presence of an AED in the classroom (Education Code Section 52115.6).
- 4) Specifies that when an AED is placed in a public or private K-12 school, the principal must ensure that the school administrators and staff annually receive information that describes sudden cardiac arrest, the school's emergency response plan, and the proper use of an AED. Requires the principal to ensure that instructions, in no less than 14-point type, on how to use the AED are posted next to every AED. The principal must, at least annually, notify school employees as to the location of all AED units on the campus. Does not prohibit a school employee or other person from rendering aid with an AED (Health and Safety Code Section 1797.196).
- 5) Requires that school safety plans include:
  - a. An assessment of the current status of school crime committed on school campuses and at school-related functions
  - b. An identification of appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, which shall include the development of all of the following: child abuse reporting procedures, disaster procedures, and a discrimination and harassment policy consistent with the prohibition against discrimination (Education Code Section 32282).
- 6) Prohibits the governing board of a school district or county office of education from denying a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, if the petition does not contain reasonably comprehensive descriptions of certain topics, including the procedures the charter school will follow to ensure the health and safety of pupils and staff, including the development of a school safety plan, and procedures for conducting tactical responses to criminal incidents, including procedures related to individuals with guns on school campuses and at school-related functions (Education Code Section 47605).

**FISCAL EFFECT:** This bill has been keyed non-fiscal by the Office of Legislative Counsel.

**COMMENTS:**

***Education omnibus bill.*** Each year, there is typically a K-12 education clean-up bill that makes various non-controversial revisions to the Education Code. Many of the provisions for the education clean-up bill are identified by the California Department of Education and propose technical corrections to existing law, such as deleting an obsolete reporting requirement for a program, and other non-controversial revisions.

***Prior legislation.*** AB 2009 (Maienschein), Chapter 646, Statutes of 2018, requires a school district or charter school that elects to offer any interscholastic athletic program to ensure that there is a written emergency action plan in place and acquire at least one AED for each school for the purpose of emergency care in the event of cardiac arrest and other related medical emergencies. Clarifies that existing law providing conditional liability protections to those acquiring or using these AEDs would apply.

AB 1747 (Rodriguez), Chapter 806, Statutes of 2018, requires charter schools to have school safety plans, and adds additional requirements to school safety plans including procedures for conducting tactical responses to criminal incidents, and procedures related to individuals with guns on school campuses and at school-related functions.

SB 816 (Committee on Education), Chapter 507, Statutes of 2018. This bill made technical and other non-controversial revisions to numerous provisions of the Education Code.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

None on file

**Opposition**

None on file

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