*****Massachusetts Department of***

***Elementary and Secondary Education***

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| Jeffrey C. Riley*Commissioner* |  |
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# MEMORANDUM

| **To:** | **Superintendents, Principals, Charter School Leaders and Collaborative Directors** |
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| **From:**  | **Jeffrey C. Riley, Commissioner** |
| **Date:**  | **May 30, 2018** |
| **Subject:** | **Automated External Defibrillators in Schools** |

[*An Act Requiring Automated External Defibrillators in Schools*](https://malegislature.gov/Laws/SessionLaws/Acts/2016/Chapter443)was signed into law on January 13, 2017, as Chapter 443 of the Acts of 2016. This Act amends Mass. General Laws chapter 71 to include Section 54C, which requires each school district, vocational district, charter school, approved private day or residential school and collaborative school to provide and maintain at least 1 automated external defibrillator (AED) on site at each school facility where instruction is provided. Each school must also have on staff a person with current certification in a training course on cardiopulmonary resuscitation (CPR) to serve as an AED provider and to use the AED in accordance with the standards established by the American Heart Association (AHA) or the American National Red Cross.

School Administration shall ensure that an AED and AED provider is readily available at any school sponsored athletic event. Districts may want to plan with the other schools/districts against whom they compete to ensure this requirement is met.

School district staff who attempt to provide emergency care including CPR, resuscitation and/or defibrillation shall not be liable for acts or omissions resulting from attempts to provide emergency care. See below for the full text of the statute on AEDs in schools, [Chapter](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section97) 443 of the Acts of 2016.

If a school district is unable to comply with the requirements of this section, the superintendent of the school district, or the administration of a private day or residential school, shall request a hardship waiver from the Department of Elementary and Secondary Education. If you would like details regarding the waiver or have other questions, please contact the Department’s Office of Student and Family Support via MERP@doe.mass.edu or 781-338-3010.

**AN ACT REQUIRING AUTOMATED EXTERNAL DEFIBRILLATORS IN SCHOOLS.**

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to require forthwith automated external defibrillators in schools, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted by the Senate \and House of Representatives in General Court assembled, and by the authority of the same as follows:*

SECTION 1.  [Chapter 71 of the General Laws](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71) is hereby amended by inserting after section 54B the following section:-

Section 54C.  (a) Each school district, vocational district, charter school, approved private day or residential school and collaborative school shall provide and maintain at least 1 automated external defibrillator, AED, on site at each school facility where instruction is provided. Each school shall have on staff a person who is an AED provider having current certification in a training course in cardiopulmonary resuscitation and in the use of an AED in accordance with the standards established by the American Heart Association or the American National Red Cross.  The school administration shall ensure that an AED and AED provider is readily available at any school-sponsored athletic event.

(b)  If a school system is unable to comply with the requirements of this section, the superintendent of the school district, the administration of a private day or residential school or the board of trustees of a charter school, shall request a hardship waiver from the department of elementary and secondary education.  The department of elementary and secondary education, in consultation with the department of public health, shall make available to public schools a list of grants and other funding sources that a public school may access to facilitate the purchase of AEDs.

(c)  An AED provider on staff by a school subject to this section who, in good faith, attempts to render emergency care, including cardiopulmonary resuscitation or defibrillation, and does so without compensation, shall not be liable for acts or omissions, other than gross negligence or willful or wanton misconduct, resulting from the attempt to render such emergency care.

(d)  The department of elementary and secondary education, in consultation with the department of public health, shall establish regulations and guidelines for the implementation, training, support and supervision of this section.

SECTION 2.  The department of elementary and secondary education shall promulgate regulations required by subsection (d) of section 54C of chapter 71 of the General Laws not later than June 30, 2017.,

SECTION 3.  Section 1 shall take effect July 1, 2018.

**Related Legislation**

[An Act Relative to Medical Emergency Response Plans for Schools, Chapter 77 of the Acts of 2012 (approved April 18, 2012)](https://malegislature.gov/Laws/SessionLaws/Acts/2012/Chapter77)

**Grant Funding, Implementation and Training for AED’s**

**Civic groups at the local level**

* Lions Clubs
* Rotary Clubs
* Kiwanis Clubs

**Local Foundations**

* <http://www.kevsfoundation.com/index.html>
* <http://www.sca-aware.org/sca-news/massachusetts-launches-aed-grant-program>
* <http://joshthibodeauhelpinghearts.com/>

**Manufacturers**

The following companies have received FDA Pre-Market Approval - 510(k) for an AED (or multiple AEDs). **The American Heart Association does not endorse or recommend one device over another.**

* **Cardiac Science**Corporate Headquarters
3303 Monte Villa Parkway
Bothell, WA  98021
(800) 426-0337
[www.cardiacscience.com (opens new window)](http://www.cardiacscience.com/)
* **Defibtech**
753 Boston Post Road
Guilford, CT 06437
(866) 333-4248
[www.defibtech.com (opens new window)](http://www.defibtech.com/)
* **HeartSine Technologies, Inc.**
105 Terry Drive, Suite 116
Newtown, PA 18940 USA
215-860-8100
[www.heartsine.com (opens new window)](http://www.heartsine.com/)
* **Philips Medical Systems/Heartstream**
3000 Minuteman Road
Andover, MA 01810-1099
(800) 934-7372 or (978) 659-1099
[www.philips.com/us (opens new window)](http://www.philips.ca/healthcare-solutions/emergency-care-resuscitation)
* **Physio-Control**
11811 Willows Road NE
PO Box 97006
Redmond, WA 98073-9706
(800) 442-1142 or (425) 867-4000
[www.physio-control.com (opens new window)](http://www.physio-control.com/)
* **ZOLL Medical Corporation**
Worldwide Headquarters
269 Mill Road
Chelmsford, MA 01824-4105
(800) 348-9011
[www.zoll.com (opens new window)](http://www.zoll.com/)

**School Specific Entities**

PTO, PTA groups

Sports Booster clubs

Funding for AED’s may also be available through local hospitals and fire departments. Additional funding information can be found on the [Sudden Cardiac Arrest Foundation](http://www.sca-aware.org/finding-funding) (SCA) website.

**Guide for Implementation of AEDs**

An automated external defibrillator (AED) is a lightweight, portable device that delivers an electric shock through the chest to the heart. The shock can stop an irregular rhythm and allow a normal rhythm to resume in a heart in sudden cardiac arrest. Sudden cardiac arrest is an abrupt loss of heart function. If it’s not treated within minutes, it quickly leads to death. Further information on AED’s can be found [here](file:///C%3A%5CUsers%5Calg%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CINetCache%5CContent.Outlook%5CZRGKW4VB%5CWhat%20is%20an%20AED.pdf). The American Heart Association has developed an [Implementation Guide for AED](https://cpr.heart.org/AHAECC/CPRAndECC/Programs/AEDImplementation/UCM_473198_AED-Implementation.jsp) use which includes information on developing related communication systems.

**Training**

Information on training for AED use as well as in CPR and First Aid is available on the American Heart Association [website](http://www.heart.org/HEARTORG/CPRAndECC/CPR_UCM_001118_SubHomePage.jsp).

**Additional Information**

[Massachusetts Interscholastic Athletic Association Sports Medicine Information](http://www.miaa.net/contentm/easy_pages/view.php?page_id=168&sid=38&menu_id=4)