

The State Board of Education (SBOE) adopts an amendment to §74.38, concerning requirements for instruction in cardiopulmonary resuscitation (CPR). The amendment is adopted without changes to the proposed text as published in the March 1, 2024 issue of the *Texas Register* (49 TexReg 1184) and will not be republished. The adopted amendment implements House Bill (HB) 4375, 88th Texas Legislature, Regular Session, 2023, by requiring instruction in the use of an automated external defibrillator (AED) in addition to instruction in CPR for students in Grades 7-12.

REASONED JUSTIFICATION: In 2013, the 83rd Texas Legislature, Regular Session, passed HB 897, amending Texas Education Code (TEC), §28.0023, to require that the SBOE include instruction in CPR for students in Grades 7-12. The legislation required school districts and open-enrollment charter schools to provide instruction in CPR and for students to receive the CPR instruction at least once before graduation. TEC, §38.017, requires school districts and open-enrollment charter schools to make available at each campus at least one AED.

Section 74.38 requires school districts and open-enrollment charter schools to provide instruction in CPR to each student in Grades 7-12 at least once before graduation from high school. The instruction is permitted to be provided as part of any course.

In 2023, the 88th Texas Legislature, Regular Session, passed HB 4375, which further amended TEC, §28.0023, to add instruction in the use of an AED to the requirements for instruction in CPR. The legislation specified that the SBOE must require districts and charter schools to provide instruction in the use of an AED to students in Grades 7-12. Additionally, the legislation added the requirement that CPR instruction must include training in CPR techniques and the use of AEDs.

The adopted amendment requires the instruction in the use of an AED beginning with students who enter Grade 7 in the 2024-2025 school year.

The SBOE approved the amendment for first reading and filing authorization at its February 2, 2024 meeting and for second reading and final adoption at its April 12, 2024 meeting.

In accordance with TEC, §7.102(f), the SBOE approved the amendment for adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2024-2025 school year. The earlier effective date will ensure that school districts are aware of and able to implement this new requirement at the beginning of the 2024-2025 school year. The effective date is August 1, 2024.

SUMMARY OF COMMENTS AND RESPONSES: The public comment period on the proposal began March 1, 2024, and ended at 5:00 p.m. on April 1, 2024. The SBOE also provided an opportunity for registered oral and written comments at its April 2024 meeting in accordance with the SBOE board operating policies and procedures. Following is a summary of the public comments received and corresponding responses.

Comment. One administrator stated that, as written, the proposed rule reads as though the CPR and AED instruction would be two separate trainings.

Response. The SBOE disagrees that the proposed amendment to §74.38 reads as though CPR and the use of AEDs are two separate trainings and provides the following clarification. TEC, §28.0023, requires that students receive instruction in CPR and the use of an AED. At the April 2024 meeting, the SBOE took action to adopt a proposed amendment to 19 TAC §74.38 to require that CPR instruction include training for students in both CPR techniques and the use of an AED.

Comment. One administrator asked whether required training in the use of an AED should be hands-on training or watching a video.

Response. The SBOE provides the following clarification. TEC, §28.0023, states that the required training for CPR and the use of an AED must incorporate psychomotor skills to support the instruction.

Comment. One counselor stated that the required trainings for CPR for graduates are stretching educators too far.

Response. The SBOE disagrees and provides the following clarification. CPR instruction is required by state law in TEC, §28.0023. The amendment implements HB 4375, 88th Texas Legislature, Regular Session, 2023, by requiring instruction in the use of an AED in addition to instruction in CPR for students in Grades 7-12.

STATUTORY AUTHORITY. The amendment is adopted under Texas Education Code, §28.0023, as amended by House Bill 4375, 88th Texas Legislature, Regular Session, 2023, which requires the State Board of Education to require by rule instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator for students in Grades 7-12.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §28.0023, as amended by House Bill 4375, 88th Texas Legislature, Regular Session, 2023.

<rule>

§74.38. Requirements for Instruction in Cardiopulmonary Resuscitation (CPR) and Use of an Automated External Defibrillator (AED).

- (a) A school district or an open-enrollment charter school shall provide instruction to students in Grades 7-12 in cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator (AED). The instruction:
 - (1) may be provided as a part of any course; and
 - (2) shall be provided to each student at least once before graduation from high school.
- (b) CPR instruction shall include training for students in CPR techniques and the use of an AED.
- (c) The training shall have been developed:
 - (1) by the American Heart Association or the American Red Cross; or
 - (2) using nationally recognized, evidence-based guidelines for emergency cardiovascular care and incorporating psychomotor skills to support the instruction.
- (d) A school district or an open-enrollment charter school may use emergency medical technicians, paramedics, police officers, firefighters, representatives of the American Heart Association or the American Red Cross, teachers, other school employees, or other similarly qualified individuals to provide CPR instruction and training under this section. Except as specified in subsection (e) of this section, an instructor of this training is not required to be certified in CPR.
- (e) Instruction provided under this section is not required to result in certification by a student in CPR or the use of an AED. If instruction is intended to result in certification in CPR or the use of an AED, the course instructor must be authorized to provide the instruction by the American Heart Association, the American Red Cross, or a similar nationally recognized association.
- (f) A school district or an open-enrollment charter school may waive the requirement under this section for a student who, due to a disability, is unable to complete the requirement. The determination regarding a student's ability to complete the CPR or AED requirements will be made by:
 - (1) the student's ARD committee if the student receives special education services under Texas Education Code (TEC), Chapter 29, Subchapter A; or
 - (2) the committee established for the student under Section 504, Rehabilitation Act of 1973 (29 United States Code, §794) if the student does not receive special education services under TEC, Chapter 29, Subchapter A, but is covered by the Rehabilitation Act of 1973.
- (g) The requirement to receive instruction in CPR applies to any student who entered Grade 7 in the 2010-2011 school year and thereafter.
- (h) The requirement to receive instruction in the use of an AED applies to any student who entered Grade 7 in the 2024-2025 school year and thereafter.