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STATE SUPERINTENDENT of PUBLIC INSTRUCTION
OKLAHOMA STATE DEPARTMENT of EDUCATION

MEMORANDUM

TO: Oklahoma School Districts

FROM: State Department of Education

DATE: September 2015

SUBJECT: Dustin Rhodes and Lindsay Steed CPR Training Act Guidance

The *Dustin Rhodes and Lindsay Steed CPR Training Act* took effect on November 1, 2014, pursuant to House Bill 1378 (attached). The Act provides that beginning with the 2015-2016 school year, all public school students in Oklahoma must receive instruction in cardiopulmonary resuscitation (CPR) at least once between ninth grade and graduation from high school. Students also must be made aware of the purpose of an automated external defibrillator.

Who must receive the required instruction?

Every student enrolled in a public school in Oklahoma must receive CPR instruction at least once during 9-12 grade. The CPR instruction requirement applies to students of charter schools, with the exception of virtual charter school students. Students who transfer to an Oklahoma public school after their classmates have already received CPR instruction, but who have not previously received CPR instruction through another Oklahoma school, should be included in the district's next available instruction program or seminar in which they can reasonably participate.

An exception is available for a student whose parent or guardian objects in writing to their participation in CPR instruction. School administrators are also authorized to waive the instruction requirement for a student with a disability. In accordance with the consent requirements of the *Individuals with Disabilities Education Act* (IDEA), the written consent of the student's parent or guardian (or the student, if 18 or older) is required if an administrator offers this waiver to a student with a disability.

What must the required instruction include?

The instruction may be provided as part of any course, or in a seminar format separate from other courses. One component of the instruction must include making students aware of the purpose of an automated external defibrillator (AED), but there are no specific requirements for what the

AED awareness component must include. At a minimum, students shall be informed of how to identify an AED and given a general explanation of its function, but students are not required to receive practical instruction in its use.

The law requires that student instruction in CPR "shall incorporate psychomotor skills training," defined to mean "the use of hands-on practice to support cognitive learning." As such, the required instruction in CPR must include hands-on practice for all students. The psychomotor skills training may involve practice using a manikin or similar anatomical model. The psychomotor skills component should be considered when districts plan how best to deliver the required instruction to their students, since all students must be given the opportunity for hands-on practice.

Curriculum offerings that are nationally recognized and based upon the most current national evidence-based Emergency Cardiovascular Care guidelines for cardiopulmonary resuscitation are available at: <http://www.ok.gov/sde/physical-education-and-health-legislation>. Districts are not required to use one of these programs, but they are provided here as a resource. If a district chooses to use a curriculum that is not listed, it must still conform to the most current national evidence-based guidelines for CPR.

In addition to the CPR/AED instruction required for all students, the law also provides that a district **may** provide instruction "in the techniques of the Heimlich maneuver" for all 9-12 grade students enrolled in physical education classes. This optional student instruction in the Heimlich maneuver may be delivered by any person approved by the district, including but not limited to the one certified or one non-certified staff member at each site who has received the statutorily required training in the Heimlich maneuver.

Who may provide the required instruction to students?

The law provides that a school district "may use emergency medical technicians, paramedics, police officers, firefighters, teachers, other school employees or other similarly qualified individuals or organizations to provide the instruction prescribed." The language "similarly qualified individuals" means that the required CPR instruction must be provided by a person who has at a minimum the most basic certification in CPR (Red Cross Level A; American Heart Association Heartsaver CPR AED).

While it is not necessary for the required instruction to qualify students for certification in CPR, a school district may design its instruction program to result in student CPR certification. If a district's instruction program is intended to result in CPR certification for students, the instruction must be provided by a person authorized as a CPR instructor by a nationally recognized association such as the American Heart Association, American Red Cross, or National Safety Council.

The law authorizes two or more school districts to enter into a multidistrict cooperative agreement for the purposes of fulfilling the instruction requirements. The same instructor qualification guidelines that apply to individual districts apply to multidistrict cooperatives. If the required instruction is not intended to result in student CPR certification, the instruction may be provided by a person who holds basic certification in CPR. If the instruction program is

intended to result in certification for students, instruction must be provided by a person authorized as a CPR instructor by a nationally recognized association.

How do school districts document that they are providing the required instruction?

Verification that a district is providing the required CPR instruction to its high school students will be an element of the annual accreditation compliance report beginning with the 2015-2016 school year. Districts should retain all relevant documentation to confirm their compliance with the law, including:

- The CPR certifications of any instructors used in the program;
- An implementation plan; and
- Copies of all opt-out forms signed by parents/guardians.

Appendix: HB 1378

ENROLLED HOUSE

BILL NO. 1378

By: Virgin, Roberts (Dustin), Brown,
O'Donnell, Blackwell, Kirby,
Henke, Denney, Cox, Nelson,
McBride, Walker, McDaniel
(Jeannie), Shelton and Perryman of
the House

and

Sparks, Johnson (Constance),
Sharp and Barrington of the Senate

An Act relating to schools; amending 70 O.S. 2011, Section 1210.199, which relates to the Dustin Rhodes and Lindsay Steed CPR Training Act; requiring that certain students receive instruction in cardiopulmonary resuscitation and certain awareness between certain grade levels; providing for waivers and exceptions; allowing certain students to receive instruction in the Heimlich maneuver between certain grades; directing the State Board of Education to establish a monitoring procedure; requiring the use of psychomotor skills in certain program; directing that program shall be based upon certain instructional programs; providing definition; permitting use of certain personnel; allowing certain agreements; requiring certain instructor for certification instruction; and providing an effective date.

SUBJECT: Dustin Rhodes and Lindsay Steed CPR Training Act

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION . AMENDATORY 70 O.S. 2011, Section 1210.199, is amended to read as follows:

Section 1210.199 A. This act shall be known and may be cited as the "Dustin Rhodes and Lindsay Steed CPR Training Act".

B. All Beginning with the 2015-2016 school year, all students enrolled in physical education in classes in grades nine through twelve in the public schools of this state may receive instruction in the techniques of shall receive instruction in cardiopulmonary resuscitation and the Heimlich maneuver sufficient to enable the students to give emergency assistance to victims of cardiac arrest or choking awareness of the purpose of an automated external defibrillator, in accordance with subsection C of this section, at least once between ninth grade and graduation from high school. The instruction may be provided as a part of any course. A school

administrator may waive the curriculum requirement required by this subsection for an eligible student who has a disability. A student shall not be required to meet the requirement of this subsection if a parent or guardian of the student objects in writing. All students enrolled in a virtual charter school in grades nine through twelve shall not be subject to the requirements of this section. All students enrolled in physical education classes in grades nine through twelve may receive instruction in the techniques of the Heimlich maneuver.

~~C. The State Department of Education may administer the cardiopulmonary resuscitation and the Heimlich maneuver instruction program and train teaching personnel pursuant to rules adopted by the State Board of Education. Teaching materials and training courses provided by the American Red Cross, the American Heart Association and similar organizations may be utilized~~ The State Board of Education shall establish a procedure for monitoring the requirements set forth in subsection B of this section. Instruction in cardiopulmonary resuscitation shall incorporate psychomotor skills training and shall be based upon an instructional program which is nationally recognized and is based upon the most current national evidence-based Emergency Cardiovascular Care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator.

D. Each public school district board of education shall ensure that a minimum of one certified teacher and one noncertified staff member at each school site receives training in cardiopulmonary resuscitation and the Heimlich maneuver each year.

E. School districts may use state funds allocated to the school district for professional development to pay for or to reimburse teachers and support personnel for training in the administration of first aid and techniques of cardiopulmonary resuscitation and the Heimlich maneuver.

F. Nothing in this section shall be construed to impose liability on any school district or school district employee for injury or death of any student, teacher, or other person resulting from any cardiopulmonary or choking incident or to absolve any school district or school employee of liability that might otherwise exist under The Governmental Tort Claims Act.

G. For purposes of this section, "psychomotor skills" means the use of hands-on practice to support cognitive learning.

H. A school district may use emergency medical technicians, paramedics, police officers, firefighters, teachers, other school employees or other similarly qualified individuals or organizations to provide the instruction prescribed by this section. Two or more school districts may enter into an interlocal or multidistrict cooperative agreement for the purpose of jointly and comparatively fulfilling the requirements of this section. Instruction provided pursuant to this section is not required to result in certification in cardiopulmonary resuscitation. If instruction is intended to result in certification in cardiopulmonary resuscitation, the course instructor shall be authorized by an instructional program which is nationally recognized and is based upon the most current national evidence-based Emergency Cardiovascular Care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator or a similar nationally recognized association to provide the instruction.

SECTION . This act shall become effective November 1, 2014.