



On the Alert!

Date: June 13, 2023
Attention: ASCIP Members
Affected: Administrators, Risk Management, Faculty & Staff
Applicability: K-12 & Charter Schools

AUTOMATED EXTERNAL DEFIBRILLATOR (AED)

According to the American Heart Association, 7,037 children younger than 18 years of age experienced out-of-hospital sudden cardiac arrest (SCA) in 2015.¹

AB 2009 – Interscholastic Athletics

This newer law aims to promote the availability and proper use of AEDs in schools, ensuring a prompt and effective response in the event of sudden cardiac arrest. The following applies to *each* school location within the school district or charter school that participates in interscholastic athletics:

- **Acquire at least one AED for each school** within the school district or charter school that participates in interscholastic athletics. The school district or the charter school is *encouraged* to ensure that the AED(s) are available for the purpose of rendering emergency treatment within a recommended **3-5 minutes** of SCA and to ensure that the AED(s) are available to athletic trainers and coaches and authorized persons at these activities or events.
- Implement a written **Emergency Action Plan** that describes the location and procedures in the event of SCA related to the athletic program's activities or events. Post the plan and notify your school community about SCA awareness and the AED location(s).
- **Maintain and Test** the AED(s) regularly according to the operation and maintenance guidelines set forth by the manufacturer, the American Heart Association, or the American Red Cross, as well as any federal and state regulations.

LAUSD \$15 Million Dollar Lawsuit – 2023 Verdict

In 2016, a 13-year-old student collapsed during a PE class at school. Because he was unresponsive, staff called 911, but did

not use the AED that was in the school's front office. Emergency medical personnel arrived at the school around 10 minutes after the boy collapsed. He died days later in the hospital.

The District had distributed the AEDs to schools, but not all staff and teachers were not aware that they were available. Medical experts testifying for the student's father argued the use of the AED device would have saved his son's life. This led the jurors to hold LAUSD liable due to negligence. As a result, the jury unanimously awarded the boy's family \$15 million.

Preventing Liability

School Districts are immune from liability if they are compliant with Section 1797.196 of the Health and Safety Code, which requires every entity that acquires an AED to:

- Comply with all regulations governing the placement of an AED
- Notify an agent of the local EMS agency of the existence, location and type of AED acquired
- Ensure the AED is maintained and tested according to manufacturer's instructions
- Ensure the AED is tested at least biannually and after each use
- Ensure that an inspection is made of all AEDs on the premises at least every 90 days for potential issues related to operability of the device
- Ensure that records of maintenance and testing are maintained.
- Ensure that instructions, in no less than 14-point type, on how to use the AED are posted next to every AED
- **At least annually notify school employees as to the location of all AED units on campus.**

Additionally, the principal of a school where the AED is located must ensure that 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

Please contact your ASCIP Risk Services Consultant or our Risk Services team at RM_Info@ascip.org for questions or to discuss further.

¹ American Heart Association. (2022). 2022 Heart and Stroke Statistical Update: Children and Cardiovascular Disease Factsheet. Retrieved from

<https://www.heart.org/-/media/PHD-Files-2/Science-News/2/2022-Heart-and-Stroke-Stat-Update/2022-Stat-Update-factsheet-Children-and-CVD.pdf>