

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 101, 207, 305, 923, 3001-b, 3001-c of the Education Law and Chapter 500 of the Laws of 2021.

1. Part 136 of the Regulations of the Commissioner of Education is amended by adding a new section 136.9 to read as follows.

Section 136.9. Sudden Cardiac Arrest

(a) Applicability.

(1) The provisions of this section relate to students who display signs or symptoms of pending or increased risk of sudden cardiac arrest while engaging in athletic activities.

(2) The provisions of this section shall apply to all school districts, charter schools, and nonpublic schools.

(b) Definitions. As used in this section:

(1) *Athletic activities* mean participation in sessions for instruction and practice in skills, attitudes, and knowledge through participation in individual, group and team activities organized on an intramural, extramural, interschool athletic, or inclusive athletic basis to supplement regular physical education class instruction, otherwise known as extraclass periods in physical education or extraclass activities.

(b) *Physical activities* mean participation in physical education classes and recess or similar activities during the school day.

(c) Requirements.

(1) The Department shall post on its website information developed by the Commissioner of Health, in conjunction with the Commissioner, relating to students who

exhibit signs or symptoms of pending or increased risk of sudden cardiac arrest. Such information shall include, but not be limited to:

(i) The definition of sudden cardiac arrest; and

(ii) signs and symptoms of pending or increased risk of sudden cardiac arrest.

(2) A school shall include the information required under paragraph (1) of this subdivision in any document that may be required from a parent or person in parental relation for a student's participation in interscholastic sports, including a permission or consent form.

(3) A school shall include the information required under paragraph (1) of this subdivision on its website, if in existence, or reference how to obtain such information from the webpages where such information is available from the Department and the Department of Health.

(d) Removal from athletic and physical activities.

(1) Any student who displays signs or symptoms of pending or increased risk of sudden cardiac arrest must be immediately removed from athletic activities and any person who displays signs or symptoms of pending sudden cardiac arrest must be immediately removed from physical activities.

(2) No student removed from athletic activities shall resume such activities until such student has been evaluated by and received written and signed authorization from, a licensed physician. No student removed from physical activities shall resume such activities until such student has been evaluated and received written and signed authorization from a healthcare provider. With respect to athletic activities for students attending a public school, no such student shall resume such activities until the student

has also received clearance from the director of school health services to participate in such activity.

(i) Such authorization shall be kept on file in the student's permanent health record.

(ii) The school must abide by any limitations or restrictions concerning school attendance and athletic or physical activities issued by the student's treating physician or a health care provider.

2. Section 135.5 of the Regulations of the Commissioner of Education is amended to read as follows:

Section 135.5. First aid knowledge and skills requirements for coaches

(a) Coaches of extra class periods in physical education, as defined in section 135.1(h) of this Part, shall meet the requirements of this section.

(b) Except as provided in subdivision (c) of this section, all coaches must hold valid certification in first aid knowledge and skills, including instruction in the administration of adult cardiopulmonary resuscitation, as issued by [the American National Red Cross] a nationally recognized organization, as defined in Public Health Law §3000-b(1)(d), or meet equivalent requirements as set forth in this section.

(c) By January 15, 1993, all coaches employed on or after January 15, 1992, must hold valid certification in first aid knowledge and skills, including instruction in administration of adult cardiopulmonary resuscitation and instruction in recognizing signs and symptoms of cardiac arrest and sudden cardiac arrest, as issued by [the American National Red Cross] a nationally recognized organization, as defined in Public Health Law §3000-b(1)(d), or meet equivalent requirements as set forth in this section.

(d) For the purpose of this section, the following shall be deemed as equivalent to certification in first aid knowledge and skills, including instruction in administration of adult cardiopulmonary resuscitation as issued by [the American National Red Cross] a nationally recognized organization, as defined in Public Health Law §3000-b(1)(d):

(1) completion of an approved course for coaches in first aid knowledge and skills, including instruction in administration of adult cardiopulmonary resuscitation and instruction in recognizing signs and symptoms of cardiac arrest and sudden cardiac arrest;

(2) completion of an approved college or university first aid knowledge and skills course, including instruction in administration of adult cardiopulmonary resuscitation and instruction in recognizing signs and symptoms of cardiac arrest and sudden cardiac arrest;

(3) completion of approved college or university courses in athletic training and sports medicine, which include first aid knowledge and skills, including instruction in administration of adult cardiopulmonary resuscitation and instruction in recognizing signs and symptoms of cardiac arrest and sudden cardiac arrest; or

(4) equivalent experience which is approved by the Commissioner of Education.

(e) Except as provided in subdivision (c) of this section, prior to the start of each sports season, coaches must provide valid evidence to their chief school officer that their first aid and adult cardiopulmonary resuscitation knowledge and skills are current pursuant to the requirements established by [the American National Red Cross] a nationally recognized organization, as defined in Public Health Law §3000-b(1)(d), or that they meet equivalent requirements as set forth in subdivision (d) of this section.