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SCARIANO, HIMES & PETRARCA

AED Update

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Effective January 21, 2010, the *Physical Fitness Facility Medical Emergency Preparedness Act* was amended to clarify that school districts must only provide an AED and trained AED user for physical fitness activities directly supervised by employees of the district. The Act does not apply when a district assigns security or maintenance personnel to merely be present to do things like unlock doors or maintain order among spectators. Further, the amendment clarifies that an "outdoor physical fitness facility" does not include a district facility when it is used for an activity or program organized by a private or not-for-profit organization and supervised by an individual other than a district employee.

Therefore, a district is not required to provide either an AED or a trained AED user during third party uses of district physical fitness facilities (indoor or outdoor) if an event or activity is not directly supervised by district personnel. For example, under the amended Act, a district is not required to provide an AED or a trained AED user during a park district's use of an outdoor physical fitness facility if the event or activity is not directly supervised by a district employee. However, if you have AEDs in these facilities during district activities, we recommend you leave them there for private party use during non-district activities.

Accordingly, policies and procedures governing third party use of district facilities and any third party use agreements may need to be amended to clarify when the district will provide an AED and trained AED user. If you would like assistance in revising your policies, procedures or third party use agreements, please do not hesitate to call Scariano, Himes and Petrarca.

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Scariano, Himes and Petrarca, Chtd., represents more than 100 school districts, special education cooperatives and vocational education cooperatives. Our attorneys have expertise in all areas of education law and practice in three locations to more readily serve our clients:

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