

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 585 Instructions on Emergency First Aid for Choking

SPONSOR(S): Daley and others

TIED BILLS: None. **IDEN./SIM. BILLS:** SB 1714

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Education Quality Subcommittee	15 Y, 0 N	Wolff	Sanchez
2) Education & Employment Committee			

SUMMARY ANALYSIS

To protect the health and safety of Florida's students, the bill requires each district school board to hang a poster that contains step-by-step instructions on how to provide emergency first aid for choking on conscious individuals in each public school cafeteria within the school district. The poster must be easily visible and prominently placed.

The bill does not appear to have a fiscal impact.

The bill has an effective date of July 1, 2023.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

District School Board Duties and Responsibilities

The Florida Constitution provides that each county in Florida constitutes a school district and requires each district to be governed by a school board comprised of at least five members who serve staggered terms of four years.¹ Additionally, the Florida Constitution states, “the school board shall operate, control and supervise all free public schools within the school district and determine the rate of school district taxes within the limits prescribed [by the constitution].”²

Florida statutes authorize each district school board to exercise any power not expressly prohibited by the state constitution or law,³ require each board to perform all duties assigned to it by law or State Board of Education rule,⁴ and grant each board the specific authority to:

- adopt standards and policies to provide each student the opportunity to receive a complete education program in accordance with the state academic standards;⁵
- contract, sue and be sued;⁶
- control property and convey title to real and personal property;⁷
- establish schools and school attendance areas;⁸
- adopt a school calendar;⁹
- govern personnel matters¹⁰ and collectively bargain district employee salaries;¹¹
- adopt standards of ethical conduct for educational support employees, instructional personnel and school administrators;¹²
- provide for student welfare and discipline;¹³
- adopt procedures reinforcing parental rights in education;¹⁴
- provide adequate instructional materials to students;¹⁵
- provide for the transportation of students;¹⁶
- provide for locating, planning, constructing, maintaining, insuring and condemnation of school facilities;¹⁷
- provide fiscal management for school district operations, levy taxes and issue bonds;¹⁸
- employ an internal auditor;¹⁹

¹ Art. IX s. (4)(a), Fla. Const.

² Art. IX s. (4)(b), Fla. Const.

³ Section 1001.32(2), F.S.

⁴ Section 1001.41(5), F.S.

⁵ Section 1001.41(3), F.S.

⁶ Section 1001.41(4), F.S.

⁷ Section 1001.42(2), F.S.

⁸ Section 1001.42(4)(a), F.S.

⁹ Section 1001.42(4)(f) and (g), F.S.

¹⁰ Section 1001.42(5), F.S.

¹¹ Sections 447.203(2) and 447.309(2), F.S.

¹² Section 1001.42(6), F.S.

¹³ Section 1001.42(8), F.S.

¹⁴ Section 1001.42(8)(c), F.S.

¹⁵ Section 1001.42(9), F.S.

¹⁶ Section 1001.42(10), F.S.

¹⁷ Section 1001.42(11), F.S.

¹⁸ Section 1001.42(12), F.S.

¹⁹ Section 1001.42(12)(1), F.S. School districts with revenues over \$500 million must employ an internal auditor. The internal auditors must perform a comprehensive risk assessment every five years and conduct other audits and reviews as the district school board directs.

- implement school improvement and accountability;²⁰
- encourage and enhance decision-making by individual schools and school advisory councils;²¹ and
- sponsor charter schools, including the review and approval or denial of new charter school applications and the termination of charter schools.²²

Specifically relating to the proper accounting for all students of school age, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students, the district school board must:

- Adopt rules for admitting, classifying, promoting, and graduating students to or from the various schools of the district.
- Provide for the enforcement of all laws and rules relating to the attendance of students at school.
- Adopt rules for the control, attendance, discipline, in-school suspension, suspension, and expulsion of students and decide all cases recommended for expulsion and maintain a code of student conduct.
- Provide adequate instructional materials for all students in the core courses of mathematics, language arts, social studies, science, reading, and literature.
- Make provision for the transportation of students to the public schools or school activities they are required or expected to attend, efficiently and economically.
- Approve and adopt a districtwide school facilities program.
- Approve plans for locating, planning, constructing, sanitating, insuring, maintaining, protecting, and condemning school property.
- Approve and adopt a districtwide school building program.
- Provide for the operation of all public schools as free schools for a term of 180 days or the equivalent on an hourly basis as specified by rules of the State Board of Education; determine district school funds necessary in addition to state funds to operate all schools for the minimum term; and arrange for the levying of district school taxes necessary to provide the amount needed from district sources.
- Keep all necessary records and make all needed and required reports, as required by law or by rules of the State Board of Education.
- At the beginning of each school year, notify parents of students in or entering high school of the opportunity and benefits of advanced placement, International Baccalaureate, Advanced International Certificate of Education, dual enrollment, and Florida Virtual School courses and options for early graduation.
- Notify the parent of a student who earns an industry certification that articulates for postsecondary credit of the estimated cost savings to the parent before the student's high school graduation versus the cost of acquiring such certification after high school graduation, which would include the tuition and fees associated with available postsecondary credits.²³

Emergency Response to a Choking Student

The Florida Department of Health, in its oversight role for School Health Programs, publishes an Emergency Guide for Schools (Guidelines).²⁴ The Guidelines provide step by step directions for school personnel in response to a number of medical emergencies that could occur on campus.²⁵ The

²⁰ Section 1001.42(18), F.S.

²¹ Section 1001.42(19), F.S.

²² Section 1002.33(5)-(6) and (8), F.S.

²³ Section 1003.02(1)(a)-(j), F.S.

²⁴ Florida Department of Health, *Emergency Guidelines for Schools 2019 Florida Edition*, available at

<https://www.floridahealth.gov/programs-and-services/childrens-health/school-health/documents/emergency-guidelines-for-schools-2019.pdf>.

²⁵ *Id.* Medical emergencies for which the Guidelines provide information include, but are not limited to, allergic reactions, burns, CPR (infant, child, and adult), fractures and sprains, head injuries, heat emergencies, poisoning and overdose, seizures, unconsciousness, and vomiting. *Id.* at 1.

Guidelines additionally provide a Student Injury Report form to permit school personnel to document the facts surrounding the incident.²⁶

Specifically related to choking, the guideline recommend that schools designate at least one employee who has received instruction in choking rescue to be present in the cafeteria at all meals.²⁷ The guidelines also contain step by step instructions, including illustrations, on the appropriate rescue response to a choking incident for anyone, infants through adults.²⁸

Additionally, there are publicly available training and resources on the appropriate response to a child choking in the school setting.²⁹

Effect of Proposed Changes

The bill requires each district school board to hang a poster that contains step-by-step instructions on how to provide emergency first aid for choking on conscious individuals in each public school cafeteria within the school district. The poster must be easily visible and prominently placed.

B. SECTION DIRECTORY:

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

²⁶ *Id.* at 8.

²⁷ *Id.* at 24.

²⁸ *Id.* at 28. This guidance is applied to an individual that is choking but remains conscious. If the individual has lost consciousness, the Guidelines recommend performing CPR on the individual to clear the air passage. *Id.* at 24-27.

²⁹ Act Fast Anti Choking Trainer, *Choking Prevention and First Aid for School Age Children*, available at <https://www.actfastmed.com/wp-content/uploads/2021/08/ActFast-Instructional-Guide-4-28-17.pdf>.

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

None.