

Janet's Law

(N.J.S.A. 18A:40-41a through 41c)

(Also known as the defibrillator law)

Frequently Asked Questions and Answers

Acronyms:

AAP NJ – American Academy of Pediatrics, New Jersey Chapter

AED – automated external defibrillator

AHA – American Heart Association

CPR – cardiopulmonary resuscitation

Districts/schools - refers to public school districts and non-public schools that provide instruction to students in grades kindergarten through 12.

GENERAL APPLICATION

1. Do the provisions of Janet's Law apply to nonpublic schools?

Yes, Janet's Law applies to public school districts and nonpublic schools that provide instruction to students in grades kindergarten through 12.

2. What does Janet's Law require districts/schools to do?

Janet's Law requires every district/school to have an AED available in an unlocked location on school property with an appropriate identifying sign. The AED must be accessible during the school day, and any other time when a school-sponsored athletic event or team practice is taking place in which pupils of the district/school are participating. The AED must be within reasonable proximity of the school athletic field or gymnasium, as applicable.

Janet's Law also requires every district/school to have a team coach, licensed athletic trainer, or other designated staff member present for athletic events or team practices who is trained in CPR and the use of an AED. This requirement can be satisfied by having a State-certified emergency services provider or other certified first responder on site at the event or practice.

Janet's Law additionally requires every district/school to establish and implement an emergency action plan for responding to a sudden cardiac event, including an event which requires the use of an AED. The emergency action plan must contain, among other things, a list of no less than

five (5) school employees, team coaches, or licensed athletic trainers who hold current certifications in CPR and the use of an AED.

3. What constitutes an “athletic event”?

Janet’s Law does not specifically define an “athletic event.” However, *N.J.S.A. 18A:40-41* and *N.J.S.A. 18A:40-41f* define an “athletic activity” as: “interscholastic athletics; an athletic contest or competition, other than interscholastic athletics, that is sponsored by or associated with a school district or nonpublic school including cheerleading and club-sponsored sports activities; and any practice or interschool practice or scrimmage for those activities.” Districts/schools should be guided by the definition of “athletic activity” in determining what is, and is not, an “athletic event.”

4. Janet’s Law states that a district/school’s emergency action plan must include a list of no less than five (5) school employees, team coaches, or licensed trainers that are certified in cardiopulmonary resuscitation and the use of an AED. Does this mean five (5) individuals from the entire district, or from each school?

Janet’s Law requires no less than five (5) *school* employees to hold current certifications in CPR and the use of an AED.

5. Does the AED have to be within a three (3) minute round trip (reach and return) of the school-sponsored athletic event or team practice?

Janet’s Law states that the AED “shall be within reasonable proximity of the school athletic field or gymnasium, as applicable” and in an unlocked location on school property with an appropriate identifying sign. How a district/school chooses to satisfy the “accessible” and “within reasonable proximity” provisions in Janet’s Law is a local decision. However, the AAP NJ recommends that the AED be placed in a central location that is, ideally, no more than a one (1) to one and a half (1½) minute walk from any location.

6. How many AEDs does each district/school need?

This is a local decision, but there must be at least one (1) AED in every school building. The number of AEDs needed by each district/school depends on many factors, including, but not limited to: the number of athletic teams, the number of intramural teams, the frequency of home and away practices and games, the size of each school building, the number of playing fields, the size of the gymnasium and campus, proximity and availability of local emergency services provider(s), person(s) responsible for maintaining the AED(s), and the number of student-athletes.

PHYSICAL EDUCATION AND RECESS

7. Does an AED need to be available for physical education and/or recess?

Janet's Law requires every district/school to have an AED available in an unlocked location on school property with an appropriate identifying sign. An AED must be accessible during the school day, and this includes during physical education and recess. An AED is required to be within reasonable proximity of the school athletic field(s) or gymnasium.

OFF-CAMPUS ATHLETIC PRACTICES AND COMPETITIONS

8. Is the district/school responsible for providing an AED for all off-campus practices and athletic events? What about crew and cross-country, for example?

Janet's Law states that the AED "shall be within reasonable proximity of the school athletic field or gymnasium, as applicable," and "shall be accessible... any other time when a school-sponsored athletic event or team practice is taking place in which pupils of the district or nonpublic school are participating." Therefore, an AED must be available for all off-campus athletic events and team practices. How a district/school chooses to satisfy the "accessible" and "within reasonable proximity" provisions in Janet's Law is a local decision, and should also be addressed in each district/school's emergency action plan for responding to a sudden cardiac event. In addressing this issue, each district/school should be guided by the recommendation of the AAP NJ, namely that the AED be placed in a central location that is, ideally, no more than a one (1) to one and a half (1½) minute walk from any location.

9. How can the availability of an AED on each golf course and at each swim meet be ensured?

The district/school may consider contacting each golf course and swim facility that its teams use for practice and competition to determine whether the off-campus facility has a functioning AED available, and whether the location of the AED is within reasonable proximity of the athletic event. When the availability of an AED on a golf course or at a swim facility is uncertain, the coach must bring an AED from the district/school, and follow the procedures outlined in the district/school's emergency action plan for responding to a sudden cardiac event. The district/school may consider having an agreement with competing schools that the "home team" of the golf or swim event is responsible for providing an AED.

OTHER ACTIVITIES

10. Do band events, such as marching in a parade, require an AED?

If a district/school determines that band events, including marching in a parade, are athletic events, then the district/school must make an AED "accessible" and "within reasonable proximity." Districts/schools may consider, in establishing and implementing their emergency

action plans for responding to a sudden cardiac event, having a staff member who is trained in CPR and the use of an AED present at these events, or, alternatively, having a State-certified emergency service provider or other certified first responder present.

11. Is an AED required on field trips?

The law is silent regarding field trips that do not involve an athletic event. However, when establishing and implementing its emergency action plan for responding to a sudden cardiac event, a district/school should consider how to address the accessibility of an AED on field trips. Factors to consider include, but are not limited to: the activity-level involved (i.e., climbing steps of a tall monument as opposed to sitting in a theatre), the location of the field trip (remote or within reasonable proximity to first responders), and whether a student(s) with a history of cardiac arrhythmia, such as Long QT Syndrome, is attending the field trip. If a student has an Individualized Health Care Plan and an Individualized Emergency Health Care Plan which requires a student to have an AED available at all times, then an AED must be available on the field trip.

12. Must a district/school provide access to an AED, pursuant to Janet’s Law, when an outside group requests permission to use the district/school’s facilities?

In accordance with Janet’s Law, an AED must be accessible when a “school-sponsored athletic event or team practice is taking place in which pupils of the district or nonpublic school are participating.” As such, if a district/school’s facilities are used by an outside group, and the event is *not* school-sponsored or associated with the district/school, and the pupils of the district/school are *not* participating, the law does not require the district/school to make an AED accessible to the outside group and its participants. Although outside groups are not required by Janet’s Law to make an AED accessible to its participants, it may be advisable for these groups to bring an AED and to have someone present who is trained in CPR and use of an AED or, alternatively, have a State-certified emergency services provider or other certified first responder on site, especially if the outside group is engaged in an athletic event. Districts/schools can also permit outside groups to utilize their AED(s) if it becomes necessary.

13. Must a district/school provide access to an AED, pursuant to Janet’s Law, if its facilities are open and available for use by the general public (e.g., a tennis court)?

In accordance with the Janet’s Law, an AED must be accessible when a “school-sponsored athletic event or team practice is taking place in which pupils of the district or nonpublic school are participating.” As such, if a district/school’s facilities are open and available for use by the general public, and the event is *not* school-sponsored or associated with the district/school, and the pupils of the district/school are not participating, the law does not require the district/school to make an AED accessible to the general public.