



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

OFFICE OF STUDENT SUPPORT SERVICES

89 Washington Avenue, Room 318-M EB

Phone: (518) 486-6090; Fax: (518) 474-8299

E-mail: StudentSupportServices@nysed.gov; Web: <https://www.nysed.gov/student-support-services>

May 27, 2026

Frequently Asked Questions regarding Desha's Law

1. When an amendment is added to the District-Wide School Safety Plan (e.g., Desha's Law) does the plan also need to be reapproved by the Board of Education?

Yes, when the District- Wide School Safety Plan is amended the changes must be made available for public comment for 30 days and approved by the Board of Education or governing authority.

2. If we amend the District-Wide School Safety Plan after it has been submitted to NYSED, are we required to resubmit it to NYSED?

If the amended plan is posted on the district website using the same URL link as the plan that was initially adopted, no further action is needed. However, if the URL link changes, and the plan was already submitted via the SED Application Business Portal, please send an email to SafetyPlans@nysed.gov and ask that SED unsubmit the plan so the new URL link can be submitted.

3. How should students be trained in the Sudden Cardiac Emergency Response Plan (CERP) using a trauma-informed approach?

While the law requires annual safety training for students, the requirements differ from those for staff. Student training should include age and developmentally appropriate information regarding cardiac arrest and emergency situations, including:

- signs of cardiac arrest;
- when and how to get help from a teacher, staff person, or other adult;
- what students will be expected to do when an emergency occurs;
- what an AED is and where they are located in the school.

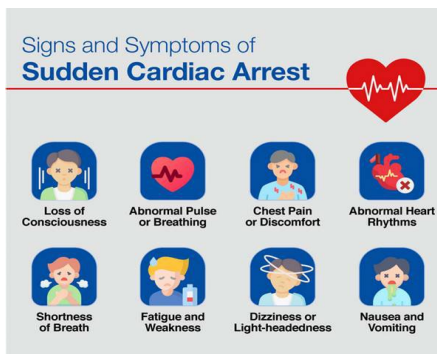
The primary intent of training students is to instruct them when to get help from staff, what the emergency procedures are, and how the students are to follow them - all conducted in a developmentally appropriate manner. Depending on the age of the students, this training may include where AEDs are located, so that older students can assist staff by retrieving the AED during an emergency.

Below are information materials¹ that may be used to instruct younger students about the signs of a cardiac emergency:

¹ <https://www.blkmaxhospital.com/blogs/heart-attack-symptoms>

<https://www.manipalhospitals.com/saltlake/blog/understanding-sudden-cardiac-arrest-unravelling-symptoms-and-causes/>

HEART ATTACK SIGNS



4. Is there any specific length and/or type of delivery (in person/video/print material) for staff or student training?

There is no required length or mode of delivery for CERP training. Districts have the flexibility to determine the most effective format for their school, which may include in person instruction, video modules, or printed educational materials. However, the training must be comprehensive enough to ensure that participants are trained to recognize symptoms of a cardiac emergency and how to respond in accordance with their school building emergency response plan.

5. Can the training for the CERP be delivered by September 15th (2026) with all other annual training? Is the 20th the deadline for this year?

Under Education Law §2801-a(2)(h), the district must certify that all staff have received annual training on the emergency response plan, which includes sudden cardiac arrest, by the initial compliance deadline of January 20, 2026. Following this initial compliance, the required training will be integrated into the annual safety training cycle that occurs by September 15th of each school year.

6. Are cardiac emergency response drills (a.k.a., AED drills) required?

No, Cardiac Emergency Response Plan (CERP) drills are not required. Drills conducted during the school day with students present must be conducted in a trauma-informed manner as required by Commissioner's regulation §155.17:

(1) Drills conducted during the school day with students present shall be conducted in a trauma-informed, developmentally, and age-appropriate manner and shall not include props, actors, simulations, or other tactics intended to mimic a school shooting or other act of violence or emergency.

Therefore, for example, if the plan is to HOLD students during a health emergency, a HOLD drill may be practiced but there is no need to inform students as to why the HOLD is in place. Staff may practice a CERP drill out of visual and auditory range of students during the HOLD drill.

If EMS is to be involved in a CERP drill, such drills should be held when students are not present as the presence of EMS may trigger staff or students - as noted in the definition of trauma-informed drills in the regulations and therefore should be avoided except for true emergencies:

(24) Trauma-informed drills mean avoiding tactics in training or drills that may introduce or activate trauma, such as the use of props, actors, simulations, or other tactics intended to mimic a school shooting, incident of violence, or other emergency, or inclusion of developmentally or age-inappropriate content. Drills may inadvertently prompt a negative emotional or psychological response in staff or students because of previous exposure(s) to trauma.

7. Do the requirements for district-level and building-level safety plans apply to nonpublic schools?

No. Nonpublic schools are exempt from the requirements related to district and building-level planning requirements but must adhere to AED mandates as per 8 NYCRR 136.4 and Education Law §917-a.

8. When is an AED required?

Public school districts, BOCES, charter schools and nonpublic schools, must ensure that an AED is provided, and at least one staff person certified in CPR/AED, in school facilities and whenever it is used for school sponsored events, approved curricular and extracurricular event or activity, and for school sponsored athletic contests or school sponsored competitive athletic events held at any location.

9. How many AEDs must a school have?

The number of AEDs required in a school will vary based on each school building. The time it takes to get from the location an AED is stored at to all areas in school buildings and on school grounds is a determining factor, as survival of a sudden cardiac arrest often depends on how quickly CPR/AED are administered, generally within 3-5 minutes. ²

As indicated in the Commissioner's regulation [§136.4\(b\)](#) schools should consider:

- the number of students, staff and other individuals that are customarily or reasonably anticipated to be within such facility; and
- the physical layout of the facility, including but not limited to:
 - location of stairways and elevators;
 - number of floors in the facility;
 - location of classrooms and other areas of the facility where large congregations of individuals may occur; and
 - any other unique design features of the facility.

10. Are AED's required on field trips or other off site school sponsored activities (other than a school-sponsored athletic contest or school-sponsored competitive athletic event held at any location)?

No. However, if the "field trip" is for a school-sponsored athletic contest, competitive event held at an off-site location or if the district-wide school safety plan requires an AED for "field trips" or other off-site school sponsored activities, the school must ensure an AED is provided off-site and that at least one trained staff member is present. Trained staff member means the person has successfully completed a training course in the operation of an automated external defibrillator approved by a nationally recognized organization or the state emergency medical services council pursuant to [Public Health Law §3000-b\(3\)\(a\)](#).

While an AED is not always required for field trips or other school sponsored activities (other than a school-sponsored athletic contest or school-sponsored competitive athletic event held at any location), we strongly recommend the school consider bringing a portable AED or ensure the location has an AED if a field trip involves a high risk/strenuous physical activity or if there is a student with a health condition putting them at risk. Even if a portable AED is not taken, it is best practice to have at least one staff member on the trip who is CPR/AED certified.

² Casa DJ, Almquist J, Anderson SA, et al. The inter-association task force for preventing sudden death in secondary school athletics programs: best-practices recommendations. J Athl Train. 2013;48:546-553. [DOI] [PMC free article] [PubMed] [Google Scholar]

11. Are off-site work-study internships considered "school-sponsored events" requiring an AED?

No. An off-site internship is not classified as a "school-sponsored event" in the same way as an athletic game or a field trip. However, as mentioned above, we strongly recommend the school consider bringing a portable AED or ensuring the location has an AED if the internship involves a high risk/strenuous physical activity or if there is a student with a health condition putting them at risk.

12. Is an AED required on the bus?

No. While an AED is not required to be permanently installed on every school bus, districts should exercise discretion regarding emergency response times. We strongly suggest that districts consider the distance and travel time of their specific routes. For buses traveling to remote areas or school-sponsored events, carrying a portable AED is best practice to ensure life-saving **When students stay with host families in another country and not in hotels where AEDs are readily available, is the school required to bring an AED?**

Desha's Law is a New York State law and state laws govern entities within the state's borders.

The New York State Education Department does not have the authority to impose legal mandates on private homes in a foreign country. As such, Desha's Law does not apply to

13. For staff traveling with our students outside of country or out of state does at least one staff member need to be CPR/AED certified?

No. However, as noted in previous questions we strongly recommend the school consider bringing a portable AED or ensuring the location has an AED if the trip involves a high risk/strenuous physical activity or if there is a student with a health condition putting them at risk. Even if a portable AED is not taken, it is best practice to have at least one staff member on the trip who is CPR/AED certified.

14. Does the term "training for CPR/AED use" in Desha's Law mean that those school personnel do not have to be certified in CPR/AED as coaches are?

As indicated in the [Amendment to First Aid Knowledge and Skills Requirements for Coaches](#) school athletic coaches are required to be **certified** in CPR/AED and basic first aid by a nationally recognized organization as defined in [Public Health Law §3000-b](#).

While Desha's Law uses the word training, there are other laws governing schools and use of AEDs that define this training:

AEDs in schools are governed by Ed Law Education Law [§917](#) which states:

3. Public school facilities and staff pursuant to subdivisions one and two of this section shall be deemed a "public access defibrillation provider" as defined in paragraph (c) of subdivision one of section three thousand-b of the public health law and shall be subject to the requirements and limitations of such section.

This means schools must follow all the requirements of PHL 3000-b which states:

(a) No person may operate an automated external defibrillator unless the person has successfully completed a training course in the operation of an automated external defibrillator approved by a nationally recognized organization or the state emergency medical services council.

Therefore, as stated in Commissioner's regulation [§136.4](#), at least one staff member who is trained in CPR and the use of AEDs pursuant [Public Health Law §3000-b\(3\)\(a\)](#) must be present in school instructional facilities and whenever it is used for school sponsored events, approved curricular and extracurricular event or activity, and for school sponsored athletic contests or school sponsored competitive athletic events held at any location.

Districts are strongly encouraged to consult their director of school health services when choosing CPR/AED courses for school personnel.

Note - an online only course without an in person/ hands on demonstration is not best practice for school personnel as it is a skill set that does require practice; as demonstrated by the State Department of Health's lists of approved CPR/AED courses for camp and bathing facility personnel and EMS, both require in person/ hands on demonstration:

- [CPR and AED Certification - Camps and Bathing Facilities](#)
- [Required CPR Education for EMS Providers](#)

15. Are school bus drivers required to be CPR/AED certified?

No, bus drivers are not required to be CPR/AED certified. However, if the school chooses to bring an AED on the bus, they must ensure at least one staff member present is CPR/AED certified.

16. Are schools required to document and track staff that are CPR/AED certified?

While the law does not specifically require this, it is best practice to document which staff members are trained along with the date their certification expires. This ensures staff members assigned to respond to sudden cardiac arrest or similar health emergencies have up to date certification.

17. Are school nurses required to be AED/CPR certified?

There is no requirement in law that nurses are CPR/AED certified outside of administering immunizations. However, their expected job functions may warrant they are, such as caring for students with cardiac and/or respiratory conditions, treating anaphylaxis, or responding to sudden cardiac arrest or similar life threatening health emergencies.

18. What does it mean to have appropriate personnel present?

There are multiple roles required in a school building ERP that are included in the term *appropriate personnel*. In a cardiac emergency or other similar life threatening emergency this includes staff who are CPR/AED certified, as stated in #2 of the sample [Cardiac Emergency Response Annex](#):

Call for **any Certified Cardiopulmonary Resuscitation (CPR)/Automatic External Defibrillator (AED) school personnel** and notify administration or designee.