



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2023**

ON THE FOLLOWING MEASURE:

S.B. NO. 830, RELATING TO EMERGENCY MEDICAL RESPONSE.

BEFORE THE:

SENATE COMMITTEE ON EDUCATION

DATE: Monday, February 6, 2023

TIME: 3:00 p.m.

LOCATION: State Capitol, Room 229

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Anne T. Horiuchi, Deputy Attorney General

Chair Kidani and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments.

The bill requires each Department of Education (DOE) school to establish a critical medical emergency response team and appropriates moneys.

The bill applies to all "public schools," which is defined to include charter schools in section 302A-101, Hawaii Revised Statutes (HRS). (Page 2, line 5). The proposed section 302A- (f), HRS, would state: "Any school with three or more drills resulting in a response time longer than three minutes, shall receive support in their corrective actions by their complex [sic] superintendent." (Page 3, line 19 – page 4, line 2.) Charter schools, however, do not fall within the jurisdiction of complex area superintendents.

If the bill is not meant to include charter schools, we recommend replacing the term "public school" on page 2, line 5, with "department school," which is defined as any school that falls within the definition of "public schools" except for a charter school. See section 302A-101, HRS. Additionally, we recommend inserting the word "area" between "complex" and "superintendent" on page 4, line 2. If the bill is meant to include charter schools, we recommend the following revision to page 4, line 2:

their complex area superintendent[.] or by the commission.

We also recommend including an additional subsection to the new section that would address the potential liability of critical emergency response team members, such as:

Any person who acts in accordance with the requirements of this section shall be immune from any civil or criminal liability arising from these acts, except where the person's conduct would constitute gross negligence, willful and wanton misconduct, or intentional misconduct.

This suggested wording is modeled after subsection 302A-1164(h), HRS, which provides legal immunity to DOE employees and agents who volunteer to administer insulin or glucagon in an emergency situation or administer or assist with blood glucose monitoring.

Thank you for the opportunity to provide comments on this measure.

JOSH GREEN, M.D.
GOVERNOR



KEITH T. HAYASHI
SUPERINTENDENT

STATE OF HAWAII
DEPARTMENT OF EDUCATION
KA 'OIHANA HO'ONA'AUAO
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 02/06/2023

Time: 03:00 PM

Location: CR 229 & Videoconference

Committee: Senate Education

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Title of Bill: SB 0830 RELATING TO EMERGENCY MEDICAL RESPONSE.

Purpose of Bill: Requires each Department of Education school to establish a critical medical emergency response team. Appropriates moneys.

Department's Position:

The Hawaii State Department of Education (Department) supports SB 830 and provides comments.

This bill requires the Department to expand on what is already in place. As such, the Department recommends that the bill clarify the statement on Page 1, Line 15 that states, "administration appoint critical emergency response team members" to read "administration appoint any member of the staff to be a critical emergency response team member." Each school has unique needs and the administrator should have the authority to determine the appropriate staff to be trained.

Lastly, the Department requests that funding is provided as CPR/first aid training and certification are required on a biennial (every two years) basis. Funding will also be vitally important in procuring additional first aid kits, Automated External Defibrillators, communications devices (e.g., alert buttons, radios, public address systems, etc.), and other resources (e.g., full-time positions to manage CPR/first aid programs, manage drills, write reports, etc.) in order to meet the bill's "three-minutes or less" response time requirement.

Thank you for the opportunity to provide testimony on this measure.

CARES

COMMUNITY ADVOCACY RESEARCH EDUCATION SERVICES

SB 830
Emergency
procedures
DOE

Aloha Chair, Vice Chair & the HHS Committee,

to.

CARES testifies in strong support of SB 830.

the Senate
Committee
EDU

In a medical emergency, every minute matters. Many schools conduct a variety of drills to assess evacuation coordination, the school's crisis management functions and table top exercises so that emergency response team can improve in practice.

The Hawaii State
Legislature

from
Zhizi Xiong
(Angela
Melody
Young)
Creator

The Research from the legislature finds that DOE currently has basic emergency response guidance. There is a gap between guidance provided to administer first aid and the training & preparedness of personnel during emergencies. The purpose of this act is to supplement the DOE's emergency procedures to help improve responses to emergencies. Each school shall develop a known, practiced and maintained communication method to activate during emergency response with their critical emergency team members. Each member shall respond in good faith when activated. The measure also appropriates funds.

It is imperative to support our school's emergency response teams so that our students can receive medical care in a timely manner.

Blessings,



808-724-0047

ANGELA MELODY YOUNG

alohadivinedesign@gmail.com





CARES

Works cited

- Emergency Response Crisis Management - District PL.
https://rems.ed.gov/docs/repository/REMS_000048_0011.pdf.



February 4, 2023

TO: The 2023 Hawai'i State Legislature

RE: HB942 & SB830

Critical Medical Emergency Response in the Hawai'i Department of Education Public Schools

To be very honest from the start, this legislation was authored, unfortunately, after a choking incident with our son.

Our research has indicated that there are many other states that were not able to support this kind of reform until after a death and/or lawsuit. **Fortunately**, however, our son is alive and well and our 'ohana can continue to believe firmly in *prevention* as the best medicine.

In early January of this year our son, a public middle school student, began choking on a piece of pork that was a part of his school lunch and his teacher, **rightfully and appropriately**, responded by giving him abdominal thrusts and his airway was cleared enough for him to start breathing again. We got a call from the school nurse about 30 minutes after the lunch period saying he needed to be picked up because he was throwing up. It wasn't until we were in the Emergency Room at Pali Momi (*where he could not stop vomiting*) that we got an email from his teacher informing us of the full incident (*this was about 3 hours later*).

We would like to make it clear that we *appreciate and support this teacher wholeheartedly*, but this experience (*especially the procedures and notification mechanisms*) really jarred us, and we wanted to not only understand, but to **help**.

As we learned more and more (*from the teacher, then the vice principals, then the principal, then the complex superintendent's office, and eventually the Director of Safety, Security and Emergency Preparedness for the Department of Education*) about the technicalities of policies and procedures around incidents of this type, we came to realize there really **weren't any**. It was at the safety directors' prompting that "statute would be important" that we proceeded.

So, we went to our community. Of the friends and family (*all public-school parents*) that we casually surveyed after this incident, 33 of 37 assumed this was already "a thing" (*26 actually incorrectly thought all teachers were actually CPR/First Aid trained as a normative requirement*). Folks just didn't know.

We then spoke with representatives from every relevant organization that we could think of before developing these bills, including reaching out directly to the Board of Education (BOE). Among many others we called the Hawai'i State Teachers Association (HSTA), the Hawai'i Government Employees Association (HGEA), as well as the Occupational Services and Health Administration (OSHA) and the American Red Cross (ARC). We understand that there are complexities in our systems that are often difficult to navigate for large groups, such as the Department of Education, but not one person disagreed with this concept.

The language in these bills simply asks that all schools be required to have a critical medical emergency response **PLAN** and to practice it. *NOT* that all teacher/staff be trained in CPR/First Aid. *NOT* that all schools have the same blanket requirements. It creates consideration for unique ratios, campus size, and communication mechanisms. It is not financially burdensome (*many organizations will even train school staff for free*) and can fit in with currently existing drill schedules and quality improvement mechanisms. Previous legislation around CPR in schools has been more absolute and overarching.

Our family are several generations of "*public school kids*" from Hawai'i. Several of our family members are currently and have been public schoolteachers. Amanda works in social and human services in intergenerational trauma and early development, and Kainoa works for the Hawai'i National Guard Medivac. We are prevention people and KNOW from firsthand experience that planning and preparedness are literal LIFE SAVERS.

We honestly hope that passing this legislation is an uncontroversial and uncomplicated matter.

Mahalo nui,


Amanda & Kainoa Luning

Public School Parents, Local Public Servants

(*AND firm believers that 'systems' are just people trying their best with what they have, and we should all really just help each other out!*)

MINUTES MATTER

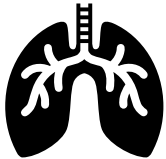
Please Support
Critical Medical Emergency
Response Plans
In Hawai‘i’s Public Schools
HB942 & SB830



Unintentional
accident/injury related
death remains the
leading cause in the
United States for person
ages 1-44. (3)



“CPR, especially if
administered immediately
after cardiac arrest, can
double or triple a person’s
chance of survival.” (1)



“Choking can
kill an
individual
within minutes,
and quick
intervention is
needed to save
the victim’s
life.” (4)



“Although injury deaths have traditionally been
viewed as “accidents,” injury-prevention science that
evolved during the latter half of the 20th century
increasingly shows that such deaths are preventable
with evidence-based approaches.” (2)

1) <https://cpr.heart.org/en/resources/cpr-facts-and-stats>

2) Cunningham RM, Walton MA, Carter PM. The major causes of death in children and adolescents in the United States. N Engl J Med 2018;379:2468-2475.

3) <https://wisqars.cdc.gov/data/lcd/home>

4) <https://www.abc10.com/article/news/family-childs-choking-death-at-school-could-have-been-prevented/103-398868292>

SB-830

Submitted on: 2/5/2023 12:02:00 PM

Testimony for EDU on 2/6/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ranya Agcaoili	Individual	Support	In Person

Comments:

I strongly believe in this testimony. As a Kindergarten and First Grade Teacher's Aide. It is Vital for the students to be SAFE and Helped if Anything should Happen in an Emergency. It is Not only for the Students but it is also for the well-being of the teachers and Parents.

Once a Parent leaves their child or children with us in school. They TRUST and Believe that their own child will be safe and Return back to them after school.

I am aware of The Board of Education and Union has disagree for liability. But there are Ways We Can Figure out upon protecting the Teachers and School if anything should not go right which could be upon circumstances. But there are Ways to Protect the Teachers, Schools, Board of Education, etc. Not only with the (Samaritan Law) but ways we can figure out in bills for liabilities, coverages, money to support, etc.

It's actually a Win-Win Situation for the Safety of the Students, Teachers, Schools, Hawaii, and for the Parents! If liability is the Fear of being Sued if anything should go not as planned. There is Ways WE All can figured out to MAKE a BILL to protect all in capacities. There are already 13 and more States who have Already passed a Bill for All teachers to be CPR certified. Learn and Look in the pros why they choose to figure out a bill to be passed for All their Students. Hawaii Can Do It, We just got to Figure it out together to cover and protect all what you folks are reasoning or in fear upon not passing the bill. Look at in in a different angle of the bigger picture. Then you leaders will realize that maybe it is not a bad thing after all to pass a bill to have teachers be CPR Certified.



Hawai'i Children's Action Network Speaks! is a nonpartisan 501c4 nonprofit committed to advocating for children and their families. Our core issues are safety, health, and education.

To: Senator Kidani, Chair
Senator Kim, Vice Chair
Senate Committee on Education

Re: SB830, relating to emergency medical response
3:00 p.m., Feb. 6, 2023

Aloha Chair Kidani, Vice Chair Kim and committee members,

On behalf of Hawai'i Children's Action Network (HCAN) Speaks!, mahalo for the opportunity to **testify in SUPPORT of Senate Bill 830, relating to emergency medical response.**

When parents and families drop their children off at school each morning, they expect that their child will be safe if an unfortunate accident or emergency happens. SB830 will ensure all schools are equipped with a plan if such an emergency happens. It ensures schools practice those plans regularly. And, it provides necessary appropriations so schools can be supported in creating and carrying out plans.

We hope that no school will ever need the plans this bill would require, but we know that hope is not a plan. We believe this is an important measure to make sure schools are ready to support children, faculty and staff in a medical emergency. **Please support SB830.**

Mahalo,

Ke'ōpū Reelitz
Director of Early Learning and Health Policy

SB-830

Submitted on: 2/2/2023 6:16:18 PM

Testimony for EDU on 2/6/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
cheryl B.	Individual	Support	Written Testimony Only

Comments:

SUPPORT this bill which requires each Department of Education school to establish a critical medical emergency response team. Appropriates moneys. As a retired educator, it is essential to have this capability in all schools.

SB-830

Submitted on: 2/3/2023 10:25:44 AM

Testimony for EDU on 2/6/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Victor K. Ramos	Individual	Support	Written Testimony Only

Comments:

SUPPORT: May prove to enhance emergency capabilities for the teachers and students in our schools. How this affects the HGEA union contracts will be interesting if passed.

SB-830

Submitted on: 2/5/2023 8:14:15 AM

Testimony for EDU on 2/6/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nicole Loria	Individual	Support	Written Testimony Only

Comments:

As a parent to a 6 year old that attends public school I was completely oblivious to the lack of emergency medical response plans in public schools. Through Amanda Luning's experience I was informed for the first time ever that the only states that have implemented these policies have done so due to the death of a child on school grounds who was not properly tended to during emergency. I guarantee that if all parents were properly informed of this deficit they would protest and demand change. We have been kept in the dark while risking our child's safety every day. Parents deserve to be properly informed and children safe in school.

SB-830

Submitted on: 2/5/2023 11:54:22 AM

Testimony for EDU on 2/6/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Evans	Individual	Support	Written Testimony Only

Comments:

As a parent of 5 children and grandparent of 9 children this should have been done years ago!!

SB-830

Submitted on: 2/5/2023 1:41:40 PM

Testimony for EDU on 2/6/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Keala Lee	Individual	Support	Written Testimony Only

Comments:

Our children's safety is important and is top priority. They need to have emergency procedures in place for our Keiki. They are our future and we need to protect and care for them.

SB-830

Submitted on: 2/5/2023 3:37:31 PM

Testimony for EDU on 2/6/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Judy Berry	Individual	Support	Written Testimony Only

Comments:

Please pass this bill to appropriate funds. Children in schools need to be able to have immediate first aid and the logistics of the response process needs to be much more efficient.

Thank you for your consideration!

SB-830

Submitted on: 2/5/2023 4:15:19 PM

Testimony for EDU on 2/6/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cheryl Harris	Individual	Support	Written Testimony Only

Comments:

As a parent of 2 public school children, I support this bill. Please support this bill to ensure the safety of all children.

SB-830

Submitted on: 2/5/2023 4:25:05 PM

Testimony for EDU on 2/6/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Charlee Tanuvasa	Individual	Support	Written Testimony Only

Comments:

This is great, please vote for it!

SB-830

Submitted on: 2/6/2023 12:13:54 AM

Testimony for EDU on 2/6/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carrie Archibald	Individual	Support	Written Testimony Only

Comments:

I am in support of this bill as a public educator and family friend of the Lunings. I am grateful that I have yet to be in a position, as a classroom teacher and school employee, to have been faced with a life and death situation but I realize after hearing of Noah's incident that I wouldn't be able to act and all I have ever been told to do is to call an administrator and 911. However, minutes matter and I cannot imagine that calling someone other than someone who is on campus and is prepared to respond, would provide the required timely response that can make the difference between life and death. Parents send their children to public school every day, in fact they are required to do so, and it is assumed that the school will act and care for their child as responsibly and professionally as the parent themselves. This gap in policy MUST be filled and this bill will do so.

SB-830

Submitted on: 2/5/2023 9:16:16 PM

Testimony for EDU on 2/6/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Darlyn Chen Scovell	Testifying for Hawaii FASD Action Group	Support	Written Testimony Only

Comments:

THE SENATE

KA ‘AHA KENEKOA

THE THIRTY-SECOND LEGISLATURE

REGULAR SESSION OF 2023

COMMITTEE ON EDUCATION

Senator Michelle N. Kidani, Chair

Senator Donna Mercado Kim, Vice Chair

NOTICE OF HEARING

DATE: Monday, February 6, 2023

TIME: 3:00 PM
Conference Room 229 & Videoconference

PLACE: State Capitol

415 South Beretania Street

To: The Honorable Senator Michelle N. Kidani, Chair

The Honorable Senator Donna Mercado Kim, Vice Chair

Members of the Senate Committee on Education

POSITION: **STRONG SUPPORT - SB 830**

My name is Darlyn Chen Scovell, a volunteer advocate for families and children with FASD (Fetal Alcohol Spectrum Disorder) and the Hawaii FASD Action Group. Being the voice of children who have none and individuals with FASD who have been marginalized, unrecognized,

and without help, attention, and services for many years. I am writing in **STRONG SUPPORT of SB 830.**

More than 326,000 emergency medical services-assessed out-of-hospital cardiac arrests occur annually in the United States. Of this figure, an estimated 6,300 out-of-hospital cardiac arrests happen to children. CPR, which is being recommended for Hawaii schools, can be taught by one Certified CPR Instructor under the DOE System and can be considered for continuing education for teachers.

This Bill aims to secure Hawaii Children's Safety in schools.

Hawaii can achieve better survival rates through a well-educated community and teachers all working with children trained in life-saving CPR, First Aid, and AED. Many states have much better survival rates than Hawaii's, so we know we can do better. Cardiac arrest can occur without warning or symptoms from an electrical short circuit in the heart. No one is immune to it - not even children, athletes, and seemingly healthy adults. However, cardiac arrest can also be related to blockages of the coronary arteries, as might occur with a heart attack.

“Although injury deaths have traditionally been viewed as “accidents,” injury-prevention science that evolved during the latter half of the 20th century increasingly shows that such deaths are preventable with evidence-based approaches.”

Please Support and Pass SB 830 - Critical Medical Emergency Response Plans in Hawai'i's Public Schools

Taking Care of our Tomorrow Today

Mahalo Nui Loa, for your kind consideration and your unfailing support.

Always with Gratitude.

Respectfully yours,

Darlyn Chen Scovell MA, CSAC, ICADC, RBT