(b) This Act applies beginning with the first school year that begins after the date on which this Act takes effect under Subsection (a) of this section.

(c) If the commissioner of education obtains any necessary waiver or receives written notification as described by Subsection (a) of this section, the commissioner shall certify that the commissioner has obtained the waiver or received notification that a waiver is not required, as applicable, and shall publish notice of that fact in the Texas Register as soon as practicable after obtaining the waiver or receiving notification.

Passed by the House on May 3, 2013: Yeas 142, Nays 0, 1 present, not voting; the House concurred in Senate amendments to H.B. No. 866 on May 23, 2013: Yeas 146, Nays 0, 2 present, not voting; passed by the Senate, with amendments, on May 21, 2013: Yeas 29, Nays 2.

Approved June 14, 2013.

This Act takes effect on any date not later than September 1, 2015, on which the commissioner of education obtains a specified waiver from the application of federal law or regulation or receives written notification that a waiver is not required; Section 2 takes effect September 1, 2017.

CHAPTER 1268

H.B. No. 870

AN ACT

relating to Prairie View A&M University’s eligibility to participate in the research development fund.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 62.003(1), Education Code, is amended to read as follows:

(1) Except as otherwise provided by Subchapters C, D, E, F, and G, “eligible institution” means the eligible agencies and institutions of higher education listed in Article VII, Section 17(b), of the Constitution of Texas, and any institution or agency of higher education that is later made eligible to participate in the disbursement of funds pursuant to Article VII, Section 17(c), of the Constitution of Texas.

SECTION 2. Section 62.092(2), Education Code, is amended to read as follows:

(2) “Eligible institution” means a general academic teaching institution, as defined by Section 61.003, other than The University of Texas at Austin or Texas A&M University.

SECTION 3. Subchapter E, Chapter 62, Education Code, is amended by adding Section 62.0925 to read as follows:

Sec. 62.0925. ELIGIBILITY OF PRAIRIE VIEW A&M UNIVERSITY. (a) Notwithstanding Section 62.092(2), Prairie View A&M University is an eligible institution for purposes of eligibility for a distribution from the research development fund under this subchapter for a state fiscal year only if the university is not an eligible institution for that fiscal year for purposes of eligibility for an appropriation or distribution from the Texas competitive knowledge fund established under other law.

(b) Notwithstanding Section 62.092(2) or Subsection (a) of this section, for the state fiscal biennium ending August 31, 2017, Prairie View A&M University is an eligible institution for purposes of eligibility for a distribution from the research development fund under this subchapter only if the total amount of money appropriated for that state fiscal biennium for distributions from the fund to those eligible institutions that received distributions from the fund in the preceding state fiscal biennium is not less than the total amount of money that was appropriated for distributions from the fund to those eligible institutions for that preceding state fiscal biennium, such that the distribution to Prairie View A&M University of the proportionate share of the fund to which the university is entitled under the methodology prescribed by Section 62.095 for the state fiscal biennium ending August 31, 2017, does not have the effect of reducing the amounts from the fund to which the other
eligible institutions are entitled for that state fiscal biennium. This subsection expires January 1, 2018.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Passed by the House on April 25, 2013: Yeas 135, Nays 0, 1 present, not voting; the House concurred in Senate amendments to H.B. No. 870 on May 26, 2013: Yeas 129, Nays 10, 5 present, not voting; passed by the Senate, with amendments, on May 21, 2013: Yeas 31, Nays 0.

Approved June 14, 2013.
Effective June 14, 2013.

CHAPTER 1269

H.B. No. 897

AN ACT

relating to instruction in cardiopulmonary resuscitation in secondary education curriculum.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. This Act may be cited as the Edmund Kuempel Act.

SECTION 2. Section 28.0023, Education Code, is amended by amending Subsections (b) and (c) and adding Subsections (d), (e), (f), and (g) to read as follows:

(b) The State Board of Education by rule shall require instruction in cardiopulmonary resuscitation for students in grades 7 through 12 and the use of an automated external defibrillator as part of the essential knowledge and skills of the health curriculum under Section 28.002(a)(2)(B).

(c) A school district or open-enrollment charter school shall provide instruction to students in grades 7 through 12 in cardiopulmonary resuscitation and the use of an automated external defibrillator in a manner consistent with the requirements of this section and State Board of Education rules adopted under this section. The instruction may be provided as a part of any course. A student shall receive the instruction at least once before graduation.

(d) A school administrator may waive the curriculum requirement under this section for an eligible student who has a disability.

(e) Cardiopulmonary resuscitation instruction must include training that has been developed:

(1) by the American Heart Association or the American Red Cross; or

(2) using nationally recognized, evidence-based guidelines for emergency cardiovascular care and incorporating psychomotor skills to support the instruction.

(f) For purposes of Subsection (e), “psychomotor skills” means hands-on practice to support cognitive learning. The term does not include cognitive-only instruction and training.

(g) A school district or open-enrollment charter school may use emergency medical technicians, paramedics, police officers, firefighters, representatives of the American Heart Association or the American Red Cross, teachers, other school employees, or other similarly qualified individuals to provide instruction and training under this section. Instruction provided under this section is not required to result in certification in cardiopulmonary resuscitation. If instruction is intended to result in certification in cardiopulmonary resuscitation, the course instructor must be authorized to provide the instruction by the