



House of Representatives

File No. 851

General Assembly

January Session, 2013

(Reprint of File No. 393)

Substitute House Bill No. 5113
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 24, 2013

AN ACT CONCERNING POOL SAFETY AT PUBLIC SCHOOLS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2013*) (a) For purposes of this
2 section:

3 (1) "School swimming pool" means any swimming pool approved
4 for use by a local or regional board of education for student aquatic
5 activities;

6 (2) "Student aquatic activities" means any physical education class,
7 interscholastic athletics or extracurricular activities offered to students
8 by a local or regional board of education that makes use of a school
9 swimming pool;

10 (3) "Qualified swimming coach" means any person who (A) holds a
11 valid coaching permit issued by the State Board of Education, and (B)
12 (i) is certified as a lifeguard by the American Red Cross or another
13 nationally-recognized organization that conducts aquatic training
14 programs, (ii) has completed a safety training for swim coaches and

15 instructors course offered by the American Red Cross or an
16 organization approved by the State Board of Education, or (iii) was
17 certified as a lifeguard for at least five years during the previous ten
18 years and has at least five years' experience as a swimming coach or an
19 instructor of a physical education course that makes use of a school
20 swimming pool;

21 (4) "Qualified educator" means any person who (A) holds a valid
22 certificate issued by the State Board of Education, pursuant to section
23 10-145b of the general statutes, with an endorsement in physical
24 education, (B) (i) is certified as a lifeguard by the American Red Cross
25 or another nationally-recognized organization that conducts aquatic
26 training programs, (ii) has completed a safety training for swim
27 coaches and instructors course offered by the American Red Cross or
28 an organization approved by the State Board of Education, or (iii) was
29 certified as a lifeguard for at least five years during the previous ten
30 years and has at least five years' experience as a swimming coach or an
31 instructor of a physical education course that makes use of a school
32 swimming pool, (C) is certified in cardiopulmonary resuscitation,
33 pursuant to section 19a-113a-1 of the regulations of Connecticut state
34 agencies, as amended from time to time, and (D) has completed a
35 course in first aid offered by the American Red Cross, the American
36 Heart Association, the Department of Public Health or any director of
37 health;

38 (5) "Qualified lifeguard" means any person who (A) is sixteen years
39 of age or older, (B) is certified as a lifeguard by the American Red
40 Cross or another nationally-recognized organization that conducts
41 aquatic training programs, (C) is certified in cardiopulmonary
42 resuscitation, pursuant to section 19a-113a-1 of the regulations of
43 Connecticut state agencies, as amended from time to time, and (D) has
44 completed a course in first aid offered by the American Red Cross, the
45 American Heart Association, the Department of Public Health or any
46 director of health.

47 (b) For the school year commencing July 1, 2013, in addition to the

48 person responsible for conducting any student aquatic activity that
49 makes use of a school swimming pool, there shall be at least one
50 qualified educator, qualified swimming coach or qualified lifeguard
51 who shall be solely responsible for monitoring such school swimming
52 pool during such student aquatic activities for swimmers who may be
53 in distress and providing assistance to such swimmers when
54 necessary.

55 (c) For the school year commencing July 1, 2014, and each school
56 year thereafter, no local or regional board of education shall offer a
57 physical education course that makes use of a school swimming pool
58 unless there is at least one qualified educator who shall serve as the
59 instructor of such physical education course and be responsible for
60 implementing the provisions of the school swimming pool safety plan
61 developed pursuant to subsection (f) of this section, and at least one
62 qualified educator, qualified swimming coach or qualified lifeguard
63 whose primary responsibility is to monitor the school swimming pool
64 for swimmers who may be in distress and provide assistance to such
65 swimmers when necessary.

66 (d) For the school year commencing July 1, 2014, and each school
67 year thereafter, no local or regional board of education shall permit
68 any student to participate in any interscholastic athletic activity that
69 makes use of a school swimming pool unless there is at least one
70 qualified swimming coach who shall serve as a coach of such
71 participating students and be responsible for implementing the
72 provisions of the school swimming pool safety plan, developed
73 pursuant to subsection (f) of this section, and at least one qualified
74 educator, qualified swimming coach or qualified lifeguard whose
75 primary responsibility is to monitor the school swimming pool for
76 swimmers who may be in distress and provide assistance to such
77 swimmers when necessary.

78 (e) For the school year commencing July 1, 2014, and each school
79 year thereafter, no local or regional board of education shall offer any
80 extracurricular activity that makes use of a school swimming pool

81 unless there is at least one qualified lifeguard who shall (1) monitor the
 82 school swimming pool for swimmers who may be in distress and
 83 provide assistance to such swimmers when necessary, and (2) be
 84 responsible for implementing the provisions of the school swimming
 85 pool safety plan developed pursuant to subsection (f) of this section.

86 (f) Not later than July 1, 2014, each local or regional board of
 87 education that offers student aquatic activities at a school swimming
 88 pool shall adopt a school swimming pool safety plan that ensures
 89 compliance with this section and includes any other provisions
 90 deemed necessary and appropriate for ensuring the safety of students
 91 who use such school swimming pool for student aquatic activities.
 92 Such school swimming pool safety plan shall be reviewed and updated
 93 as necessary prior to the commencement of each school year.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2013	New section

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact:

Municipalities	Effect	FY 14 \$	FY 15 \$
Various Local and Regional School Districts	STATE MANDATE - Cost	Potential Minimal	Potential Minimal

Explanation

The bill could result in a potential minimal cost to various local and regional school districts associated with requiring at least one certified person, in addition to the instructor, to be present in a school's swimming pool when students are participating in aquatic activities. It is anticipated that the cost of employing a lifeguard ranges from \$10-\$25 per hour, depending on the location and situation. The bill does not require that local and regional school districts hire a second person to be present in the swimming pool, so it is possible that volunteer life guards could also be used, which would result in no cost to the district. Also, for a district with no school-operated swimming pools, the bill results in no cost.

It is unknown how many hours the additional lifeguard would be hired, but assuming an average rate of \$17.50 per hour, the district could employ the lifeguard for 500 hours, which would result in a cost of \$8,750 to the district. It is unknown how many pools are operated by local and regional school districts, statewide.

The bill also establishes qualifications that a school's swim coach, teacher, or instructor must meet, and requires the school to develop a

pool safety plan. These additional requirements are not anticipated to result in an additional cost to the district, as they are procedural in nature.

House "A" struck the underlying bill and its associated fiscal impact and replaced it with the impact described above.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the hourly rate of lifeguards and the number of hours they are needed.

OLR Bill Analysis**sHB 5113 (as amended by House "A")******AN ACT CONCERNING POOL SAFETY AT PUBLIC SCHOOLS.*****SUMMARY:**

This bill establishes and phases in statewide safety standards for public school swimming pools when being used for physical education classes, interscholastic activities, or extracurricular activities (i.e., student aquatic activities). The bill applies to any pool a school board approves for such activities.

For the school year starting July 1, 2013, the bill requires that, in addition to the person conducting student aquatic activities at a school pool, at least one qualified educator, swimming coach, or lifeguard must be present to monitor swimmers who may be in distress and to help them, when necessary.

For all school years, starting July 1, 2014, the bill prohibits school boards from offering any physical education course or extracurricular activities, or permitting students to participate in interscholastic activities, at a school pool unless certain qualified attendants, as specified in the bill, are present. By July 1, 2014, it requires all school boards offering such courses or activities at a school pool to adopt a pool safety plan ensuring compliance with the bill.

*House Amendment "A" replaces the underlying bill, which established qualifications for school swimming coaches and instructors and required at least one person to be present to monitor school pools for swimmers in distress, and changes the effective date from October 1, 2013 to July 1, 2013.

EFFECTIVE DATE: July 1, 2013

POOL SAFETY STANDARDS FOR SCHOOL YEAR STARTING JULY 1, 2013

For the school year starting July 1, 2013, the bill requires that, in addition to the person responsible for conducting any student aquatic activity at a school pool, at least one qualified educator, swimming coach, or lifeguard must be present. The additional person must be solely responsible for monitoring the pool for swimmers who may be in distress and helping them, when necessary.

Qualified Swimming Coach and Qualified Educator

Under the bill, a “qualified swimming coach” is someone who holds a valid coaching permit issued by the State Board of Education (SBE). A “qualified educator” is someone who (1) holds a valid SBE certificate, with an endorsement in physical education; (2) is state-certified in cardiopulmonary resuscitation (CPR); and (3) has completed a first aid course offered by the American Red Cross, the American Heart Association, the Department of Public Health, or any director of health.

Both the coach and educator must also:

1. be certified as lifeguards by the American Red Cross or another nationally recognized organization that conducts aquatic training programs,
2. complete a safety training course for swim coaches and instructors offered by the American Red Cross or an SBE-approved organization, or
3. be certified as lifeguards for at least five of the previous 10 years and have at least five years’ experience as a swimming coach or an instructor of a physical education course that makes use of a school swimming pool.

Qualified Lifeguard

The bill defines a “qualified lifeguard” as anyone who (1) is age 16 or older; (2) is certified as a lifeguard by the American Red Cross or

another nationally recognized organization that conducts aquatic training programs; (3) is certified in CPR under state law; and (4) has completed a first aid course offered by the American Red Cross, American Heart Association, Department of Public Health, or any health director.

SWIMMING POOL SAFETY PLAN

The bill requires local and regional school boards that offer student aquatic activities to adopt, by July 1, 2014, a pool safety plan that ensures compliance with the bill and review and update the plan as necessary before the start of each school year. The plan must also include any other provisions deemed necessary and appropriate for ensuring the safety of students who use school pools for aquatic activities.

POOL SAFETY STANDARDS FOR SCHOOL YEAR STARTING JULY 1, 2014

For school years, starting July 1, 2014, the bill prohibits local or regional school boards from allowing students to participate in any interscholastic athletic activity, or offering any extracurricular activity or physical education course, at a school pool unless certain qualified individuals are present while the activities are taking place. It sets separate requirements for the different activities.

In the case of interscholastic activity, there must be at least one qualified swimming coach who coaches the participating students and is responsible for implementing the school swimming pool safety plan. Additionally, at least one qualified educator, swimming coach, or lifeguard must be present whose primary responsibility is to monitor the pool for students in distress and provide help when necessary.

In the case of extracurricular activity, at least one qualified lifeguard must monitor the pool for swimmers who may be in distress and provide assistance to them when necessary. He or she must be responsible for implementing the provisions of the pool safety plan.

In the case of a physical education course, there must be at least one

qualified educator who serves as the course instructor and at least one other educator, swimming coach, or lifeguard whose primary responsibility is to monitor the pool for swimmers in distress and provide assistance, if necessary. The course instructor is responsible for implementing the pool safety plan.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 23 Nay 0 (03/19/2013)