



House of Representatives

General Assembly

File No. 461

January Session, 2013

Substitute House Bill No. 6503

House of Representatives, April 11, 2013

The Committee on Education reported through REP. FLEISCHMANN of the 18th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING PUBLIC SCHOOL POOL SAFETY.

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

1 Section 1. (NEW) (*Effective July 1, 2013*) (a) No certified employee
2 with an endorsement in physical education shall serve as an instructor
3 of a physical education course that makes use of a swimming pool
4 unless such person (1) is a certified lifeguard, (2) is certified in
5 cardiopulmonary resuscitation, pursuant to section 19a-113a-1 of the
6 regulations of Connecticut state agencies, as amended from time to
7 time, and (3) has completed a course in first aid offered by the
8 American Red Cross, the American Heart Association, the Department
9 of Public Health or any director of health, as certified by the agency or
10 director of health offering the course.

11 (b) A local or regional board of education that offers a physical
12 education course that makes use of a swimming pool may allow a
13 person who meets the requirements of subdivisions (1) to (3),
14 inclusive, of subsection (a) of this section, and is sixteen years of age or

15 older to assist the instructor in the supervision of such physical
16 education course, provided such person is under the supervision of the
17 certified employee described in subsection (a) of this section as
18 qualified to be an instructor.

19 (c) No local or regional board of education shall offer a physical
20 education course that makes use of a swimming pool that does not
21 have at least one person who satisfies the qualifications of subsection
22 (a) of this section to serve as an instructor of such physical education
23 course and at least one additional person who satisfies the
24 qualifications of subsection (a) or (b) of this section to supervise the
25 students who are in the swimming pool during such physical
26 education course.

27 (d) Any local or regional board of education that offers a physical
28 education course that makes use of a swimming pool shall develop a
29 swimming pool safety plan. Such swimming pool safety plan shall
30 include, but not be limited to, best practices regarding swimming pool
31 safety and be in accordance with the provisions of this section and the
32 requirements of the Public Health Code of this state established by the
33 Commissioner of Public Health under the provisions of section 19a-36
34 of the general statutes.

35 Sec. 2. (*Effective July 1, 2013*) Not later than July 1, 2014, the
36 Commissioner of Public Health shall adopt regulations, in accordance
37 with the provisions of chapter 54 of the general statutes, to amend
38 sections 19-13-B33b, 19-13-B34 and 19-13-B36 of the regulations of
39 Connecticut state agencies to include swimming pools and
40 natatoriums located at schools.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2013</i>	New section
Sec. 2	<i>July 1, 2013</i>	New section

ED *Joint Favorable Subst.*

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 \$
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.

Lastly, there is no fiscal impact to the Department of Public Health (DPH) to adopt regulations to amend the Public Health Code to include swimming pools and natatoriums located at schools as these regulations already exist. Public school pools fall under Public Health Code 19-13-B33b¹

The Out Years

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

¹Swimming pools and natatoriums in schools are not subject to the provisions of the Public Health Code sections 19-13-B34 and 19-13-B36, required for amendment under the bill, as these sections apply to bathing areas and not public pools.

OLR Bill Analysis**sHB 6503*****AN ACT CONCERNING PUBLIC SCHOOL POOL SAFETY.*****SUMMARY:**

This bill (1) requires all public schools to have at least two qualified staff members on duty for all classes at a swimming pool and (2) establishes minimum qualifications for pool staff.

It requires all local and regional boards of education to develop swimming pool safety plans. Also, by July 1, 2014, the public health commissioner must adopt regulations to include swimming pools and natatoriums in schools in the existing regulations regarding public pools.

EFFECTIVE DATE: July 1, 2013

QUALIFICATIONS AND STAFFING***Minimum Staffing***

The bill requires a board of education that offers a physical education course using a swimming pool to have at least one instructor and another instructor or a lifeguard on duty to supervise the students for all pool classes. The instructor and the lifeguard must meet the bill's qualifications.

Instructors

The bill requires all certified physical education instructors (i.e., teachers, administrators, or other professional staff) who teach courses using a swimming pool to (1) be a certified lifeguard; (2) be certified in cardiopulmonary resuscitation offered by the American Heart Association (AHA) or the American Red Cross (ARC); and (3) complete a first aid course offered by the AHA, ARC, public health department, or any health director, as certified by the agency or

director offering the course.

Lifeguards

The bill allows a local or regional board of education to hire a lifeguard to help the swimming instructor supervise the swimming class if the lifeguard is at least 16 years old and meets the above criteria for an instructor. The lifeguard must be under the supervision of the certified instructor.

POOL SAFETY PLAN

Under the bill, any board that offers a physical education course using a pool must develop a pool safety plan. The plan must, at a minimum, include best practices regarding pool safety and conform with the bill's provisions and the state Public Health Code. The bill does not set a deadline to complete the plan.

BACKGROUND

Related Bill

sHB 5113 (File 393), favorably reported by the Public Safety and Security Committee also (1) establishes qualifications that a school's swimming teacher, coach, or instructor must meet and (2) generally requires that when a student is using a school pool for aquatic activities, at least one person must be present, besides the instructor, whose primary responsibility is to monitor the pool for swimmers in distress.

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute

Yea 33 Nay 0 (03/22/2013)