

PA13-161

HB5113

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2013**

**VOL.56
PART 16
5210 – 5544**

THE CLERK:

Mr. Speaker on Page 9, Calendar Number 261,
Favorable Report of the Joint Standing Committee on
PUBLIC SAFETY AND SECURITY, Substitute House Bill
5113, AN ACT CONCERNING POOL SAFETY AT PUBLIC SCHOOLS.

SPEAKER SHARKEY:

The distinguished Chairman of the Public Safety
Committee, Representative Dargan.

REP. DARGAN (115th):

Thank you very much, Mr. Speaker.

I move for acceptance of the Joint Committee's
favorable report and passage of the bill.

SPEAKER SHARKEY:

The question is acceptance of the Joint
Committee's favorable report and passage of the bill.

Will you remark, sir?

REP. DARGAN (115th):

Thank you very much, Mr. Speaker.

With Memorial Day approaching and known as our
Summer Holiday, we, as a General Assembly, should
think and feel that it's important to protect our
young students, our young loved ones when they go in
the pool or Long Island Sound.

And, Mr. Speaker, I realize after a couple deaths not too far from here in Manchester and East Hartford, that we as a State did not have any uniform policies dealing with school safety.

We send our children off to school to be safe. We want them to be involved in extracurricular activities, whether it's athletics, whether it's music, whether it's to use the resources that we have of pools within our community, but we didn't have any uniform standards to protect them, Mr. Speaker, because throughout this State a number of communities implement programs in different ways. So we are here today to try to come forward with a uniform policy that will protect our loved ones to try to teach them how to swim within our public schools within our State.

And during this legislative year, Mr. Speaker, there's been a lot of people that have been very helpful. First, my Ranking Member, Janice Giegler, Chair of Education, Representative Fleischmann, Senator Stillman, and Senator Hartley upstairs, Representative Ackert, as Representative Sawyer's pointing to me, don't forget him.

Now why would I forget to forget Representative Ackert, Representative Sawyer? And a number of other individuals in this -- room, plus a number of professionals throughout the State, whether it is from the Board of Education, Department of Public Health, local aquatic individuals, Margaret Wiggerio from my community, that was helpful and instrumental for me to try to understand how these programs are implemented.

So today before us, Mr. Speaker, we think we have that final product that hopefully, will stop any future deaths within our schools. Mr. Speaker, Representative Paul Davis, who for over 40 years has taught swimming at different levels at Amity Regional High School, Representative Davis really understands pool safety and aquatic safety.

He is also -- there's not many of us in this room that are in the CIAC Hall of Fame, and Paul Davis, if you ever get the opportunity to go over to Rentschler Field, you'll see his name in the Connecticut High School Hall of Fame for his years of dedicated service to swimming and aquatics within our State. I want to thank him for his expertise as we go forward with this bill.

Mr. Speaker, thank you.

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SPEAKER SHARKEY:

Thank you, sir.

Would you care to remark further on the bill that's before us?

Representative Paul Davis of the 117th.

REP. DAVIS (117th):

Thank you, Mr. Speaker, and good afternoon.

And I would like to thank Representative Dargan for those kind words. Early on, as we were looking at this situation, Representative Dargan, in his typical diplomatic and eloquent manner, did call me and he said, "Hey Davis, listen, you're the swimming guy. We need to do something about pool safety. Let's get it done right." So we worked on it.

In any case, Mr. Speaker, the Clerk has an Amendment, LCO 7394. I would ask that the amendment be called and I be permitted to summarize.

SPEAKER SHARKEY:

Will the Clerk please call LCO 7394, which will be designated House Amendment "A".

THE CLERK:

House Amendment "A", LCO 7394, introduced by Senator -- or Representative Dargan, et al.

SPEAKER SHARKEY:

Gentleman seeks leave of the Chamber to summarize.

Is there objection? Is there objection?

Seeing none, you may proceed with summarization, sir.

REP. DAVIS (117th):

Thank you, Mr. Speaker.

This is a strike-all amendment, which will become the bill. The amendment clarifies and revises much of the language in the underlying bill, but does not significantly alter what the bill does. The amendment is a collaboration between the Public Safety Committee and the Education Committee, both of which held public hearings on their own bills and had significant input into the final product.

The amendment requires additional swimming pool safety training for both physical education teachers and coaches who work with students in an aquatic setting. It will also require local -- it will also require local officials to develop a safety plan, which will direct the type of safety programs in each swimming pool.

Lastly and most importantly, it will require a second set of eyes in the swimming pool to monitor the

students and work with them in times of distress. They will provide assistance. These monitors will be qualified, certified lifeguards, teachers or coaches. And also, it might be noted these people won't necessarily need to be employees, but they will need to have the proper qualifications.

Mr. Speaker, I move adoption.

SPEAKER SHARKEY:

Thank you, sir.

The question before the Chamber is adoption of House Amendment "A".

Will you remark? Will you remark?

Representative Giegler of the 138th.

REP. GIEGLER (138th):

Thank you, Mr. Speaker.

This bill before us is truly a cooperative effort between two Committees, as Representative Dargan eluded to, Education and Public Safety. In Public Safety, it was introduced by Representative Dargan and we really appreciate the efforts of Representative Davis and all that he did to contribute to making this a much better bill.

It's so important that we look at the safety of our students in the pool when they're doing aquatic

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activity. We hear from Parks and Rec., the American Red Cross, the Association of Schools, the Association of Athletic Directors on the importance of legislation such as this.

So I urge my colleagues' support of a very important bill for our students.

Thank you.

SPEAKER SHARKEY:

Thank you, madam.

Would you care to remark further on the amendment before us?

Representative Ackert of the 8th District.

REP. ACKERT (8th):

Thank you, Mr. Speaker.

And I too rise in strong support of this piece of legislation. As the good Chair of Public Safety had mentioned, this is a collaborative effort and we did bring in the right guy. And he found that right guy and that was Representative Davis to help out.

And, you know, there's a lot of eyes on this and I think that's the key that we now understand is we need to have more eyes on our students when they're in our local swimming pools. But I do have one -- one question for the proponent of the amendment.

Through you, Mr, Speaker.

SPEAKER SHARKEY:

Please proceed, sir.

REP. ACKERT (8th):

Just for clarification, this does not just include a facility that's on school grounds, this also includes an activity if a -- if a school is using a YMCA or another local school. This also includes the same -- this legislation also extends to that too?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Davis.

REP. DAVIS (117th):

I thank the Ranking Member for his question. And for clarification, yes this does extend to any facility that a school activity is taking place in. So if a local district is renting a YMCA pool or a municipal pool or even a private pool, all of the requirements that are required for the school pool, would now be required for that particular pool for the school activity.

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Ackert.

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REP. ACKERT (8th):

Thank you, Mr. Speaker.

And thank you to the good gentleman.

And I urge support of this piece of -- this amendment as presented.

Thank you.

SPEAKER SHARKEY:

Thank you, sir.

Would you care to remark further on the amendment before us?

Representative Berger of the 73rd.

REP. BERGER (73rd):

Thank you, Mr. Speaker, and good afternoon.

I rise to comment on the strike-all amendment that will now become the bill and I rise to, first of all, thank the Public Safety Committee, its leadership on this bill, the Education Committee, its leadership on this bill, the process of the public hearing process, which heard testimony from many, many people, and Representative Davis' expertise to help consolidate a strike-all amendment that does many of the things that everyone in this Chamber wishes it to do.

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We, in the City of Waterbury, had the unfortunate occurrence of several deaths of youths -- youth on school grounds on our -- in our public school system. And the genesis of us, as a delegation, is part of what this bill is really all about.

A good friend of mine, who is also friends with Representative Davis, David Cedela, a 35-year educator in the City of Waterbury, was also instrumental and an All-American, I think, three or four-time All-American in both in college and in high school as a diver and a graduate of Southern Connecticut State University, was -- came up and took of his own time to come up to the Public Safety Committee and testify on this bill with other administrators from the administrative level of the City of Waterbury. And part of what is in this bill today is part of what their testimony has been.

So while this may not be perfect, and certainly we can look at it and work on it now and in the future and in future legislative meetings and processes, this is a great bill that is important, that addresses a problem that has not been addressed before. So it is ground breaking.

It is an important, as Representative Dargan has said. As the summer season starts and the holiday

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season starts over Memorial Day weekend, let's be proud of what we do here today and proud of how this will affect youth in the entire State of Connecticut.

Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, sir.

Would you care to remark further on House Amendment "A".

Representative D'Amelio of the 71st.

REP. D'AMELIO (71st):

Thank you, Mr. Speaker.

I rise in strong support of the amendment before us.

I concur with my colleague from Waterbury, Representative Berger. I would like to thank the Public Safety Committee and the Education Committee for bringing forward this bill. You know, I was surprised when this -- when we were debating this bill in Public Safety Committee that we really actually didn't have a uniform policy for the State of Connecticut.

And Representative Dargan and Representative Giegler, I would like to thank you guys for recognizing that and what we have before us.

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So I urge everyone here to support this measure.
It's -- its good public policy for the State of
Connecticut. And I urge adoption.

Thank you.

SPEAKER SHARKEY:

Thank you, sir.

Would you remark further on House Amendment "A"?
Representative Hovey of the 112th.

REP. HOVEY (112th):

Thank you, Mr. Speaker.

Through you, a question to the proponent of the
bill of the amendment.

SPEAKER SHARKEY:

Please proceed, madam.

REP. HOVEY (112th):

Thank you, sir.

Just for clarification purposes so that I'm
totally clear on this when I get quizzed about it at a
later point. When we talk about a lifeguard, that
lifeguard is a second person in the pool area. There
will be like the instructor or the coach and also a
lifeguard, so that there are two pairs of eyes. Am I
correct?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Davis.

REP. DAVIS (117th):

Yes, that actually is probably the most important requirement of this amendment. And we noted and as the good Representative mentioned, there will be a teacher or a coach who will be there and the additional person could be another individual who has the right certification. Could be a lifeguard, but that person would be working with the supervisor in the pool at the time.

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Hovey.

REP. HOVEY (112th):

Thank you, Mr. Speaker.

And through you, Mr. Speaker.

When we talk about the other person having the correct certification for legislative purpose, that could be another student who had gone through the life-saving courses, had their life -- I'm not sure what the standard are -- standards are, but it does not have to be an adult per se, that's a paid professional lifeguard. Am I correct?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Davis.

REP. DAVIS (117th):

You are 100 percent correct. As a matter of fact, if most of us go to our municipal swimming pools, our beaches, our local clubs, we will find that the staff is made up almost entirely of high school and young college students who are certified by the American Red Cross in lifesaving and first aid and CPR.

And these are the types of individuals that certainly would be eligible to fulfill the position as the second person in the pool with the supervisor.

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Hovey.

REP. HOVEY (112th):

Thank you, Mr. Speaker.

And I thank the good gentleman for answering my questions.

I think that this is a very important piece of legislation. When you're involved in instructing students, you often are not able to be aware of

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everything that's going on around you. Even if you're not in something that is kind of a quasi-dangerous situation, such as around water. Even when you're in the classroom and you're giving direct instruction to one child, there may be something else going on that you're not aware of.

So to have two pairs of eyes watching and supporting students in the pool area I think is a great move forward and I support the legislation.

SPEAKER SHARKEY:

Thank you, madam.

Do you care to remark further on House Amendment "A"? Do you care to remark further on House Amendment "A"?

Representative Klarides. You have the floor, madam.

REP. KLARIDES (114th):

Thank you, Mr. Speaker.

Mr. Speaker, through you.

Just a -- just a question of the proponent.

SPEAKER SHARKEY:

Please proceed, madam.

REP. KLARIDES (114th):

Thank you.

Through you.

In Section -- Subsection F when it refers to the School Swimming Pool Safety Plan and we talk about review of it each school year. Who will actually do the review and make sure that is kept up?

Through you.

SPEAKER SHARKEY:

Representative Davis.

REP. DAVIS (117th):

For legislative intent, the School Safety Plan is to be developed (by the school district itself. I am - I expect that the superintendent or the school board will appoint the swimming professional, the one who's involved in actual supervision of the facility to develop the School Safety Plan, so that it's appropriate for that particular facility and that particular school.

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker.

I -- I thank the gentleman for his answer on that. I just want to make sure and I'm -- I'm glad he

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clarified for legislative intent that once that plan is in place, obviously, and it clearly states it needs to be updated and reviewed every year, but we know how a lot of times those things fall by the wayside.

And -- and I want to thank Representative Davis for all the work he's done. Clearly, he probably is the expert in that field in this Chamber, so thank you for the work he's done, but I just want the school districts to understand that it's a very serious issue and they -- we need to make sure this is updated each year.

Thank you.

SPEAKER SHARKEY:

Thank you, madam.

Would you care to remark further on House Amendment "A"?

Representative Floren of the 149th.

REP. FLOREN (149th):

Thank you, Mr. Speaker.

I just have a question for the proponent.

SPEAKER SHARKEY:

Please proceed, madam.

REP. FLOREN (149th):

Through you.

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I wondered, I know we have the plan and we've -- we've narrowed it to public school. Is there thinking going forward to increase it to include independent schools and Boys' and Girls' Clubs and YM's and YW's?

Through you.

SPEAKER SHARKEY:

Representative Davis.

REP. DAVIS (117th):

There -- there was some discussion and more so in the Public Safety Committee than the Education Committee about the extent at which we should have these requirements take place. We decided to focus this particular effort on the specific issue that we had identified in the public schools and had identified, actually because of, as Representative Dargan mentioned, the accidental drownings in our public school physical education classes.

I am sure that sometime in the future we may want to consider this type of plan for the rest of the pools in our State. However, I might mention that most of recreation departments, most of our YMCA's all already have this standard in place.

I know I operate a pool at a private swim club and I never open the pool without two people on duty,

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two sets of eyes. So I assume sometime in the future it came before us, but we hadn't contemplated at this time.

Through you, Mr. Speaker.

REP. FLOREN (149th):

Through you.

Thank you so much for --

SPEAKER SHARKEY:

Representative Floren.

REP. FLOREN (149th):

-- your replies and for your hard work on this.

SPEAKER SHARKEY:

Thank you, madam.

Would you care to remark further on House
Amendment "A"?

Representative Srinivasan.

REP. SRINIVASAN (31st):

Thank you, Mr. Speaker.

Good afternoon, Mr. Speaker.

I -- thank you, Mr. Speaker.

Through you, Mr. -- I too rise in strong support of this bill as amended, as we're talking about right now.

But, through you, Mr. Speaker.

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Just one question for the proponent of the amendment.

SPEAKER SHARKEY:

Please proceed, sir.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker.

Is there a number of students that have to be in the swimming pool is it -- before we have the second set of eyes? I do feel the need for the second pair of eyes in the swimming pool, but do we have a number or is it automatic that every swimming pool, when it's open, needs a second pair of eyes?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Davis

REP. DAVIS (117th):

The amendment, as proposed, does not have a specific number in it. The assumption is and the requirement is that there be a second set of eyes in all of the aquatic activities that we have currently. So the answer to that is yes on all -- for all programs, all classes, all aquatic activities.

Through you, Mr. Speaker.

SPEAKER SHARKEY:

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Representative Srinivasan.

REP. SRINIVASAN (31st):

Thank you, Mr. Speaker.

I want to thank you for the clarification. I appreciate that.

Thank you.

SPEAKER SHARKEY:

Thank you, sir.

Would you care to remark? Would you care to remark further on House Amendment "A"?

If not, let me try your minds. All those in favor of House Amendment "A", please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER SHARKEY:

Those opposed, nay.

REPRESENTATIVES:

Nay.

SPEAKER SHARKEY:

The ayes have it.

The Amendment is adopted.

Would you care to remark further on the bill as amended? Would you care to remark further on the bill

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as amended?

If not -- Representative Davis.

REP. DAVIS (117th):

Thank you, Mr. Speaker.

Just -- just to finish up a couple of comments on the bill now. I personally would like to thank our Public Safety Chair, Representative Dargan, and our Education Chair, Representative Fleischmann, for their efforts.

You can see the passion in Representative Dargan's comments. Representative Fleischmann, when we were getting off track, we had some discussions, he got us back on track in making sure that we got the points that were important here.

I would also like to thank Representative Giegler, Representative Ackert, Representative Sawyer, who contributed some important suggestions, Representative Berger, Genga, and Rojas for their contributions.

The bill is an important step in improving safety for our children. We encourage our local districts to provide these types of swimming programs for our children, if they have the proper facilities. We want to guarantee the highest level of safety. I believe

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this bill is a step in that direction and I encourage everyone to support its passage.

Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, sir.

Would you care to remark further? Would you care to remark further on the bill as amended?

If not, staff and guests to the Well of the House. Members take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll.

The House of Representatives is voting by roll. Will Members please return to the Chamber immediately?

DEPUTY SPEAKER ORANGE:

Have all members voted? Have all members voted?

Please check the board to determine if your vote has been properly cast.

If so, the machine will be locked, and the Clerk will take a tally.

Will the Clerk please announce tally?

THE CLERK:

Substitute House Bill 5113, as Amended by House "A".

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Total Number Voting	'140
Necessary for Passage	71
Those voting Yea	140
Those voting Nay	0
Absent and not voting	'10

DEPUTY SPEAKER ORANGE:

The bill, as amended, passes.

Will the Clerk please call Calendar Number 567?

THE CLERK:

Yes, Madam Speaker.

On Page 28 of today's Calendar, House Calendar 567, Favorable Report of the Joint Standing Committee on JUDICIARY, Substitute Senate Bill 238, AN ACT CONCERNING INMATE DISCHARGE SAVINGS ACCOUNTS.

DEPUTY SPEAKER ORANGE:

Representative Matthew Ritter of the 1st District.

You have the floor, sir.

REP. RITTER (1st):

Good morning, Madam Speaker.

Nice to see you this morning.

DEPUTY SPEAKER ORANGE:

Good afternoon.

REP. RITTER (1st):

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THE CHAIR:

Did you happen to see Senator Mayor -- Meyer on your way?

A VOICE:

(Inaudible.)

THE CHAIR:

Oops, sorry about that. Then --

A VOICE:

(Inaudible.)

THE CHAIR:

Senator -- we don't where he is. Okay.

If all members have voted, all members have voted, the machine will be closed.

Mr. Clerk, will you please call the tally.

THE CLERK:

House Bill 6373,

Total Number of Voting	34
Necessary for Adoption	18
Those Voting Yea	30
Those Voting Nay	4
Those Absent and Not Voting	2

THE CHAIR:

The bill passes.

Mr. Clerk.

THE CLERK:

On page 36, Calendar 649, Substitute for Bill -- House Bill Number 5113, AN ACT CONCERNING POOL SAFETY AT PUBLIC SCHOOLS, Favorable Report of the Committee on Public

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Safety.

THE CHAIR:

Senator Hartley.

SENATOR HARTLEY:

Good afternoon once again --

THE CHAIR:

Again.

SENATOR STILLMAN:

-- Madam President.

I move acceptance of the Joint Committee's Favorable Report, madam, and passage of the bill in concurrence with the House as adopted, House Amendment "A," madam.

THE CHAIR:

The motion is on acceptance and passage in concurrence.

Will you remark, ma'am?

SENATOR HARTLEY:

Yes. Yes. Thank you, Madam President.

This bill is in response to some tragedies that we have witnessed throughout the state that have occurred in our school swimming facilities. And what it does is establish statewide safety standards which hitherto fore we did not have for public school swimming pools which are used for physical education classes, (inaudible) activities or extracurricular activities.

And essentially, what it does is, starting July -- oh -- 13, several weeks away, requires that in conducting these activities that an additional person be at hand to -- to be a monitor, if you will, to be an extra set of eyes while the swimming instruction is going on.

It also -- then, by July of '14, prohibits school boards

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from offering any such courses, be they extracurricular or (inaudible) unless there is a certified attendant present. And then the school boards will also be required to adopt pool safety plans going forward.

The -- it -- it expands the definition of qualifications for those instructors, qualified swimming coaches, as well as qualified educators and lifeguards.

And I move passage, Madam President.

THE CHAIR:

Will you remark? Will you remark?

Senator Stillman.

SENATOR STILLMAN:

Yes. Thank you, Madam President.

I -- I rise in support of this bill. The Education Committee had a similar bill, and we had a little meeting of the minds and decided to, sort of, blend our ideas into the Public Safety bill. Most of our ideas were comparable so that was not a problem. We also had unanimity in our committee in terms of what we need to do to protect our students and the schools themselves when it comes time to addressing any untoward situations that could occur in the pool.

I mean, obviously, we're all saddened by the tragedies that occurred during this past year. And -- and unfortunately, that's a -- sometimes can be a wake-up call as to what we need to do.

I will say that the new requirements very much mirror American Red Cross safety requirements. And I think, at least in -- in our bill and I believe in this one, we are -- are -- we're using them as a basis for developing a bill such as this. It's obviously something we need to do.

It think that it also gives school systems even a possibility, as long as students who are -- are of an appropriate age and have been through life-saving classes and are certified, if school districts would like to -- to

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hire them the way sometimes our towns do in recreation departments, they can -- they can certainly do that.

But it's my hope that this bill will go a long way to preventing any further tragedies. And I thank Senator Hartley and Representative Dargan for their advocacy.

Thank you.

THE CHAIR:

Thank you.

Will you remark?

Senator Casano.

SENATOR CASANO:

Thank you, Madam President.

I want to applaud the two chairs of -- of Public Safety and Education for getting together on this bill.

A little over a year ago a young student from Ghana drowned in the pool in East Hartford. What are the chances that a year later a young child from Ghana will drown in the pool in Manchester? And that's exactly what's happened.

Met with many of those students. I have a student group. It seems that our rec department can -- can organize and put kids into different classifications by their ability but we don't do that. And I think this bill will protect children, so it's a great bill. And I'm very glad to see it come forward.

Thank you.

THE CHAIR:

Thank you.

Will you remark? Will you remark?

Senator Chapin.

SENATOR CHAPIN:

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Thank you, Madam President.

Madam President, a question to the proponent, through you.

THE CHAIR:

Please proceed, sir.

SENATOR CHAPIN:

Thank you, Madam President.

In looking at the fiscal note for this file copy, it says that it's a state mandate but it says House Amendment "A" had changed the fiscal impact. Can the chair lady tell me how that may have changed.

Through you, Madam President.

THE CHAIR:

Senator Hartley.

SENATOR HARTLEY:

Through you, Madam President.

Yes. And thank you for your question, Senator Chapin.

One of the important parts -- and this was very much a collaborative effort by local boards of education, swim instructors, the -- various Committees of Cognizance -- was to recognize that we had a safety issue and we did not want to create a situation where we were burdening towns with some serious expenses to the jeopardy or the detriment, possibly, of offering these courses.

And in particular, for example, in my district district, in an urban area, it is most important because many times a lot of the youth do not get a lot of exposure during -- for aquatic activities. And in many instances, this is the only opportunity we have to get them trained and comfortable in these situations which turn out to be life-long skills.

So what was done was to try and recognize that requiring

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an extra set of eyes may, in fact, mean that you are bringing on new personnel. However, there is nothing in the bill -- it was changed -- to require that that second set of eyes, that monitoring individual, be paid. We don't mandate that. Because, in the course of working through this proposal, many of -- and in fact, one of the House members, Representative Davis, who himself was a swim coach, talked about the fact that there are many who are certified as life guards who willingly participate, to just be that second set of eyes, as well as perhaps even in a -- a school setting there are certified students, students who are swim team and so forth, who also can be that second set of eyes.

And I digress a little bit to share with you that it was some years ago when I was first bringing my daughter to swimming classes, and -- and the day has never left me. Parents in this particular setting were required to sit behind a glass, sound proof wall, and all the kids were down at the pool. And there must have been about 10 kids and they were from, like, ages three to six. And they were all lined up sitting on the pool and the instructor was in the pool instructing the -- the children.

And my daughter being my daughter -- and things haven't changed to this day -- when the instructor's back was to her went off the side of the pool into the water. And it was only like four feet deep but she was three years old. And I was banging on the glass, and of course, no one could hear me because it was soundproof glass. By the time I got around, out of the room, down to the pool, he had seen her, pulled her out, but they had to administer CPR. And I have -- that day has never left me.

And, of course, when these things started to unfold in our school pools, I thought, it is about finding how to do this without a huge cost and a mandate. Long answer.

Through you, Madam President.

THE CHAIR:

Thank you.

Senator Chapin.

SENATOR CHAPIN:

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Thank you, Madam President. And I thank Senator Hartley for her digression. It was actually very compelling.

I do have a couple of other questions, however.

THE CHAIR:

Please proceed, sir.

SENATOR CHAPIN:

Thank you, Madam President.

Is the bill before us intended to place these requirements only when there's some sort of swimming class? Or in the example of a swim team that maybe doesn't meet the requirements, would these requirements before us be imposed for swim practice or swim meets after school?

Through you, Madam President.

THE CHAIR:

Senator Hartley.

SENATOR HARTLEY:

Thank you, Madam President.

And so, as the bill states, they would be for physical education classes, interscholastic activities, or extracurricular activities. So, you know, a swim team would be extracurricular. And in that instance, there's, you know, I would say, probably a lot of trained eyes to be the monitor.

THE CHAIR:

Senator --

SENATOR HARTLEY:

Through you, Madam President.

THE CHAIR:

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Senator Chapin.

SENATOR CHAPIN:

Thank you, Madam President.

And again, through you, in the event that a school may not actually have a swimming pool but they may use, perhaps, a private school's swimming pool or the local YMCA, would the requirements under this bill apply in a case like that, or do they not because it's actually off site?

Through you, Madam President.

THE CHAIR:

Senator Hartley.

SENATOR HARTLEY:

Through you, Madam President, through Senator Chapin.

The language states that it applies to any pool a school board approves for such activity. So in the instance that there is an agreement with a particular school that uses a pool, then they would be following their standard procedures, which would include now this monitor.

Thank you.

Through you, Madam President.

THE CHAIR:

Senator Chapin.

SENATOR CHAPIN:

Thank you, Madam President.

And I thank the good chairwoman of Public Safety for her answers.

THE CHAIR:

Thank you.

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Will you remark?

Senator BOucher.

SENATOR BOUCHER:

Thank you, Madam President.

Madam President, I rise to support this bill. It did get extensive review in the Education Committee, quite a bit of discussion as well. But I also do want to make sure that we're clarified that it does state that there would be a certified second individual in addition to the instructor required, given that it was changed in the House.

Through you, Madam President.

THE CHAIR:

Senator Hartley.

SENATOR HARTLEY:

Through you, Madam President.

Yes, indeed, this person has to meet certain baseline standard.

Through you, Madam President.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

And when -- through you, Madam President -- certified meaning teacher certified or certified in the area of pool safety?

Through you, Madam President.

THE CHAIR:

Senator Hartley.

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SENATOR HARTLEY:

Through you, Madam President, to Senator Boucher.

It clearly requires certification which could be through the state board of education but also requires lifeguard certification, CPR certification, or a certification that is perhaps from the Department of Public Health, all of which have a baseline of life rescue, CPR and swimming skills. Thank you.

Through you, Madam President.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Thank you, Madam President.

And through you, would the second individual have the same requirement?

Through you, Madam President.

THE CHAIR:

Senator Hartley.

SENATOR HARTLEY:

I'm so sorry, Madam President. If you could repeat that, Senator Boucher.

SENATOR BOUCHER:

Yes.

Madam President, then the second individual required to be there, as we're requiring two individuals, would they have the requirement for the same certification?

Through you, Madam President.

THE CHAIR:

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Senator Hartley.

SENATOR HARTLEY:

Through you, Madam President, to Senator Boucher.

Yes. They are to be a certified individual should they need to respond.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

So, again, through you, Madam President, then two individuals -- two certified individuals would be required to be present at all times.

Through you, Madam President.

THE CHAIR:

Senator Hartley.

SENATOR HARTLEY:

Through you, Madam President, to Senator Boucher.

Yes.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Thank you very much for the answers. Much appreciated.

THE CHAIR:

Thank you, Senator.

Will you remark?

Senator LeBeau.

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SENATOR LEBEAU:

Thank you, Madam President.

I just want to thank the chairs for bringing this bill out. As Senator Cassano mentioned, what are the chances of -- of losing a Ghanian kid one year in Manchester and the following year in -- in East Hartford. It's just a -- incredible coincidence. And I -- and I think that the -- the efforts and this bill will go a long way to prevent this in the future. And that's what we're here for is to -- to, first of all, be concerned with public safety and the wellbeing of our -- of our students in our schools. So I thank them for their efforts on everybody's behalf, and particularly the children.

Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark? Will you remark?

Senator Hartley.

SENATOR HARTLEY:

If there's no objection, Madam President, I would request that this be added to the Consent Calendar.

THE CHAIR:

Seeing no objection, seeing no objection, so ordered.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, have an item to add to the Consent Calendar, Calendar page 18, Calendar 620, Substitute for House Bill Number 6683. Would like to place that item on the Consent Calendar at this time.

THE CHAIR:

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Thank you, Madam President.

Madam President, if the Clerk would list the items on the first Consent Calendar and then if we might call for a vote on that Consent Calendar.

THE CHAIR:

Thank you.

Mr. Clerk.

It's not open, I'm not opening it. I'm waiting for you to call the (inaudible).

THE CLERK:

On Page 3, Calendar 209, Senate Bill 1033.

Page 5, Calendar 355, House Bill 6023.

Page 7, Calendar 460, House Bill 6506.

On Page 11, Calendar 505, House Bill 6406.

On Page 18, Calendar 617, House Bill 5441; Calendar 620, House Bill 6683; Calendar 623, House Bill 6365.

And on Page 19, Calendar 624, House Bill 6151.

On Page 20, Calendar 635, House Bill 5926.

Page 23, Calendar 659, House Bill 5358.

On Page 26, Calendar 680, House Bill 5666.

And on Page 29, Calendar 182, Senate Bill 1000.

Page 33, Calendar 384, Senate Bill 1067.

And on Page 36, Calendar 649, House Bill 5113.

THE CHAIR:

Thank you.

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Mr. Clerk, will you call for a roll call vote and the machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate.
Senators please return to the Chamber. Immediate roll call on Consent Calendar Number 1 has been ordered in the Senate.

THE CHAIR:

If all members have voted, if all members have voted, the machine will be closed.

Mr. Clerk, will you please call a tally.

THE CLERK:

On the first Consent Calendar of the day.

Total Number Voting	35	
Necessary for Adoption	18	
Those Voting Yea	35	
Those Voting Nay	0	
Those Absent and Not Voting		1

THE CHAIR:

Consent Calendar passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, if the Clerk would please call as the next item Calendar Page 10, Calendar 495, Senate Bill 840 from the Finance, Revenue and Bonding Committee.

THE CHAIR:

Good evening, Senator Fonfara.

SENATOR FONFARA:

**JOINT
STANDING
COMMITTEE
HEARINGS**

**PUBLIC
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REP. DARGAN: The next speaker is Representative Jeff Berger with a host of people. I don't know if Representative Davis is coming up with Representative Berger, too.

REP. BERGER: Good morning, Representative Dargan, Senator Hartley, Vice-Chair, Ranking Members. For the purposes of the record, my name is Representative Jeffrey Berger, representing the 73rd Assembly District in Waterbury.

We're here today to testify on Bill 5113 before your Committee, and before I introduce the two gentlemen that are to my right, your left, I just want to congratulate the Committee for bringing this bill up for public hearing and hopefully a bill that we will be able to vote on in the House and Senate and your leadership, Representative Dargan and Senator Hartley on this issue of pool safety.

We in the City of Waterbury experienced a death in one of our local public schools, of a pool death in 1984 and everyone in this room is aware of some recent history of deaths of students, both at the high school and middle school level that have occurred throughout the state in the public school setting, which does not have a set policy and procedure in place for pool safety.

The Ranking Members and the Chairs were given some documents that outlined Waterbury's pool policy, assessment identification, aquatic safety, et cetera.

With me, joining the Committee today are Joseph Gorman, who is the Supervisor of Health and Physical Education for the City of Waterbury and Dave Sidella, who is a teacher of 35 years in physical education and also having experience in coaching since 1980, swim and aquatic, and being a former Southern

Connecticut State University four-time diving All American. So we have a full range of expertise here.

Mr. Gorman has a prepared statement for the Committee. I would ask the indulgence of the Chairs and Ranking Members for him to please present that to the Committee.

JOSEPH GORMAN: I appreciate that. Thank you, Representative Berger. As Representative stated, my name is Joe Gorman. I'm the District Supervisor of Health and Physical Education for the City of Waterbury and Mr. Sidella is a very accomplished lifelong physical educator from Wallace Middle School.

Mr. Sidella and I were honored to accept the invitation to appear before you today regarding 5113.

It's an indisputable fact that the tragic events in East Hartford and Manchester hit the Connecticut health and physical education community close to home. Those events challenged us as professional learning communities to have rich and substantive discussions around critically examining everything that we do.

They compelled us to collectively renew our long-standing commitment to ensure the children enjoy safe learning environments at all times in all of our instructional areas.

We applaud you, Mr. Chairman, for introducing this bill to proactively advance the safety and welfare of our students and thank Representative Rojas and Nicastro for their co-sponsorship. This is critically important work that you're doing.

While we commend your efforts to establish uniformity among districts, we feel a professional responsibility to also offer information we hope you will consider when deliberating on which provisions should and should not appear in the final product.

Given the economic landscape in which we currently operate, it's no easy task to do but we hope that the policy in its end form puts, does not put mandates on districts that they will be unable to comply with.

For example, I am aware of one recommendation that would require all physical education teachers to secure and maintain water safety level, instructor level certification.

In our District of Waterbury, such a mandate would cost our department \$45,500 in initial course fees and teacher stipends, and that would be in order to certify 24 individuals. In contrast, we currently maintain American Red Cross standard lifeguard certifications for our staff with a biennial budget appropriation of approximately \$1,500.

We're also aware of a separate recommendation to establish 15 to 1 maximum student to teacher ratios. This would require hiring non-certified staff to serve as lifeguards while teachers instruct in the pool, a second pair of eyes if you will.

Even at a hardly lucrative rate of only \$10 per hour, the projected cost of four such assistant lifeguards in Waterbury, we have four pools, would exceed \$82,500 per year, and that calculation is based on a ten-month work year, a 35-hour work week.

The collective concern of many of my colleagues in the physical education community is that if

these and other such recommendations become uniform policy, districts may be compelled to abandon aquatics instruction altogether and do so in order to balance strained budgets and/or practice avoidance of liabilities.

Logistically, park and recreational organizations are not presently equipped to fill that void and we fear that such a scenario would leave thousands of our students needlessly at risk.

Collectively, Mr. Sidella and I bring you over 60 years of personal experience in health and physical instructional environments. We have literally taught tens of thousands of children how to swim and how to remain safe in and around water.

We have trained thousands more how to perform rescues that help others survive life-threatening aquatic events. Hundreds of our health and PE colleagues throughout our great state have similarly protected our children from potential harm as a direct result of the high quality swim instruction that's been provided in their schools.

In relying upon that experience, we respectfully submit the following talking points.

Number one, that water safety instructor certification while certainly valuable and desirable is not required to conduct safe aquatic instruction by trained physical education professionals. In my professional opinion, standard lifeguard certification is a far more appropriate and cost-effective fit for school aquatics programs.

Secondly, the 15 to 1 ratios are untenable. They're unnecessary and they're unsustainably

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costly to ensure safety in properly structured and actively supervised educational pool settings.

Representative Berger has supplied you with copies of the current aquatic safety policy and standard operating procedures for the Waterbury public schools. As primary architects of those documents, we're proud to offer them to you for consideration as a proven, suitably flexible and cost-efficient model for the uniform policy which you seek to generate.

I thank you for your attentiveness and consideration and will gladly entertain your questions.

REP. DARGAN: Thank you very much. Questions from Committee Members at all? Senator Hartley.

SENATOR HARTLEY: First of all, Representative Berger, thanks very much for putting this information together and bringing two quite expert witnesses before us. So Joe and Dave, thanks for being here and first of all, thanks for all that you have done in regard to this instruction over the years and in the district.

So is a lifeguard certification a lesser standard or a greater standard than water safety certification?

DAVID SIDELLA: It's a greater one. Yes. The lifeguarding is definitely a greater one. Water safety instructors are geared for just swimming lessons, just about.

Lifeguarding is the most important part. It's definitely greater than lesser.

SENATOR HARTLEY: So the ratios, you're absolutely right about the 15 to 1. I had a very harrowing personal experience actually with my daughter when she was very young. There were

about six kids lined up on the YMCA pool. The parents were all watching through the glass divider. The instructor had his back to the kids on the wall and of course, she being who she is to this day, dived in. He doesn't see her. She's under for you know, what seemed like an eternity. They got her out. They did have to do CPR.

So, it kind of like the instructor can't be instructing individually and watching the other kids.

And we in Waterbury have this issue as well at the Anderson Girls and Boys Club, and of course then the other districts, Manchester and East Hartford, so we're going to have to go through these very carefully.

I am very concerned, too, about the mandate, which would then result, especially this year, we've all heard the budget yesterday and basically truncating and shutting down our water aquatic program, and in particular in an urban district.

We now see the legal response to what has happened in these drownings and in the statistics, which are being built on those cases show that urban settings, and particularly urban youths, fare far worse in water, in pools. Far fewer of them are proficient in swimming.

So it's a fine line. But thank you very much for this very well documented submission. Thank you, Mr. Chair.

REP. DARGAN: Questions? Tony.

REP. D'AMELIO: Thank you, Mr. Chairman. Good to see you, Representative Berger.

REP. BERGER: You too, Representative.

REP. D'AMELIO: I just want to note that I feel like I'm back in school. I had Mr. Gorman as an educator. I had Mr. Krajewski who was here for the Boxing Commission and I had someone who sits on this panel, as a former teacher, so I welcome all of you. Seventh grade, Mrs. Hartley.

SENATOR HARTLEY: He's a Republican.

REP. D'AMELIO: I started off as a Democrat. Just one quick question. How are these policies instituted now? Is it just town by town, district by district?

JOSEPH GORMAN: Presently it's done in each school district. The majority of those answer, obviously to their town but there's also the regional systems and then there's the vocational system, too. So primarily, it's by district.

REP. BERGER: Thank you. If I could just follow up, Representative D'Amelio. It's our desire and it's our hope that the Committee, even though we understand home rule on this issue, it's our desire that we would hope that you would come up with at least a template of recommendations through a bill that would be vetted through this process and then be able to be instituted statewide as a template for local districts and regions to be able to follow through on, through your leadership. Thank you.

REP. DARGAN: Are there further questions? I just have one. You know, after talking to one other colleague, Representative Paul Davis, who has coached swimming at Amity in Woodbridge, Orange and Bethany for a number of years, and someone who also coached on a high school level.

Usually to get certified as a coach he goes through what's called a CIAC to become coaching

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certified, and to be certified as a teacher it's done usually through the State Board of Ed and most other components of education are done through the State Board of Ed.

But this specific issue it's not taught either through the CIAC or the State Board of Ed but just correct me, the training or component or licensing is done through Red Cross, if I'm correct.

JOSEPH GORMAN: That's the usual provider, Mr. Chairman. As Dave had mentioned before, we look at the lifeguard certification as being well in advance of water safety instruction.

And one of the reasons for that is because that certification not only requires you to be able to perform rescues, which you don't do in WSI, it does not teach you how to maintain a safe aquatic environment for patrons, for students in multiple settings.

It also requires you to have professional rescuer level first aid, CPR, AED management skills. And so, all of those things are involved in a lifeguarding certification.

In Waterbury we have, you know, for the longest time, we have always required one person with American Red Cross lifeguard certification to be present at a pool at all times.

If there is one recommendation that I would make to you above and beyond all others, it is that one. You don't necessarily need to have five or six people in there to maintain a specific ratio, but you do need a trained professional lifeguard who hopefully, in a school setting, is going to be a certified teacher, because that's a whole separate dynamic that is exceptionally effective when combined with those two specific types of

training in helping children learn how to swim safely.

REP. DARGAN: Thank you for that information, and thank you for sharing that information with us. Are there further questions from Committee Members? Hearing none, thank you very much for your testimony.

The next presenter is Representative Henry Genga.

REP. GENGA: Thank you. Officially, good afternoon. Distinguished Chairs, Representative Dargan and Senator Hartley, Ranking Member Giegler and Members of the Public Safety Committee, I am State Representative Henry Genga here to testify on behalf of House Bill 6007 AN ACT CONCERNING BLUE ALERTS.

Blue Alerts are similar to AMBER Alerts but with a different purpose. Blue Alerts are used to alert the public when a law enforcement officer has been killed, injured or missing and law enforcement agencies are searching for a suspect who is considered an imminent threat to the public.

This act informs the public of a possible danger and also to solicit assistance from the public.

I originally was contacted regarding this law by an East Hartford police officer because they believed it was very effective in police work. I think you've heard that from the Connecticut Chief of Police Association.

In order for a Blue Alert to be activated, the following criteria must be met. This criteria was used from the State of Washington. There are 15 states that now have this Blue Alert law.

Another of your colleagues, Representative Tim Ackert has proposed a bill, House Bill 6301, which would require the building inspector update the National Electric Code to be consistent with the most recent national revisions, which as of January 2014 will be the 2014 NEC and would also require that any future updates be made no later than one year following the release of a new edition on the national level.

We would support this bill and ask the Committee to consider it.

We would like to acknowledge the Codes and Standards Division of the Department of Construction Services for their recent proposal to update the electrical code to incorporate the 2011 NEC revisions.

While this has not been adopted yet, it is a promising step in the right direction and we have heard there are plans to adopt the 2014 revision in a timely manner.

We would certainly like to see this progress continue and we welcome the chance to discuss the issue in more details with both the Department and the Committee.

I thank you for your time and would answer any questions.

REP. DARGAN: Thank you, Paul. Questions from Committee Members? Hearing none, thank you. The next presenter is Representative Gentile. He's not here right now.

Next presenter is Dr. Robert Lehr.

DR. ROBERT LEHR: Good afternoon, Senator Hartley, Representative Dargan. Thank you for the opportunity to address the Safety Committee on

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the important issue of school and other pool safety.

My name is Bob Lehr and I currently work at the Connecticut Interscholastic Athletic Conference, the CIAC. This is my 49th year in which I have been involved in interscholastic or intercollegiate athletics.

Part of my service at the CIAC I served for nearly 20 years as the Director of Athletics for the Southington Public Schools. Part of my responsibility at Southington High School was overseeing our boys and girls swim teams. Our swim teams had a head coach and an assistant coach for all practices and competitions.

I believe it is critically important that all swim activities that are schools' pools, have an appropriate number on the swim deck at all times. All the persons on the school, on the swim deck should be appropriately certified.

The requirement that a school develop an operational plan is also appropriate. To not have a plan for an emergency is an invitation to misfortune. The plan should be appropriate to each school.

For example, if a pool has a deep end it should be clearly marked. Swimmers should be grouped for instruction by ability. A phone should be readily available for emergency use. These are but a few of the items that a school's plan should contain. Those plans should also be reviewed and updated each year.

The bill I know has already been submitted. I'm really here to help in any way possible to establish the best practices as we go forward in this swimming area.

REP. DARGAN: Thank you. Is there another presenter that's with you?

JOSH MEDIEROS: Good morning. My name is Josh Medieros. I am the Aquatics Director for the City of Bristol Parks and Recreation Department. I oversee three public swimming pools and over 90 employees on a year round basis. That includes lifeguards, water safety instructors and coaches.

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I have a master's degree in recreation administration and am in the doctorate program at the University of Hartford. I'm an American Red Cross lifeguard instructor and a water safety instructor trainer.

I'm here representing the Connecticut Recreation and Parks Association as the aquatic section co-chair. We represent over 600 recreation professionals in the state as well as 75 percent of the Connecticut municipal recreation departments.

We have submitted recommendations, safety recommendations and we're here to help and answer any questions you may have.

REP. DARGAN: Thanks to both of you for being here. Senator.

SENATOR HARTLEY: Thank you very much for your testimony and your written submission.

So Doctor, who would review these plans? They should be reviewed annually, you said. By who?

DR. ROBERT LEHR: You're addressing me?

SENATOR HARTLEY: Yes.

DR. ROBERT LEHR: Thank you. The physical education department, the supervisor. It depends on the school system, but certainly the supervisor and

physical education for a school system should be reviewing those along with the school principal.

SENATOR HARTLEY: On an annual basis you're saying?

DR. ROBERT LEHR: On an annual basis, yes.

SENATOR HARTLEY: Because? The pool doesn't change, right? You have --

DR. ROBERT LEHR: I think to review it simply to make sure that everything that was in the plan was operating and operating efficiently. I think that's a good way to address any future things, by reviewing what's going on throughout the past year, making any changes where there may have been some weaknesses in the plan where maybe some things weren't addressed. Those would be issues that would be addressed in the future plan.

SENATOR HARTLEY: And so you're not suggesting that there be uniform plans across the state? You're suggesting that it's peculiar to each particular pool and school?

DR. ROBERT LEHR: Yes. I think each school, for instance, Pomperaug High School has an excellent operational plan that is specific to Pomperaug High School.

Now plans for instance may incorporate anything concerning the deep end because a pool may not have a deep end. But I think generally, most of them would be able to go across the board but I do think that they should be specific to each school system.

SENATOR HARTLEY: Thank you.

REP. DARGAN: Other questions from Committee Members? Thank you very much for your testimony.

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11:00 A.M.

REP. DARGAN: Any questions? Hearing none, thank you very much for your testimony.

JEFFREY DRESSLER: Thank you.

REP. DARGAN: The next presenter is Fred Balicki.

FRED BALICKI: Good afternoon. Mr. Chairman, Members of the Public Safety and Security Committee, my name is Fred Balicki. I live in Manchester, Connecticut.

I'm speaking today in support of developing the Proposed Bill Number 5113 AN ACT CONCERNING POOL SAFETY AT PUBLIC SCHOOLS as introduced by Representative Dargan.

Thank you for having a public hearing on this issue. I'm going to abbreviate my recommendations since I turned in the subject report already.

I've been working at the Indian Valley YMCA in Ellington, Connecticut as a lifeguard for the past two years. I'm a retired Connecticut state employee, having worked at the Departments of Developmental Services, DDS, and Public Health. My previous job at DDS was Quality Review Specialist Supervisor, a role that I performed for 21 years.

I strongly encourage the Public Safety and Security Committee to establish a statewide policy and standards for public school pool safety that promotes vigilance and protections for swimmers by including the following recommendations.

One, have lifeguards certified in Red Cross lifeguarding, first aid, CPR and AED on duty during all aquatic activities. This includes recreational swimming, swimming lessons and other aquatics lessons, competitive swim team

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practice and meets and other water sport activities.

Identify minimum lifeguard to swimmer ratios in your new policy.

Have a Red Cross certified water safety instructor on staff at each public school to supervise the implementation of pool safety policies and procedures, provide professional direction and in-service training to lifeguards, and supervise the lifeguard's scanning practices.

Three, an aquatic emergency procedure action plan is ready to operate in each public school swimming pool.

Four, each public school pool has available for immediate use a necessary aquatic rescue and emergency equipment that is maintained in complete working order.

Five, each public school pool has a standard swim testing procedure implemented to identify and manage swimmers of different abilities and ages, particularly non-swimmers. Restrict non-swimmers to water no deeper than mid-chest level, have non-swimmers participate in a buddy system with swimmers, or where a Coast Guard approved PFD, personal flotation device.

Each school district has an aquatic risk management and quality self-assessment program that's continuously implemented and summarized annually. I would like to encourage that system to include quality improvement planning and practice.

Designate a state agency for the independent monitoring of public school swimming pools, policies, procedures and aquatic activities to include compliance verification, achievement

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recognition and sufficiency identification, require plans of correction and impose appropriate penalties for noncompliance.

Additionally, I hope that this Committee succeeds in amending Title 10 of the Connecticut Statutes with a holistic new policy that, as much as humanly possible, protects swimmers in public pools from injury or the loss of life. Thank you.

REP. DARGAN: Thank you very much. Fred. Any questions? Hearing none, thank you very much for your testimony.

FRED BALICKI: You're welcome.

REP. DARGAN: Next presenter is Jim Krayeske.

JIM KRAYESKE: Representative Dargan and Members of the Public Safety Committee, my name is Jim Krayeske and I'm Chairman of the Connecticut Boxing Commission. I'm here to testify on HB 5277 AN ACT LEGALIZING AND REGULATING MIXED MARTIAL ARTS.

I understand the proposal is to allow professional mixed martial arts to be held in Connecticut by inserting MMA into the existing boxing statutes and regulations.

From an economic and consumer entertainment perspective, this makes a lot of sense.

The Boxing Commission does offer one important caution, however. One of the foundations of the boxing statutes is to protect the health and safety of the participants. This is done both on a professional and amateur basis for the sport of boxing.

If MMA is to become legal in Connecticut, it is critical that the amateur side of the sport is included. There is no logic to protect the

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TESTIMONY ON THE POOL SAFETY BILL, HB 5113

**Submitted by: Fred P. Balsamo, CMAA
Executive Director
Connecticut Association of Athletic Directors
February 7, 2013**

The Connecticut Association of Athletic Directors would like to commend the Public Safety Committee for initiating legislation on pool safety. While pool safety should be a mindset for all those who administer a pool program, we would like to take this opportunity to recommend that proposed legislation specify that it is only those programs requiring swimming instruction that would need to take additional precautions and require life guards. After hours competitive school varsity swim programs already employ coaches required to possess a state permit, concussion training, first aid/CPR and mandated ongoing coaching education. Furthermore, all students involved in a varsity swim program are proficient in swimming and a majority of the participants are life guard certified. It would be an unnecessary financial burden on a school's varsity swim program to employ additional staff on a daily basis to monitor competitive practices and meets.

Testimony of Kristen Byrd, Physical Education Teacher

Public Safety Committee

February 7, 2013

HB 5113 An Act Concerning Pool Safety at Public Schools

Members of the Public Safety Committee,

My name is Kristen Byrd and I am a Physical Education Teacher in the Middletown Public School System and a member of the Middletown Federation of Teachers, AFT Local 1381. Thank you for allowing me to submit testimony on HB 5113 An Act Concerning Pool Safety at Public Schools.

As you explore changes, I ask you to consider the following:

1. **Limit class sizes** - State's *recommendation* for physical education classes is 25 students per one teacher but this is just a recommendation. To avoid PE classes from becoming a dumping ground and for educators take physical education seriously, the state needs to mandate class sizes. The more students per class increase the liability and an unsafe environment especially in the pool area.
2. **Implement class size limits for the pool area for each PE teacher:**
 - a. 20 students for Advance swimmers,
 - b. 15 students for Intermediate swimmers and
 - c. Less than 15 students for beginners
3. **Require all students to be evaluated by the school nurse before entry into the pool area.** On one occasion in our district, a special needs student had a seizure while swimming due to the temperature of the pool water. The water was slightly on the chilly side which sent him into a seizure.

For the majority of the time, PE teachers do not receive 504 plans, IEPs or even student medical information due to "confidentiality". Having each student screened by the nurse before entry into the pool will help minimize situations like this one from occurring.

4. **Create and distribute universal emergency rescue manuals** so that no matter which body of water (pool/pond) or district everyone is aware of procedures
5. **Institute the following requirements:**
 - a. All students must be tested for their ability to swim; swim testing procedures
 - b. Proper certifications – life guard cert and First Aid/CRP
 - c. Teacher must have communication device (Walkie-talkie)
 - o Student should be taught how to that communication device



CCM 2013 Testimony

900 CHAPEL STREET, 9th FLOOR, NEW HAVEN, CT 06510-2807 PHONE (203) 498-3000 FAX (203) 562-6314

Your source for local government management information www.ccm-ct.org

PUBLIC SAFETY AND SECURITY COMMITTEE

February 7, 2013

The Connecticut Conference of Municipalities (CCM) is Connecticut's statewide association of towns and cities and the voice of local government - your partners in governing Connecticut. Our members represent over 92% of Connecticut's population. We appreciate the opportunity to testify on bills of interest to towns and cities.

HB 5113 An Act Concerning Pool Safety at Public Schools

The bill would require a statewide uniform standard regarding pool safety at public schools.

CCM understands the importance and sensitivity of the issue. In recent years, local officials have been doing more with less, but in doing so, they understand the imperative that the integrity of our public safety is not to be compromised.

CCM has a concern that this proposal may impose additional financial burden on local towns and cities. As both the state and local governments face difficult budgets, if additional municipal costs are incurred by this proposal, and those costs become too burdensome to sustain instructional, sporting or recreational activities at public schools, CCM is fearful that these programs may need to be reduced or eliminated.

As formal language is being developed on this proposal, a balanced approach needs to be taken to ensure that public safety is properly protected while also limiting additional financial expense onto towns and cities. Whether a uniform plan would require additional individuals to be located in pool areas during select activities or an annual pool safety plans need to be completed at each facility, the committee needs to be mindful of the cost associated with any expense.

In that effort, CCM would like to work with interested parties and the General Assembly to develop language that will ensure public safety is protected without imposing any additional financial burden.

★ ★ ★ ★ ★

If you have any questions, please contact Mike Muszynski, Legislative Associate of CCM via email mmuszynski@ccm-ct.org or via phone (203) 500-7556.



**American
Red Cross**

**Testimony – PHB 5113, AAC Pool Safety at
Public Schools**

I am here to offer testimony on behalf of the American Red Cross. The Red Cross SUPPORTS PHB 5113, An Act Concerning Pool Safety at Public Schools.

The American Red Cross supports legislation that would help to increase safety at Public School Pools, especially in light of the recent deaths that have occurred in school swimming programs. To help prevent future incidents, an individual other than the teacher, trained in American Red Cross Lifeguard Training or the equivalent certification, and whose sole purpose is to supervise the students in the water, should be assigned to each physical education class. Drowning in any program can usually be attributed to what is known as the RID Factor (Pia, Frank. "The RID Factor in Drowning," June, 1984, *Parks and Recreation*, 52.-67). RID is an acronym for Recognition, Intrusion and Distraction.

Recognition- The person supervising the individuals in the water may fail to recognize a person who is exhibiting drowning behavior. Lifeguards are trained to recognize drowning behavior.

Intrusion- The primary purpose of a lifeguard is to supervise swimmers. All other duties are secondary. Teachers have many duties while conducting a class. They need to take attendance, teach skills and deal with other general class management issues. These duties may intrude on their supervision of swimmers.

Distraction- Teachers may become distracted due to class management issues. Besides teaching, educators need to deal with many tasks and requests, including students needing passes to go to the nurse and/or bathroom and communicating with administrators. These duties may distract them from watching swimmers. When water is involved, this can become especially hazardous. If a teacher were to become distracted teaching soccer, a student having an issue could just sit down on the field. In a swimming class, the results could be tragic.

The American Red Cross believes that having a trained lifeguard present, in addition to the teacher, during all swimming classes will greatly reduce the likelihood of further accidents and deaths occurring.

John W. Harder
Aquatics Specialist
American Red Cross
Connecticut and Rhode Island Region



CONNECTICUT RECREATION AND PARKS ASSOCIATION



February 7, 2013

Testimony on Proposed Bill 5113 – An Act Concerning Pool Safety at Schools

Members of the Public Safety Committee,

I am the Recreation Supervisor for the Town of Glastonbury Parks and Recreation Department. Part of my job is to manage the Town's four (4) aquatics facilities, which includes the hiring, training and supervising of over 50 lifeguards. Additionally, I am a member of the Connecticut Recreation and Park Association, Inc. (CRPA) Board of Directors. CRPA is a nonprofit charitable organization whose mission is to provide a network of support to our members through professional development and resources in order to enhance the quality of recreation and parks services in Connecticut.

As an aquatics professional for over 25 years, I support initiatives to create a statewide standard for the safe operation and oversight of public pools. Specifically, the following requirements will greatly enhance public safety in all of our public swimming pools.

- All public pools shall have a minimum of one certified lifeguard during all instructional swim lessons and/or open swims.
- All public pools shall have a minimum of either one lifeguard or one coach that is lifeguard certified during swim team practices and/or meets and such coach shall remain in full view of the pool while in use.

As Parks and Recreation professionals, we are very strong advocates for providing quality and safe recreation experiences for our community. In doing so, we go to great lengths to follow professional standards, obtain training and research BEST PRACTICE protocols in everything we do.

Sincerely,

William H. Engle, CPRP
Recreation Supervisor



FOLLOW US ON:   



Connecticut Association of Boards of Education, Inc.

81 Wolcott Hill Road, Wethersfield, CT 06109-1242 - (860) 571-7446 - Fax (860) 571-7452 - Email admin@cabe.org

**Testimony submitted to the
Public Safety and Security Committee**

February 7, 2013

HB 5113, AN ACT CONCERNING POOL SAFETY AT PUBLIC SCHOOLS

The Connecticut Association of Boards of Education (CABE) supports HB 5113, An Act Concerning Pool Safety at Public Schools, which establishes a state-wide policy for pool safety in public schools.

We support the current model that the Connecticut Association of Schools and Connecticut Recreation and Parks Association are proposing to have a certified teacher who is a certified lifeguard and another certified lifeguard in the school pool area at all times. As their proposal details, the need to be certified in CPR and have the teacher be a certified water safety instructor is also a necessity-and we support this as well.

As best practice is established, CABE will continue to work with districts to promote and maintain the safety of student and faculty.

We appreciate your attention to this issue.

P19 L17

February 7, 2013

My name is Fred Balicki; I live in Manchester Ct. I am speaking today in support of developing the "Proposed Bill No. 5113 – An Act Concerning Pool Safety at Public Schools" as introduced by Rep. Stephen D. Dargan, 115th District.

I have been working at the Indian Valley Family YMCA in Ellington Ct. as a Lifeguard for the past two years. I am a retired Ct. State employee, having worked at the departments of Developmental Services (DDS) and Public Health. My previous job at DDS was Quality Review Specialist Supervisor, a role that I performed for twenty one years.

I strongly encourage the Public Safety and Security Committee to establish a state wide policy and standards for public school pool safety that promotes vigilance and protections for swimmers by including the following seven recommendations in the new policy:

1. Have Lifeguards certified in Red Cross Lifeguarding, First Aid, CPR (cardiopulmonary resuscitation) and AED (automated electronic defibrillator) on duty during all aquatic activities. That includes recreational swimming, swimming lessons and other aquatics lessons, competitive swim team practice and meets and other water sport activities. Identify minimum lifeguard to swimmer ratios.
2. Have a Red Cross certified Water Safety Instructor on staff at each public school to supervise the implementation of pool safety policies and procedures, provide professional direction and in-service training to lifeguards, supervise lifeguards' scanning practice and maintain necessary rescue and emergency equipment.
3. An Aquatic Emergency Procedure/Action Plan is ready to operate in each public school swimming pool that includes lifeguard rescue and emergency assistance activities, 911 notification, and specified support and administrative staff notification to provide immediate assistance, emergency management and incident reporting.
4. Each public school pool has available for immediate use the necessary aquatic rescue and emergency equipment that is maintained in complete working order, such as: lifeguard rescue tubes, whistles, reaching pole, shepherd's crook, ring buoy, backboard with head immobilizer, first aid supplies, personal protection equipment, infection control supplies, breathing barriers, resuscitation masks, oxygen equipment, AED, and an emergency on call system.
5. Each public school pool has a standard swim testing procedure implemented to identify and manage swimmers of differing abilities and ages, particularly non-swimmers. Restrict non-swimmers to water no deeper than mid-chest level. Have non-swimmers participate in a "buddy system" with swimmers or wear a Coast Guard approved PFD (personal flotation device).
6. Each school district has an Aquatic Risk Management and Quality Self Assessment program that is continuously implemented and summarized annually for compliance verification and quality improvement activity. Reports are made available to a state monitoring agency and the public.
7. Designate a State agency for the independent monitoring of public school swimming pools, policies, procedures and aquatic activities to include: compliance verification, achievement recognition and deficiency identification, requiring plans of correction and to impose appropriate penalties for non-compliance.

Additionally, I hope that this committee succeeds in amending Title 10 of the Ct. general statutes with a holistic new policy that ,as much as humanly possible, protects swimmers in public school pools from injury or the loss of life.

Respectfully submitted,

Fred Balicki

P5 L21

TESTIMONY OF
THE CONNECTICUT ASSOCIATION OF SCHOOLS
&
THE CONNECTICUT PARKS & RECREATION ASSOCIATION

**Before the Legislature's
Public Safety & Security Committee
Thursday, February 7, 2013
11:00 AM, Room 1E, Legislative Office Building**

Good morning. My name is Dr. Robert Lehr and I representing the Connecticut Association of Schools and the Connecticut Interscholastic Athletic Conference ("CAS/CIAC").

Good morning, my name is Josh Medieros. I am the co-chairman of the Aquatics Section of the Connecticut Recreation & Parks Association ("CRPA").

We are here today to offer joint testimony **in support of HB 5113 AAC Pool Safety At Public Schools.** Our organizations support using the following recommendations to establish a uniform state wide policy for improving safety in pools at public schools and all public pools.

CAS represents more than 1,000 public and parochial high, middle and elementary schools and CIAC is the governing body for interscholastic athletics.

CRPA represents more than 600 recreation professionals and municipal parks and recreation commissions throughout Connecticut.

CAS & CRPA stand ready to assist you in drafting legislation that adopts a statewide policy that will enable as many children and adults to safely learn to swim.

The two organizations are pleased to agree upon the following recommendations. They believe that these recommendations set forth "best practices" and will make public and school swimming pools safer for everyone. They represent recognized and realistic measures that keep the ultimate objective in mind which is: **to safely teach as many individuals as possible to swim.**

Because each of the organizations has different responsibilities, they have set forth separate recommendations; however, as you can see they are consistent.

The Connecticut Recreation & Parks Association recommends the following for inclusion in any legislation on the proposed subject:

- 1) A public pool is a municipal owned swimming pool consisting of an artificial basin constructed of concrete, steel, fiberglass or other relatively impervious material and has a controlled water

- supply which is used for open swims, swimming instruction, and or coaching.
- 2) All public pools shall have a minimum of one certified lifeguard on duty during instructional swim lessons and / or open swim.
 - 3) All public pools shall have a minimum of either one lifeguard or one coach that is lifeguard certified during all swim team practices and or meets and such coach shall remain in view of the pool while in use.
 - 4) Certification must be current and obtained from one of the following nationally recognized organizations: American Red Cross, Ellis & Associates, National Aquatic Safety Company, Starfish Aquatics Institute, or the YMCA, and shall include training in CPR, AED and first aid.

The Connecticut Association of Schools recommends the following language for inclusion in any legislation on the proposed subject:

- 1) Individuals who supervise pool activities at schools during regular school hours and or during school-sponsored events, shall obtain swim safety and instruction certifications.
- 2) To teach swimming, diving and water safety in all public schools, individuals should hold a:
 - Standard Connecticut instructional certificate;
 - Valid Cardiopulmonary Resuscitation for Professional Rescuer Certificate issued by the American Red Cross or the YMCA;
 - Valid Lifeguard Certificate issued by the American Red Cross or YMCA; and
 - Valid Water Safety Instructor Certificate issued by the American Red Cross or the YMCA.
- 3) During school swim instruction, or any other school-sponsored pool event, an additional staff member must be present on the pool deck who is a certified lifeguard and who is certified in first aid and CPR.
- 4) School pool operators must keep copies of staff certifications on file and develop a written pool safety plan which must specify practices for pool supervision, injury prevention, emergency response, first aid provision and soliciting help.
- 5) Pool safety plans shall be reviewed and updated prior to the commencement of each school year.

Please note that although most members of both organizations already meet or exceed these standards; clear recognition of best practices will make public and school pools safer for everyone.

This completes our testimony. We will be pleased to answer any questions that you may have.

⑧ ⑨

P3 L18
L21

WATERBURY PUBLIC SCHOOLS
DEPARTMENT OF HEALTH AND PHYSICAL EDUCATION

Joseph R. Gorman – Supervisor (203) 574-8051 email: jgorman@waterbury.k12.ct.us

Speaker Bio
Joseph R. Gorman

- District Supervisor of Health and Physical Education from 2004 to present
- 31 years' experience in Public and Private Education
- Ex-officio district-wide School Security Coordinator
- Certified American Red Cross Instructor – First Aid, Adult/Child/Infant Cardiopulmonary resuscitation (CPR) and automated external defibrillator (AED) management.
- Director – Waterbury defibrillator access project
- Member – American Alliance for Health, Physical Education, Recreation and Dance (AAHPERD)
- Member – Connecticut Alliance for Health, Physical Education Recreation and Dance (CTAHPERD)
- Executive Council Member – Connecticut Association of Administrators of Health and Physical Education (CAAPHE)
- Chairman – Waterbury Interdepartmental Health Committee
- Chairman – Waterbury Interdepartmental Wellness Committee
- Project Director – Federal Emergency Response and Crisis Management Grant
- Project Director – Connecticut Department of Emergency Management and Homeland Security School Security Upgrade Grant
- Member – Waterbury Local Emergency Preparedness Council (LEPC)
- Curriculum Coordinator for all PK-12 instruction in Health and Physical Education
- Chairman – Mayor's Task Force Against Substance Abuse – Central Naugatuck Valley Regional Action Council
- 11 years of High School and Middle School coaching experience
- B.S. in Physical Education, University Dayton, Middle School in School Health Education, SCSU, 6th year diploma in Educational Leadership, SCSU
- Project Director – Multiple U.S. DOE Safe and Drug Free Schools Grant Projects
- District Coordinator for Interscholastic Athletics
- Member – School Climate and Safety Committee
- CT BEST Mentor (Beginning Educator Support and Training)
- CT TEAM Master Mentor
- District Teacher and Administrator Evaluation Reform Committee
- Waterbury Health, Physical Education and Wellness Professional Development Coordinator

David W. Sidella
632 Bucks Hill Rd.
Waterbury, Ct. 06704
dsidella@waterbury.k12.ct.us

My

name is Dave Sidella and I would like to offer my thoughts, suggestions, input, and recommendations, based on my experiences, of how we can make our pools safer for our students. The following list consists of my experiences in and around water and have all contributed to my feelings and/or beliefs about the subject of water safety. As you will see, I have been on a pool deck and/or waterfront for the past 40 years with no interruption. During this time I have gained valuable experience and consider myself somewhat of an "expert" on the subject of water safety. My experiences through diving, coaching, as a waterfront director, lifeguarding and teaching swimming classes for the past 32 years in public schools, would be a valuable asset in preventing any future tragedies. My life has revolved around water, and after 40 years in and around the pool, I feel this is the perfect opportunity to "give back" and I am honored to do so. Now is the time to put specific safety standards in place that will safeguard our children. Let's not wait for another tragedy to occur.

Lifeguard Experience

Waterbury Board of Education, Wallace Middle School (WMS). Waterbury, CT.

Physical Education Instructor.		1980 - Present.
Waterbury After School and Summer School Programs.		2002 - Present
Camp Layton Rose, Bantam, Ct.	Waterfront Director	1985 - 1990
Camp Laurelwood. Madison, Ct.	Waterfront Director	1978 - 1985
Southern Ct. St. College. New Haven, CT.	Lifeguard	1976 - 1980
The Sand Dunes Club. Woodbury, CT.	Lifeguard	1974 - 1976

Coaching Experience

Wesleyan University, Middletown, CT.	Volunteer Coach	1980 - 1995
Pomperaug High School, Southbury, CT.	Diving Coach	1995 - 2002
Naugatuck High School, Naugatuck, CT.	Diving Coach	1980 - 1995
Naugatuck Swim Club, Naugatuck, CT.	Swim Coach	1984 - 1986
Wallace Middle School, Waterbury, CT.	Swim Coach	1982 - 1984
Crosby High School, Waterbury, CT.	Diving Coach	1980 - 1982

Swimming / Diving Achievements

Olympic Diving Trials Qualifier	1980
National Division II Runner - Up	1980
Four-Time Diving All-American, (SCSU)	1975 - 1980
Four-Time New England Diving Champion, (SCSU)	1975 - 1980



WATERBURY PUBLIC SCHOOLS
DEPARTMENT OF HEALTH AND PHYSICAL EDUCATION

Joseph R. Gorman – Supervisor (203) 574-8051 email: jgorman@waterbury.k12.ct.us

My name is Joe Gorman. I am the District Supervisor of Health and Physical Education for the City of Waterbury. Joining me today is Mr. David Sidella, an accomplished lifelong Physical Educator from Wallace Middle School.

Mr. Sidella and I were honored to accept Representative Berger's invitation to share our views with you regarding Proposed Bill No. 5113 that seeks to amend Title 10 of the General Statutes and establish a uniform state-wide policy for Pool Safety in public schools.

It is an indisputable fact that the tragic events in East Hartford and Manchester hit the Connecticut Health and Physical Education community 'close to home.' Those events challenged us as professional learning communities to have rich and substantive discussions around critically re-examining everything that we do. They compelled us to collectively renew our long-standing commitment to ensure that children enjoy safe learning environments at all times in all of our instructional areas.

We applaud you Mr. Chairman for introducing this bill to proactively advance the safety and welfare of our students, and thank Representatives Rojas and Nicastro for their co-sponsorship; this is critically important work that you are doing.

While we commend your efforts to establish uniformity among districts, we feel a professional responsibility to offer information that we hope you will consider when deliberating which provisions should, or should not appear in uniform policy. In order to create a truly proactive outcome, the policy that this committee puts forth must not exceed districts' abilities to comply.

Given the economic landscape in which we currently operate, that is no easy task.

For example, we are aware of one recommendation that would require all Physical Education teachers to secure and maintain Water Safety Instructor certification. In our district of Waterbury, such a mandate would cost our department \$45,500 in initial course fees and teacher stipends. In order to certify 24 High School and Middle School teachers. In contrast, we currently maintain ARC standard lifeguard certifications with a bi-annual budget appropriation of approximately \$1,500.

We are also aware of a separate recommendation to establish 15 to 1 maximum student-to- teacher ratios. This would require hiring non-certified staff to serve as lifeguards while teachers instruct in the pool. Even at a hardly lucrative rate of \$10.00 per hour, the projected cost of four (4) such assistant lifeguards in Waterbury would exceed \$82,500 per year. That calculation assumes hiring 35-hour per week positions for a ten-month work year.

The collective concern of many of my colleagues in the Physical Education community is that if these and other such recommendations become uniform policy, districts may be compelled to abandon aquatics instruction altogether in order to balance strained budgets and/or practice simple avoidance of perceived potential liabilities. Logistically, park and recreational organizations are not presently equipped to fill that void, and we fear that such a scenario would leave thousands of students needlessly at risk.

Collectively, Mr. Sidella and I bring to you over 30 years of personal experience in Health and Physical Education instructional environments. We have literally taught tens of thousands of children how to swim and how to remain safe in and around water. We have trained thousands more how to perform rescues that help others survive life-threatening aquatic events. Hundreds of our Health and PE colleagues throughout our great state have similarly protected our children from potential harm as a direct result of the high-quality swim instruction provided in their schools.

In relying upon that experience, we respectfully submit the following talking points:

- Water Safety Instructor certification, while certainly valuable and desirable, is not required to conduct safe aquatic instruction by trained physical education professionals. In my professional opinion, standard lifeguard certification is a far more appropriate and cost-effective fit for school aquatic programs.
- 15 to 1 ratios are untenable, unnecessary and unsustainably costly to ensure safety in properly structured and actively supervised educational pool settings.

Representative Berger has supplied you with copies of the current aquatic safety policy and standard operating procedures for the Waterbury Public Schools. As primary architects of those documents, we are proud to offer them to you for consideration as a proven, suitably flexible and cost-efficient model for the uniform policy you seek to generate.

Thank you for your consideration. At this time, we will gladly entertain your questions.

Instruction

Policy

Aquatics Safety

Pre-Assessment and Identification of Students

- 1) Any medical exclusion from swimming received by the School Nurse from a physician will be communicated promptly to the Health and Physical Education staff.
- 2) No student is ever allowed to swim or enter the water for any reason until a certified lifeguard is present to provide supervision.
- 3) All students must be pre-assessed for swim skills before participation in the water
 - a. Require successful completion of swim tests of all students to enter water that is deeper than their armpits
- 4) Teachers will document the swim test results of each student and place in student's file.
- 5) All tested students will be clearly marked with one of three colored bracelets so they are easily identifiable while in the water:
 - a. Red bracelet – Beginner level – restricted to shallowest region of pool within reach of side wall – these are the students at greatest risk
 - b. Yellow bracelet - Intermediate level – restricted to shallow end of pool extending to within 3 yard zone prior to reaching the safety rope.
 - c. Green bracelet –Advanced level – allowed to swim in deep water with supervision and assists other students in the shallow end of the pool.

Lifeguard Staff

- 1) The Health and Physical Education teacher/instructors are ultimately responsible for maintaining their own current certifications in the following:
 - a. American Red Cross Lifeguard or equivalent
 - b. Professional Rescuer CPR/AED or equivalent
 - c. Professional Rescuer First Aid or equivalent
 - d. American Red Cross AED Management Certification or equivalent
- 2) The Supervisor of Health and Physical Education will facilitate staff professional development opportunities for all certified staff who instruct in Waterbury Public school aquatic environments to maintain their certifications to the greatest extent possible.
- 3) All Lifeguards/Teachers will maintain minimum strength and lifting requirements equivalent to Red Cross standards in order to perform certification requirements when teaching in the pool.
 - a. Staff are responsible to immediately notify their principal and Supervisor if/when they are experiencing any impairment of their physical ability to meet these requirements, even if only temporarily.
- 4) Teachers instructing in the pools will conduct daily, ongoing safety inspections to be tracked on a daily log checklist that includes, but is not limited to:
 - a. Rescue and safety equipment
 - b. Deck and facility equipment
 - c. Applicable emergency alarm systems

- 5) In the event that an inspection reveals issue(s) that pose an immediate threat to student safety, the inspecting teacher must restrict student access to the area and report the issue promptly in writing to the school principal for inclusion on his/her building report for referral to the Inspector of School Buildings office.
- 6) Building principals will be responsible to review the pool logs monthly.
- 7) In the event that an aquatics teacher/instructor is, for any reason, determined as unfit or unable to meet the basic physical requirements to perform water rescues as needed, said teacher/instructor may not be regarded as a viable lifeguard for supervision purposes, and may be subject to temporary and/or permanent re-assignment at the discretion of the Supervisor of Health and Physical Education.

Document Retention

The Supervisor of Health and Physical Education will keep on file copies of all current staff certifications and trainings required for lifeguarding, including the following:

- o CPR/AED for the Professional Rescuer
- o First aid
- o Lifeguarding
- o Staff orientation and training information
- o In-Service training records
- o Accident/incident reports pertaining to aquatics rescues

Hiring Practices for Secondary Physical Education Teachers Serving as Lifeguards

In addition to existing screening of potential candidates for all other Health and Physical Education teaching positions, the Supervisor of Health and Physical Education reserves the right to require the following if any candidate is not currently lifeguard certified:

- o Physical testing including successful completion of the student swim test skills battery, distance swimming, strength and lifting and treading water requirements using the American Red Cross Lifeguard Certification standards
- o Hire conditionally or postpone appointment with stipulation to acquire all six (6) aquatics certifications required (First Aid, Adult/Child/Infant CPR, AED for the Professional Rescuer and Lifeguarding) within a specified period of time

Lifeguard Readiness

- 1) All Health and Physical Education teachers instructing/supervising swimmers within the pool environment must wear a bathing suit at all times. This policy facilitates the rapid response capabilities of all staff lifeguards to safely execute situational responses including water rescue(s) at any given moment. This will enable the PE and Health instructors to be available to assist in any and all necessary rescues at a moment's notice without any clothing limitations that could hinder response time.
- 2) Failure to comply with this policy will subject the offending teacher/instructor to suspension or exclusion from instructing in the aquatic environment and/or progressive disciplinary action.

Pool Supervision

- 1) Regardless of how many adults are available and present to supervise students in the pool, a minimum of at least one (1) must possess current Lifeguard certification.

-
- 2) Instructor/lifeguards are allowed a reasonable degree of flexibility to make adjustments in class structures/lessons in order to maintain a pool environment that is safe for students.
 - 3) The assignment of two lifeguards to classes in the pool is permissible and optional, but not required. There is no conclusive evidence available that a particular ratio of lifeguards to students in an instructional setting significantly increases aquatic safety; however, the following safety precautions and equipment are uniformly required:
 - a. One rescue tube per lifeguard, to be readily available at all times
 - b. One summoning device (whistle) per lifeguard, worn at all times
 - c. Emergency call system available to notify 9-911 and/or other staff
 - d. Backboard with a minimum of three body straps and a head restraint system available
 - e. Shepherd's Crook available in a readily accessible location in proximity to the pool
 - f. Ring buoy equipped with tow line available in a readily accessible location in proximity to the pool
 - g. When cloudy water conditions prohibit clear sightlines all the way to the bottom of the deepest section of the pool, students shall be prohibited from swimming in the pool until said water clarity is corrected
 - h. At all times, a floating safety rope will be placed to signify depth changes from shallow play areas, from shallow to deep water, or any sudden changes in water depth
 - A safety line sturdy enough to support an adult with his or her head out of the water will be in place
 - i. All school pools will be equipped with an audible emergency alarm system to summon help to the pool area
 - Teachers will conduct and document tests of the emergency alarm systems no less than weekly when they are using the pool
 - j. Regular inspections for any defective conditions/repair requirements will be conducted daily by the instructor
 - Secure defect area or equipment problem until repair completion confirmed
 - Report all defects or repair requirements, and obtain confirmation of repair
 - k. Starting blocks will be covered or restricted when not in use to prevent unauthorized and untrained access
 - l. At teacher/lifeguard's discretion, reserve the right to require certain students to wear a PFD in order to insure safe participation
 - m. Instructors must activate surveillance systems or alarms prior to departure whenever pool area is unsupervised for any reason
 - n. Permanently mounted pool rules, regulations, warning signs, and procedures for use of the aquatic facility, diving areas in the pool, decks and locker rooms will be conspicuously posted in all pool areas.
 - o. Health and Physical Education Teachers/Lifeguards are expected to periodically review the rules with students and enforce all safety rules firmly and consistently

Aquatic Safety Management

- 1) The Supervisor of Health and Physical Education and building principals will collaboratively implement and apply performance evaluations, safety procedures, and training requirements that continually improve safety and loss prevention.
- 2) The Principals and Supervisor will monitor, evaluate, and modify procedures by aquatics management on an ongoing basis to ensure safety and loss prevention.
- 3) Accident/incident reports will be reviewed monthly by the school administration and quarterly by the Supervisor of Health and Physical Education to:

- a. Determine if corrective action is needed
 - b. Identify training and supervision issues
 - c. Ensure accurate reporting and documentation of incidents and outcomes
 - d. Evaluate effectiveness of emergency procedures; and
 - e. Discuss on a quarterly basis as part of the district's overall risk management strategies.
- 4) Waterbury Public School Pool policies will maintain compliance with the State of Connecticut Department of Public Health Code 19-13-B33b. (Public Pools)

Medical Exclusions

- o Any medical exclusions from swimming received by the School Nurse from a physician will be communicated promptly to the Health and Physical Education staff.
- o Recommendations for exclusion from swimming must be supported by a physician's medical order.

Extracurricular - Competitive Swimming and Diving

Swimming and diving coaching staffs for interscholastic teams must meet the following minimum requirements and expectations in order to conduct practices and meets in city pools:

- a. Possess current State of Connecticut Coaching Certificate
- b. Possess current American Red Cross CPR & AED certification or equivalent
- c. Possess current American Red Cross First Aid certification or equivalent
- d. Possess current American Red Cross's Safety Training for Swim Coaches or current Lifeguard Certification.
- e. All competitive swimming and/or diving practices and competitions will be actively supervised at all times by a minimum of one (1) certified lifeguard
- f. When not in use, starting blocks will be covered or restricted to prevent unauthorized and untrained access

After School, Summer and Specialty Camps

- 1) Prior to all Non- Department of Education, and/or Community Use of Public School Aquatic Facilities, the responsible Sponsoring Organization and/or Individual, must have completed the Education Department Application for Public School Pool Use, paid all required fees, properly signed the City's Acknowledgement of Conditions for Use of City Pools Indemnity and Hold Harmless Agreement, and provided the required Certificate of Insurance Coverages:
 - a. General Liability Insurance of \$1,000,000 per occurrence / \$2,000,000 aggregate limits and coverage to include claims for Bodily Injury and Property Damage Liability
 - b. Worker's Compensation Insurance with limits commensurate with applicable Connecticut Statutes
 - c. Waiver of Subrogation for both General Liability and Worker's Compensation Insurance in favor of the City of Waterbury and Board of Education
 - d. Additional Insured status to be conferred to the City of Waterbury with respect to General Liability Insurance
- 2) Outside organizations and/or individuals must ensure that after-school personnel, summer and specialty camp counselors receive additional training in order to comply with the following:
 - a. Follow posted rules and regulations and specific supervision responsibilities for the aquatic facility with fidelity

ADDENDUM I
Aquatic Safety Policy – Terminology & Definitions

Active Supervision – Lifeguards state when they are fully involved and engaged, scanning, alert, and ready to respond. They are in full control and constantly aware of swimmers' presence and activity on and below the water's surface, on the pool bottom, and on the pool deck in the assigned area of responsibility.

Emergency Action Plan (EAP) – Action and response steps required to be performed by staff in the event of an emergency. Communication protocols and cross-departmental procedures are defined in the EAP.

Lifeguard Duties – All responsibilities and actions required for safe student supervision and monitoring; prevention, situational response or the use of water- rescue, CPR, AED or first-aid skills.

Lifeguard Quick Checks – Quick assessments and observation of lifeguards by nonlifeguard staff, nonaquatic staff, and students to ensure that lifeguards are response ready and the aquatic environment is safe.

Model Aquatic Safety Performance Criteria – A set of criteria, developed by USA Swim, which can be added to job descriptions of nonaquatic staff employed by the City of Waterbury.

Nonaquatic Support Staff – Staff, such as paraprofessionals, substitute teachers or non-certified program staff who are tasked in a facility's emergency action plan (EAP) to support teachers in the event of an emergency.

Orientation – A detailed communication of all procedures, policies, and practices designed to prepare the recipient for duty.

Reach Supervision – Type of oversight where an adult or fellow student (buddy system) is within arm's reach of a student whenever that student is in the pool (shallow end only).

Records Retention Policy – Record retention policy determined by State Statute and Regulation, which determines the length of time a record must be kept on file. Explicit policy that prohibits the disposal of all related documents or records in a matter that is the subject of litigation, investigation, or valid public disclosure request.

Recreational Water Illnesses (RWI) – Diseases caused by pathogens spread by swallowing, breathing in mists or aerosols of, or having contact with contaminated water in swimming pools, hot tubs, waterparks, water play areas, interactive fountains, lakes, rivers, or oceans. An RWI can involve a wide variety of infections, including gastrointestinal, skin, ear, respiratory, eye, neurologic, and wound infections.

Rescue/ Response Ready – The state of a lifeguard who is stationed in a lifeguard chair or on the deck; carries a rescue tube or buoy, personal protective equipment (PPE), and a summoning device; is readily identifiable as a lifeguard; and is properly positioned for swimmer supervision, situational response and other emergency care.

Rescue/Situation Response Reports – Documentation of rescues or incidents that involve a lifeguard assisting a student in the water.

Response Readiness – Indicates a level of physical, mental and environment readiness to respond to an emergency.

Scanning – A system of visual observation in which lifeguards perform systematic visual sweeps of the facility, its students, and their activity.

Summoning Device – A device used to summon secondary response. Commonly a whistle, this device may also be a wall alarm that can be activated by pressing a button or a personal wireless device worn by lifeguards that is activated when they enter the water.

Swim Test – A swimming ability test that determines an individual's swimming proficiency.

Virginia Graeme Baker Act – A U.S. law named for a child who dies in June 2002 when the suction from a spa drain entrapped her under the water. The federal requirement for public pools preempts state or local law. It reads, in part: "All pool/spa drain covers manufactured, distributed, or entered into commerce on or after December 19, 2008, must meet ASME/ANSI A112.19.8- 2007 standard. All public pools and spas that have a single drain other than an unblockable drain must employ one or more additional options." (Sec. 1404: Top Priority for Public Pool and Spa Owners/Operators)

Zone – Assigned area of coverage in which a lifeguard is responsible for scanning and supervising.

Zone Validation Plan – A process that determines lifeguard positions based on number of swimmers (i.e., bather load), type of activity, water depth, blind spots, glares, and any other factors that may affect lifeguard placement.

ADDENDUM II
Aquatic Safety Policy – Emergency Response
Standard Emergency Action Plan & Operating Procedures

Standard Emergency Response Action Plan:

1. Alert Swimmers
2. Clear pool Area
3. Maintain Order
4. Call for assistance
5. Perform rescue
6. Alert authorities
7. Follow Up
8. File reports

(SINGLE INSTRUCTOR-LIFEGUARD)

1. Give three (3) long blasts of the whistle to clear pool.
 - a. Students must sit on pool deck with swim buddy within ten (10) seconds
2. Direct designated student or aide to pull emergency alarm.
3. Direct student or aide to dial 9-911.
4. Direct designated student or aide to notify nurse's office and main office by runner.
5. Perform rescue
 - o If possible, talk victim to the side of the pool , or utilize:
 - a. Reaching assists – rescue tube, pole, Shepherd's Crook, etc.
 - b. Throwing assists – ring buoy, kickboard, rope, etc.
 - o Go in (only as last resort).
 - a. Go into water to retrieve victim
 - b. Do not remove if suspected head, neck or back injury - use backboard.

Provide care for the victim(s) until help arrives:

1. Check victim's pulse and breathing
 - a. if necessary, start CPR and/or use resuscitation equipment.
2. If shock is suspected, cover victim with towels or blanket to keep warm
3. Check for other injuries.
4. Have someone waiting at the pool area door in order to direct emergency crews to pool.
5. Maintain student supervision and control.

Follow Up:

- o Notify Principal and Supervisor of the incident
- o Follow up phone call to check on student's condition and to communicate with parents/guardians.
- o Complete and submit Incident Report to the school principal and forward a copy to the Supervisor of Health and Physical Education

(MULTIPLE INSTRUCTOR-LIFEGUARDS)

Lifeguard #1 (recognition)

1. Give three long blasts of the whistle to alert students and other staff of an emergency and to clear the pool
 - a. Students must sit on pool deck with swim buddy within ten (10) seconds
2. Perform the rescue.
3. Give first aid if necessary.
4. Follow Up:
 - o Notify supervisor.
 - o Follow up with phone call to check on student's condition and to communicate with parents/guardians.
 - o Complete and submit Incident Report to the school principal and the Supervisor of Health and Physical Education

Lifeguard #2 (reaction)

1. Clear pool and maintain student supervision and control.
2. Direct designated student or aide to pull emergency alarm.
3. Direct student or aide to dial 9-911.
4. Direct designated student or aide to notify nurse's office and main office by runner.
5. Assist Lifeguard #1 in performing the rescue, if necessary.
6. Assume primary responsibility to recruit additional assistance as necessary.

Student (assistance)

1. Assign a runner and a caller before students enter the water.
2. Caller's responsibilities:
 - a. Call for assistance (EMS, etc.) if necessary.
 - b. Emergency phone numbers and site address are posted near the phone in the pool office. All numbers should be listed next to the phone (9-911, nurses, main office)
 - c. Directions to be given to emergency crew over the phone should be written and placed on or near the phone exactly as they should be given.
 - i. These directions should be written with building principals assistance (School, address, best route, door to come to)
3. Runner's responsibilities: Run up to the main office and alert nurse and administration.
4. Bystanders: help to clear pool and assist lifeguard if needed.

ADDENDUM III
Pool Emergency Action Plan Form – Student Assistants

School: _____

Date _____ Period _____

Student A _____

Responsible to Dial 9-911

Must tell operator that:

- a) _____ School Pool Area
- b) Student being rescued by the teacher
- c) To come in the first entrance of the complex at _____ (address).
- d) Stay on the phone for further instructions

Student B _____

Responsible to go get the nurse, and alert her of the situation.

Student C _____

Responsible to take the Walkie-Talkie from the teacher and alert the Office that there is an emergency in the pool area.

Student D _____

Responsible to wait outside for the ambulance so the ambulance response team knows where to go.

Student E _____

Responsible to open the pool doors so the nurse and the administration can get into the pool area.

Student F _____

Responsible for finding another Physical Education Teacher, High School or Middle School.

**Teacher must fill this out every period and make sure
that each designated student assistant understands
what they may be called upon to do
during an emergency event.**

ADDENDUM IV
Aquatic Safety Policy – Pool Area Signage

(On Pool Area Walls)

1. **FOR ALL EMERGENCY NUMBERS DIAL 9-911**
2. **“REACH OR THROW – DON’T GO!”**
 - a. (Students are not lifeguards. Never try to rescue another drowning victim. If you can, reach or throw a flotation device, but never go in the water after a student in distress)
3. **“RUNNING, BOISTEROUS OR ROUGH PLAY (EXCEPT SUPERVISED WATER SPORTS) IS PROHIBITED”**
4. **“NO DIVING”**
5. **TELEPHONE / FIRST AID / RESUSCITATION EQUIPMENT LOCATED IN POOL OFFICE**
6. **“Stop Sign” theme – Red, Yellow and Green Zones on pool diagram**

(In Pool Office)

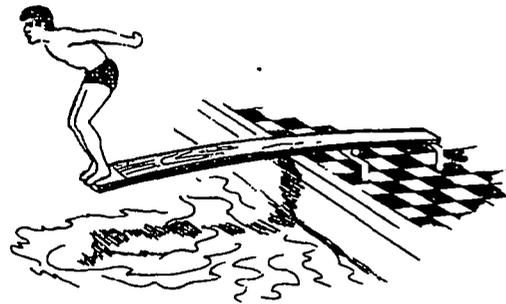
1. **‘Steps to be taken when having to call for emergency help’ (Checklist)**
2. **FOR ALL EMERGENCY NUMBERS DIAL 9-911**

(Inside doors from the locker rooms to Pool Area)

1. **DANGER – ALARMED AREA - DO NOT OPEN WITHOUT TEACHER PERMISSION**
2. **All persons shall bathe with warm water and soap before entering the pool.**
3. **Any persons known or suspected of having a communicable disease shall not use pool.**

ADDENDUM V
Aquatic Safety Policy – Diving Board Signage
(At entrance to diving board)

DIVING BOARD RULES



- ❖ Only one (1) person at a time on the diving board
- ❖ Each person must wait at the bottom of the diving board ladder until the previous diver has reached the side or center line of the pool.
- ❖ Only one (1) bounce per dive is permitted
- ❖ Only Front Dives and feet-first jumps allowed; NO Flips or backward jumps
- ❖ Immediately after surfacing, divers must swim directly to the ladder and / or the center line and exit the pool.
- ❖ Swimming under the diving board is prohibited.
- ❖ Playing or swimming in the diving area is not permitted while boards are open for diving
- ❖ Hanging off the end of the diving board is not permitted
- ❖ Goggles, masks, flippers or flotation devices may not be worn when going off the diving board unless explicitly allowed and actively supervised by the teacher
- ❖ Running dives are not allowed; diving approach and hurdle are permitted.

“Responsibility is a grace you give yourself; not an obligation”

ADDENDUM VI
Aquatic Safety Policy – Swim Testing Checklist

The following skill indicators will be checked off at such time as instructor's observations confirm evidence of proficiency and will then be maintained in student's file:

Pass Date

BEGINNER - RED BRACELET

Red zone, arm's length from shallow end wall, unable to perform ALL 3 skills tests with confidence.

- A) Holding onto pool wall and submerge head for 5 seconds
- B) Perform in-water shallow dive with head under and feet off bottom
- C) Perform front crawl or doggie paddle 5 yards

INTERMEDIATE - YELLOW BRACELET

Yellow zone, shallow end to within 3 yards of the center line

- A) Passed all 3 beginner skills test with confidence
- B) Be able to hold breath underwater for 10 seconds without holding the wall
- C) Be able to push off the pool wall and swim under water for 5 yards
- D) Be able to perform front crawl 10 yards before standing up
- E) Be able to perform "jelly fish" and "dead man float" for 10 seconds

ADVANCED - GREEN BRACELET

Usage of entire pool

- A) Passed all 5 intermediate skills with proficiency and confidence
- B) Must be able to swim front crawl 4 widths across the shallow end without putting feet down
- C) Must be able to swim back crawl, sculling, or elementary 2 widths across shallow end without putting feet down
- D) Must be able to swim under water 15 yards across shallow end
- E) Must be able to tread water for 1 minute
- F) Must be able to retrieve 6 pound brick from bottom of pool in water that is over their head and place the brick on the deck without assistance
- G) Perform a stride jump in water over their head and return to pool deck

Notes: _____

-
- Students who pass zero to three (0-3) swim tests will be required to wear red bracelets at all times in the water for ease of identification and are restricted to the red zone in the shallow end of the pool by the edge. Those who decline testing are considered as part of this group.
 - Students who pass only the first 3 of the swim tests are allowed to swim in the yellow zone of the shallow end of the pool and are required to wear yellow bracelets at all times in the water for ease of identification. These students may only be in the water in zones that are armpit-deep or less and marked by cones on the pool deck while working toward advanced level skills.
 - Students who pass all thirteen (13) of the swim tests are allowed to swim in the deep end of the pool and are required to wear green bracelets at all times in the water for ease of identification.
 - Students must wear their respective color bands at all times when in the water.
 - All students must always maintain proximity within an arm's length of an assigned swim buddy who is in the water with them at all times.
 - Paraprofessionals assigned as one-to-one aides with Special Needs students must maintain position within four (4) feet of their assigned student at all times, preferably by being in the water with them.
 - All students may exercise the option to wear a properly-fitted USCG approved personal flotation device (PFD) at any time for comfort/confidence when in the water.
 - Lifeguards, at their discretion, may require any student to wear a PFD as a proactive safety measure in order to accommodate their participation in the water.

ADDENDUM VII
Physical Education Class Procedures
and Standard Pool Rules

Physical Education Class Procedures in Pool

1. Teacher opens door from locker room to pool area and shuts alarm off
2. No student is ever allowed to swim or enter the water for any reason until a certified lifeguard is present to provide supervision
 - a. Color bands are put on by swimmers prior to, or upon entry into the pool area
3. At that point, students are allowed in and will sit in a designated location in the pool area
 - a. Students will be assigned roles to perform in case of an emergency
4. Attendance is taken and students return to locker room to shower before entering pool
 - a. Teacher stays by door in pool area that enters locker room
5. Upon re-entry, students sit in a designated location at the shallow end side of pool with a partner (buddy system)
 - a. Students must know partners name
6. Students will sit and stretch on pool deck while waiting for instruction to begin
7. At teachers' direction, students enter the water and await further instructions
8. Teacher conducts instruction with a rescue tube readily available at all times
9. Anytime the teacher blows three (3) long blasts on the whistle, students must exit pool on nearest side to them and sit on the deck at the shallow area of pool with their partner and hold their partner's wrist in the air to be counted within ten (10) seconds. Failure to comply with the 10-second rule results in time-outs from the activity for both partners
10. If an emergency, when teacher blows three (3) long blasts on the whistle, students must exit pool on nearest side to them and sit on the deck at the shallow area of pool with their partner and hold their partner's wrist in the air to be counted within ten (10) seconds. At the direction of the teacher, students with assigned tasks will then go perform those tasks:
 - a. One (1) student calls 9-911
 - b. One (1) student goes to gymnasium to summon other Physical Education teachers
 - c. One (1) student goes to nurses office to inform school nurse of emergency in pool area
 - d. One (1) student goes to main office to notify Principal of emergency in pool area
 - e. Two (2) students will open emergency exits from pool so emergency personal can enter immediately)

ADDENDUM VIII**Physical Education Class Standard Pool Rules**

- 1) Any medical exclusion from swimming received by the School Nurse from a physician will be communicated promptly to the Health and Physical Education staff
- 2) No student is ever allowed to swim or enter the water for any reason until a certified lifeguard is present to provide supervision
- 3) Each student must be tested to determine if they are a Green - Advanced level swimmer (student can swim in all areas of the pool), Yellow Intermediate swimmer (swims only in the shallow end of the pool) or Red - Beginner swimmer (confined to shallow pool edge)
- 4) No Beginner or Intermediate swimmers are to enter the deck area of the deep end of the pool at any time without explicit permission from the teacher
- 5) Swimmers are required to put on their assigned color band prior to, or immediately upon entry into the pool area
- 6) All students are to respond at all times to a single whistle blast by stopping what they are doing immediately and listening for instructions from the teacher
- 7) All students are to respond to a three-whistle-blast signal by immediately stopping what they are doing, finding their swim buddy, sitting with them on the pool deck and raising each other's arm upward to be counted – all within 10 seconds
- 8) No student may enter the pool from the locker rooms if the door to the pool is closed (That means the alarm is on)
- 9) Once admitted by teacher(s), all students must be seated in the designated area for attendance before each class
- 10) Students are not required to remove footwear when entering the pool area; at the discretion of the instructor, however, they may be strongly encouraged to do so
- 11) Each student must select a buddy (partner) before class
 - a. They are to keep an eye out for each other throughout the entire class
 - b. In any emergencies in the pool there will be three whistle blasts – students are required to remove themselves from the water via the nearest side and sit with their buddy within ten (10) seconds
- 12) Students must be able to identify the depth of the pool in a given area by using the posted measurements, blue line on the wall, or by the depth marker signs on the pool deck
- 13) No student is to dive in the shallow end at any time; they must always enter feet first

-
- a. Students are held accountable to look before entering the water so they do not land on another student in the pool
- 14) Instructors/lifeguards reserve the right to re-structure accessibility, ratios, or scheduling of activities in order to maintain a safe instructional environment for students in the pool
- 15) Only one person is allowed on the diving board at all times; no multiple bounces on the board or backward jumps/flips off the board are allowed and divers are held accountable to scan their landing zone and adjacent areas before going off the board
- 16) There is to be no running on the pool deck at any time
- 17) Basketball is only allowed in the water - no basketball playing is allowed on the pool deck and no dunking the ball or hanging on the rim or the net is allowable at any time
- 18) No one is to put their hands on anyone in or out of the pool at any time...no dunking/chicken fights/pushing anyone in the water, on the deck or in any pool area
- 19) During a fire alarm, all students are required to find their buddy, line up together by the exit doors, exit the pool and proceed out of the building to their assigned evacuation area under direct teacher supervision
- 20) Students are required to return their assigned color band prior immediately upon departing the pool area
- 21) When students go to shower at the end of class, the instructor must re-set the pool alarm
- a. Students may not go back in pool are for any reason without the permission from the teacher
- 22) Waterbury Public School Pool practices and procedures align with the State of Connecticut Department of Public Health Code 19-13-B33b. (Public Pools)

23)

Addendum VIX
Aquatic Operations

The Supervisor of Health and Physical Education will develop an aquatic operations policy handbook, make it available to each teacher, and will collaborate with building principals to develop site-specific facility manuals that cover the following topics:

- a. District-wide standard operating procedures for aquatics instruction
- b. Program-specific emergency procedures, if applicable
- c. Facility evacuation plan
- d. Instructions for securing of facility within daily operation
- e. Instructions for securing of facility at end of daily operation
- f. Instructions for securing of facility at end of unit or season
- g. Instructions for documenting equipment inventories, maintenance and operational logs
- h. Instructions for reporting drowning or submersion events
- i. Embedding of the aquatics emergency response within the schools' all-hazards emergency management plan

The Supervisor of Health and Physical Education will develop Standardization of a single training protocol and manual that equips staff to deliver high-quality, collaborative and consistent supervision protocols and rescue response systems for the entire district. Those systems will include, but not be limited to:

- a. Model class introduction/orientation that includes an explanation of rules, pool depths, restricted areas, buddy checks, swim tests, and how swimmers will be marked at the beginning of each swim unit
- b. Zones and rotations for single staff coverage
- c. Zones and rotations for two or more staff coverage
- d. District emergency policies and procedures, including emergency action plans
- e. Site-Specific emergency policies and procedures, including emergency action plans
- f. Location and use of rescue and resuscitation equipment
- g. Location and use of personal protective equipment
- h. Facility rules and injury prevention policies
- i. Child supervision and abuse prevention policy
- j. Aquatics department policies and procedures
- k. Aquatic emergency response, including emergency action plan drills
- l. Emergency policies and procedures, including where and how emergency action plans are visually posted

ADDENDUM X
ACKNOWLEDGMENT OF CONDITIONS FOR USE OF CITY POOLS
INDEMNITY AND HOLD HARMLESS AGREEMENT

In consideration of the City of Waterbury("City"), by and through its Department of Education, ("Schools"), granting _____ of _____, _____, hereinafter referred to as ("Sole Authorized User") the temporary use, of the following named City School Pool Facility, _____ hereinafter referred to as ("School Facility") , together with the lawful access to and from said facility and designated parking, for the dates of _____, and limited to the specific hours of _____ to _____, and further limited to the following Activity, Programs, or Use ONLY, to wit: _____ (hereinafter variably referred to as the "Activity", "Program", or "Usage"), and in further consideration of the City allowing the Sole Authorized User to conduct their Community Activity, at the designated dates, time and location specified herein, as long as the same does not interfere with the School Program and/or Normal Operation, the Sole Authorized User, as the undersigned, does hereby acknowledge that they are aware of the risks associated with the aforesaid conditional use of said School Facility, and any associated activity , and the Sole Authorized User hereby agrees to assume all responsibility and risk for any loss, damage, claim, liability , cost, loss of earnings, personal injury including death, consequential damage, and property damage, which may directly or indirectly result from or occur as a consequence of their Conditional Use of said School Facility, or as a further consequence of any associated activity which occurs on City of Waterbury School Premises.

The undersigned further agrees to indemnify and hold harmless the City of Waterbury, and its boards, commissions, agents, officials, and employees, including with specificity but without limitation the Department of Education, from and against all claims, suits, damages, losses, judgments, costs and expenses, including attorney's fees, which may directly or indirectly result from or occur as a consequence of the use, presence, activities, or program conducted within, upon, or accessing the above-stated School Facility by the undersigned Sole Authorized User , or any of their agents, employees, designees, invitees, guests, or participants, of any kind.

The Undersigned further acknowledges and agrees that their proposed activity at the above-stated School Facility, is NOT a City of Waterbury activity, program, or function, and as such, the City of Waterbury has no responsibility for the planning, operation, or supervision for said activity, program, or function. The undersigned shall fully comply with Waterbury Board of Education and/or City of Waterbury rules, regulations, and requirements, then in effect, regarding use of said School Facilities; including without limitation:

A. The **Sole Authorized User** shall provide, at their expense, and at all times during their use of said **School Facility**, adequate and responsible adult supervision, school custodian, and for all Pool Usage, a certified life guard in attendance.

B. Prior payment for all costs, fees, permits, security deposits, and expenses required by the **City** and/or its **Department of Education**;

C. The drinking, use, presence, or consumption of alcohol in any form or mixtures, **SHALL NOT** be allowed or permitted on School Property or Facilities;

D. No smoking is allowed on School Property or Facilities;

E. No Decorating, or alteration of the wiring, curtains, furniture, or overall furnishings will be allowed without the prior written approval of the Superintendent of Schools or his designee, and shall be supervised directly by the assigned school custodian.

The undersigned **Sole Authorized User**, further acknowledges and agrees, that prior to being allowed the use of said **School Facilities**, they shall provide to the **Department of Education**, their Certificates of Insurance, which shall provide Insurance Coverage for said **Sole Authorized User** and its above-stated activity, and shall further name the **City of Waterbury**, and its **Department of Education**, and all of its Employees, Commissioners, and Members as their interests may appear, as **Additional Insureds**, with the following **Minimum Required Coverages and Waiver of Subrogation** rights:

1. General Liability Insurance: \$1,000,000 per Occurrence/\$2, 000,000 Aggregate Limits, coverage to include claims for Bodily Injury and Property Damage Liability;

2. Workers Compensation Insurance: Limits commensurate with applicable Connecticut Statute; and

3. Waiver of Subrogation for both General Liability and Workers Compensation Insurance in favor of the **City of Waterbury** and **Department of Education**.

The Undersigned further represents to the **City of Waterbury** and/or its **Department of Education**, that they or their activity are not disqualified, inappropriate, or ineligible to use the **School Facilities**, and that they are not aware of any circumstances, events, prior complaints, or any other reasons, which would render their use of said **School Facilities**, a risk, threat, or danger.

The undersigned further understands and agrees that any violations of the terms, rules, or regulations which govern the above-stated permit for authorized **Use of School Facilities**, may result in revocation by the **City of Waterbury**, or its **Department of Education**, of said permit and/or authorized use at any time prior to, or during said **Activity**.

It is further understood, acknowledged, and agreed, that the undersigned **Sole Authorized User**, is fully responsible to pay for the repair and/or replacement of any and all **City** and/or **School Facilities**, equipment, fixtures, utilities, premises, or property of any kind, which is damaged, destroyed, or in any way harmed by said

activities, usage, possession, or presence, or by any of the **Sole Authorized User's** agents, employees, invitees, spectators, or participants.

In the event the undersigned **Sole Authorized User** is not an Individual, then the Organization, Corporation, Limited Liability Company, or any other Entity, hereby represents that it is currently, and at the time of the Activity, shall be a lawfully existing entity under the laws of the State of Connecticut, and shall be required to provide the **City of Waterbury** and/or its **Department of Education**, prior to the approval of a permit for the proposed Activity, certified documentation evidencing said lawful existence, including without limitation, a Resolution authorizing a duly appointed Representative to sign this Document, binding the entity to the terms, conditions, and obligations herein.

Whenever possible, each provision of this agreement shall be interpreted in such a manner as to be effective and valid under applicable law. If any provision of this agreement is held to be prohibited or invalid by law, such provision shall be restated to reflect the allowable terms, and the remaining provisions of this agreement shall be enforced, binding, and valid as if this agreement was entered into without an invalid provision.

The undersigned further acknowledges that they have read this document in its entirety, and fully understand all of the terms, conditions, and obligations contained herein.

Dated at Waterbury, Connecticut this ____ day of _____, 2012.

SOLE AUTHORIZED USER:

(If an Individual)

Witness:

Sign: _____

Print Name: _____

Print Name: _____

Sign Name: _____

Witness:

Sign: _____

Print Name: _____

Individual Acknowledgement

State of Connecticut:

: ss: Waterbury _____, _____, 2012

County of New Haven:

On this _____ day of _____, 2012, before me the undersigned officer, personally appeared _____, known to me or satisfactorily proven to be the person whose name is subscribed herein and acknowledged that he/she executed the foregoing document for the purposes contained therein as his/her free act and deed.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Commissioner of Superior Court
Notary Public
My Commission Expires:

SOLE AUTHORIZED USER:
(If an Entity)

Witness: _____ Print Name of Entity: _____
Sign: _____ Authorized Signature: _____
Print Name: _____ Print Signed Name: _____
By Its Duly Authorized: _____
(Position)

Witness:
Sign: _____
Print Name: _____

Entity Acknowledgement

State of Connecticut:
: ss: Waterbury _____, _____, 2012

County of New Haven:
On this _____ day of _____, 2012, before me the undersigned officer, personally appeared _____, who represented himself/herself to be the duly authorized _____ of _____, and in said capacity was known to me or satisfactorily proven to be the person whose name is subscribed herein and acknowledged that he/she executed the foregoing document for the purposes contained therein on behalf of _____, binding said entity, as his/her free act and deed.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Commissioner of Superior Court
Notary Public
My Commission Expires