

June 27, 2024

AUTHORIZE THE COMMENCEMENT OF THE PUBLIC COMMENT PERIOD FOR THE AMENDMENT OF THE AQUATIC ACTIVITY SAFETY POLICY


THE CHIEF EXECUTIVE OFFICER RECOMMENDS:

That the Board authorize the commencement of the Public Comment Period from June 28, 2024 to July 29, 2024 for the Policy described in the disposition table below. Pursuant to Board Rule 2-6(c), the Board must authorize the commencement of the Public Comment Period.

Current Policy Section/ Current Policy Title	New Policy Section/ New Policy Title	Description of Revision/Disposition
18-0627-PO2, Policy 604.6, Aquatic Activity Safety	N/A	Amend Policy 604.6, Aquatic Activity Safety This policy was amended as required by Board Rule 2-6's biennial review process. The policy amendments provide more clarity on the content of the aquatic activity safety required as well as the certification process.

Approved as to Legal Form: 

Approved:

DocuSigned by:

56B562E0FFA44C9...

DocuSigned by:

AA17786A4B2446C

Ruchi Verma
General Counsel

Pedro Martinez
Chief Executive Officer

AQUATIC ACTIVITY SAFETY POLICY

THE CHIEF EXECUTIVE OFFICER RECOMMENDS:

That the Chicago Board of Education amends Board Report 18-0627-PO2, Aquatic Activity Policy, in response to the biennial review required by Board Rule 2-6.

PURPOSE: This policy is revised to strengthen aquatic safety standards by specifying that aquatics teachers and coaches must become lifeguard certified and also by strengthening the required ~~lifeguard to swimmer~~ lifeguard-to-swimmer ratio. The safety standards established in this policy shall protect the ~~wellbeing~~ well-being of students, staff, visitors, licensees and community members using Chicago Public Schools (CPS) owned or rented aquatic facilities. The Board believes that swimming is an important life skill and seeks to promote student participation in swim instruction and other aquatic activities to acquire skills for their basic safety and survival and also for their lifelong health, wellness and enjoyment. This policy shall implement best practices for aquatic instructional and athletic activities.

POLICY TEXT:

I. **APPLICABILITY:** This policy applies to all aquatic activities at CPS-owned pools, whether by CPS or a third party and ~~also as well as~~ at pools and aquatic facilities or areas used by CPS for school-sponsored activities. The term “aquatic activities” in this policy includes swimming, wading, diving, water polo, and any other aquatic sport or athletic activity taking place on or in any pool, beach, lake, or other aquatic area or facility owned, leased, licensed, or used by any school, including those used by CPS students during approved student travel.

II. **CPS POOL SCHOOLS:** This Section applies to schools with pools ~~located~~ in their school building.

A. Pool Use for Swim Instruction – During School Day: During the school day, the pool shall be used for student instructional purposes. Non-instructional free swim or open swim activities are prohibited during the school day. CPS swim instruction shall utilize the most current *American Red Cross Learn to Swim Program*. The principal shall ensure that the following lifeguard and supervision requirements are met:

	Aquatic Certification Requirement	Other Requirements
1. Lifeguard On Duty	<ul style="list-style-type: none"> ● American Red Cross Lifeguard Certificate. Certificates from other organizations will be accepted only if they are of equivalent or better quality and approved by the CPS Health and Physical Education Department. 	<ul style="list-style-type: none"> ● At a 50 swimmers to 1 lifeguard ratio. ● Lifeguards are prohibited from also performing teaching, training, coaching, student supervision or other duties and responsibilities that may distract their attention from their lifeguard surveillance duties.
2. Physical Education Teacher, Coach Supervisor	<ul style="list-style-type: none"> ● Water Safety Instructor Certificate, and ● By September 1, 2020, must also possess an American Red Cross Lifeguard Certificate. Certificates from other organizations will only be accepted if they are equivalent and approved by the CPS Health and Physical Education Department. ● If applicable, current certification according to specific water sport activity instruction such as snorkeling or boating activity such as kayak, canoe, row boat, paddleboard, sailboat, etc. 	<ul style="list-style-type: none"> ● Teachers, coaches, supervisors engaging in their regular work during aquatic activity <u>do not count</u> as a one of the minimum lifeguards on duty notwithstanding their Lifeguard Certification unless they engage <u>solely</u> in lifeguard surveillance duties. ● The teacher, coach, supervisor shall assist the lifeguard(s) on duty in responding to an aquatic emergency.

<p>3. Special Education Classroom Assistant Paraprofessional (SECA)</p> <p>(When required by an IEP/504 Plan)</p>	<ul style="list-style-type: none"> • Basic Water Rescue Certificate (valid for 3 years) 	<ul style="list-style-type: none"> • Must stay within reaching assist distance (as defined by the American Red Cross) to their assigned student(s).
--	--	--

Physical Education teachers and ~~SECAs~~ Paraprofessionals (SECA)s shall review each participating students' IEP/504 plan to determine: (i) applicable accommodations needed for the student to participate in aquatic activities (e.g. safety vest, in-pool assistance, etc.), and (ii) any health conditions that may impact their participation in aquatic activities.

In the event that any person is seriously harmed or injured during their use of a CPS aquatic facility, staff shall immediately call: (1) 911, ~~and~~
 (2) CPS Student Safety Center at 773-553-3335 so CPS officials will be notified, ~~and~~
(3) Notify Parent or Guardian(s) of the injured student

B. Pool Use for School-Sponsored Aquatic Activities Out-Of-School Time – Before School, After School, Weekends, School Not in Session: Student clubs involving swimming, employee swim, water fitness, family swim or other open swim activities are permitted out-of-school time (before or after the school day, on weekends or when school is not in session), at the principal's discretion. No one may swim alone or serve as their own lifeguard. The principal shall ensure that the following lifeguard and supervision requirements are met for school-sponsored aquatic activities scheduled out-of-school time:

	Aquatic Certification Requirement	Other Requirements
<p>1. Lifeguard On Duty</p> <p>(Applicable to all aquatic activities)</p>	<ul style="list-style-type: none"> • American Red Cross Lifeguard Certificate. Certificates from other organizations will be accepted only if they are of equivalent or better quality and approved by the CPS Health and Physical Education Department. • 	<ul style="list-style-type: none"> • At a 50 swimmers to 1 lifeguard ratio. • Lifeguards are prohibited from also performing teaching, training, coaching, student supervision or other duties and responsibilities that may distract their attention from their lifeguard duties.
<p>2. Teacher/Coach/Supervisor</p> <p>(Applicable to student/youth activities involving aquatics)</p>	<ul style="list-style-type: none"> • Water Safety Instructor Certificate, and • By September 1, 2020, must also possess an American Red Cross Lifeguard Certificate. <u>Certificates from other organizations will only be accepted if they are equivalent and approved by the CPS Health and Physical Education Department.</u> • If applicable, current certification according to specific water sport activity instruction such as snorkeling or boating activity such as kayak, canoe, row boat, paddleboard, sailboat, etc. 	<ul style="list-style-type: none"> • Teachers, coaches, supervisors engaging in their regular work during aquatic activity <u>do not count</u> as a one of the minimum lifeguards on duty notwithstanding their Lifeguard Certification unless they engage <u>solely</u> in lifeguard surveillance duties. • The teacher, coach, supervisor shall assist the lifeguard(s) on duty in responding to an aquatic emergency.

<p>3. Designated Adult Support for Students with Disabilities</p> <p>(When required by an IEP/504 Plan)</p>	<ul style="list-style-type: none"> • Basic Water Rescue Certificate or Water Safety Instructor Certificate 	<ul style="list-style-type: none"> • Must stay within reaching assist distance (as defined by the American Red Cross) to their assigned student(s). • If the designated adult does not possess a Water Safety Instructor Certificate or a Basic Water Rescue Certificate, then an additional lifeguard is required for a 50 swimmers to 2 lifeguard ratio.
--	---	--

For school-sponsored student clubs and other aquatic activity designed for student/youth participation, the principal or designee shall review each participating students' IEP/504 plan to determine: (i) applicable accommodations that will be needed for the student to participate in aquatic activities, and (ii) any health conditions that may impact their participation in aquatic activities. If a student requires paraprofessional assistance to participate in a school-sponsored out-of-school time aquatic activity, the principal or designee shall ensure a designated adult is provided for a student to participate in a school-sponsored student activity involving aquatics per the IEP/504 plan.

In the event that any person is seriously harmed or injured during their use of a CPS aquatic facility, staff shall immediately call: (1) 911, and
 (2) CPS Student Safety Center at 773-553-3335 so CPS officials will be notified, and.
(3) Notify Parent or Guardian(s) of the injured student

C. Pool Use for CPS Interscholastic and Intramural Sports: School swim teams, diving teams, water polo teams and other sports teams authorized by the principal using CPS pools for training, conditioning, competition or practice are subject to the following lifeguard and supervision requirements:

	Aquatic Certification Requirement	Other Requirements
<p>1. Lifeguard On Duty</p>	<ul style="list-style-type: none"> • American Red Cross Lifeguard Certificate. Certificates from other organizations will be accepted only if they are of equivalent or better quality and approved by the CPS Health and Physical Education Department. 	<ul style="list-style-type: none"> • At a 50 swimmers to 1 lifeguard ratio. • Lifeguards are prohibited from also having teaching, training, coaching, student supervision or other duties and responsibilities that may distract their attention from their lifeguard duties.
<p>2. Teacher/Coach/Supervisor</p>	<ul style="list-style-type: none"> • Water Safety Instructor Certificate, and • By September 1, 2020, must also possess an American Red Cross Lifeguard Certificate. <u>Certificates from other organizations will only be accepted only if they are equivalent and approved by the CPS Health and Physical Education Department.</u> • If applicable, current certification according to specific water sport activity instruction such as snorkeling or boating activity such as kayak, canoe, row boat, paddleboard, sailboat, etc. • Applicable Illinois Concussion Management Certification. 	<ul style="list-style-type: none"> • Teachers, coaches, supervisors engaging in their regular work during aquatic activity <u>do not count</u> as a one of the minimum lifeguards on duty notwithstanding their Lifeguard Certification unless they engage <u>solely</u> in lifeguard surveillance duties. • The teacher, coach, supervisor shall assist the lifeguard(s) on duty in responding to an aquatic emergency.

<p>3. Designated Adult Support for Students with Disabilities</p> <p>(When required by an IEP/504)</p>	<ul style="list-style-type: none"> • Basic Water Rescue Certificate or Water Safety Instructor Certificate 	<ul style="list-style-type: none"> • Must stay within reaching assist distance (as defined by the American Red Cross) to their assigned student(s). • If the designated adult does not possess a Water Safety Instructor Certificate or a Basic Water Rescue Certificate, then an additional lifeguard is required for a 50 swimmers to 2 lifeguard ratio.
---	---	--

Principal/Administration will ensure that all coaches and staff involved in interscholastic and intramural sports receive specialized training in accommodating students with special needs. This training should cover adaptive techniques, effective communication strategies, and understanding the diverse needs of students with disabilities and behavioral challenges.

The teacher/coach/supervisor shall review each participating students' IEP/504 plan to determine: (i) applicable accommodations that will be needed for the student to participate in aquatic activities, and (ii) any health conditions that may impact their participation in aquatic activities. If a student requires paraprofessional assistance to participate in an aquatic activity, the principal or designee shall ensure an adult is provided for a student to participate in an intramural water sport and also, when authorized by IHSA, an interscholastic water sport per the IEP/504 plan.

In the event that any person is seriously harmed or injured during their use of a CPS aquatic facility, staff shall immediately call: (1) 911, and (2) CPS Student Safety Center at 773-553-3335 so CPS officials will be notified, and. (3) Notify Parent or Guardian(s) of the injured student.

D. Third-Party Use of a CPS Pool - Before School, After School, Weekends, When School is not in Session: Third-Party use of a CPS pool is permitted before school, after school, on weekends and when school is not in session at the principal's discretion and also Local School Council approval where applicable under Board Rule 6-25. The principal shall ensure that *prior to* a third party's use of CPS pool the third party shall: (1) sign a short-term usage permit ("Permit") or license agreement ("License") with the Board in accordance with Board Rule 6-25.VII for use of the pool, (2) file their Certificate of Insurance with the Board in accordance with the insurance requirements set out in the Permit, License or Intergovernmental Agreement, and (3) provide copies of certification documents to the principal that reflect compliance with the following lifeguard and supervision requirements:

	Aquatic Certification Requirement	Other Requirements
<p>1. Lifeguard On Duty</p> <p>(For all aquatic activities)</p>	<ul style="list-style-type: none"> • American Red Cross Lifeguard Certificate. Certificates from other organizations will be accepted only if they are of equivalent or better quality and approved by the CPS Health and Physical Education Department. 	<ul style="list-style-type: none"> • At a 50 swimmers to 1 lifeguard ratio. • Lifeguards are prohibited from also having teaching, training, coaching, student supervision or other duties and responsibilities that may distract their attention from their lifeguard duties.

<p>2. Teacher/Coach/Supervisor</p> <p>(For youth aquatic activities)</p>	<ul style="list-style-type: none"> • Water Safety Instructor Certificate, and • American Red Cross Lifeguard Certificate. <u>Certificates from other organizations will only be accepted only if they are equivalent and approved by the CPS Health and Physical Education Department.</u> • If applicable, current certification according to specific water sport activity instruction such as snorkeling or boating activity such as kayak, canoe, row boat, paddleboard, sailboat, etc. 	<ul style="list-style-type: none"> • Teachers, coaches, supervisors engaging in their regular work during aquatic activity <u>do not count</u> as a one of the minimum lifeguards on duty notwithstanding their Lifeguard Certification unless they engage <u>solely</u> in lifeguard surveillance duties. • The teacher, coach, supervisor shall assist the lifeguard(s) on duty in an aquatic emergency situation. • If the teacher, coach, supervisor does not possess a Water Safety Instructor Certificate or a Basic Water Rescue Certificate, then an additional lifeguard is required for a 50 swimmers to 2 lifeguard ratio.
---	--	--

In the event that any person is seriously harmed or injured during their use of a CPS aquatic facility, the third-party user shall immediately call: (1) 911, and
 (2) CPS Student Safety Center at 773-553-3335 so CPS officials will be notified.

and

(3) Notify Parent or Guardian(s) of the injured student

E. Charter School and Public Entity Use of CPS Pools: Notwithstanding Section II.D. of this policy, charter schools, the Chicago Park District and other third-party organizations may be authorized by the Board to use a CPS pool during the school day or during out-of-school time hours when such use is provided for in an agreement authorized by the Board. The terms of such agreements shall require compliance with the safety standards in this policy unless otherwise authorized by the Board.

III. CPS USE OF A THIRD-PARTY POOL OR AQUATIC FACILITY:

A. Regular Physical Education Swim Instruction: A school may use a local third-party pool for swim instruction (e.g. Chicago Park District, University) at the principal discretion. The principal shall ensure that *prior to* the school's use of a properly licensed third-party pool: (1) a lease or license agreement is in place with the third party in accordance with Board Rule ~~7-15b~~ 7-13b., or an intergovernmental agreement authorized by the Board is in place for use of the third-party pool, and (2) ensure compliance with the supervision, lifeguard and accommodation requirements set out Section II.A of this policy for swim instruction. A school who uses a local third-party pool for regular physical education swim instruction may, at the principal's discretion, use the same pool for out-of-school time extra-curricular aquatic activities and also for aquatic sports, provided the school complies with the supervision and lifeguard requirements set out Section II.B. (for extra-curricular activities) and Section II.C. (for sports) of this policy.

B. One-Time Swim Instruction: Instructional use of an outdoor education camp pool or other third-party pool in connection with a one-time student travel trip is permitted. The principal shall ensure that *prior to* the school's use of a properly licensed third-party pool: (1) a lease or license agreement is in place with the third party in accordance with Board Rule ~~7-15b~~ 7-13b., or an intergovernmental agreement authorized by the Board is in place for use of the third-party pool, and (2) ensure compliance with the supervision, lifeguard and accommodation requirements set out Section II.A of this policy for swim instruction. Recreational use of an outdoor education camp pool or other third-party pool in connection with a one-time student travel trip is prohibited.

C. Hotel Pools and Water Parks: Use of hotel pools and water parks is prohibited.

D. Student Aquatic Sport Competitions: When a school uses a third-party pool for an aquatic sports competition event, the lifeguard to swimmer ratio shall be subject to the requirements of the host pool/organization (e.g. IHSA, Special Olympics).

E. Accommodations: When the use of a third-party pool or aquatic facility is authorized, the principal or designee shall review each participating students' IEP/504 plan to determine (i) applicable accommodations that will be needed for the student to participate in aquatic activities, and (ii) any health conditions that may impact their participation in aquatic activities. If a student requires paraprofessional assistance to participate in an aquatic activity, the principal or designee shall ~~ensure a designated adult is provided for a student to participate in a school-sponsored student activity involving swimming~~ ensure a designated adult is provided for a student to participate in a school-sponsored student activity involving swimming per the IEP/504 plan.

F. Student Travel Approval: Requests for use of a third-party pool are subject to prior approval in accordance with the Board's Student Travel Policy. The principal or designee shall ensure that all required aquatic activity documentation is submitted as part of the trip approval process in accordance with the Student Travel Policy guidelines.

IV. BOATING AND USE OF OPEN WATER LOCATIONS (LAKE, RIVER, OCEAN, BEACH):

A. Small Boats: Competitive boating sports (e.g. bass fishing, sailing, row), instructional boating activities (e.g. kayak instruction, paddleboard instruction) and instructional activities involving small boats (e.g. kayak water ecology activity) are permitted when authorized by the Chief Education Officer or designee. When authorized, the supervision, lifeguard, student accommodation and activity safety requirements shall be established by the Chief Education Officer or designee.

Recreational activities in small boats (e.g. canoe, kayak, rowboats, paddleboards, sailboats etc.) ~~is~~ are prohibited.

B. Commercial Boats: School activities involving U.S. Coast Guard approved commercial boat charters (e.g. ferry boats, water taxi, tour boats) are permitted. For foreign student travel, a commercial boat charter must possess an equivalent to a U.S. Coast Guard approval in the country visited to be considered for approval.

C. Shoreline Swimming and Snorkeling: Instructional shoreline swimming and snorkeling activities at a Chicago Park District beach or other open water location (ocean, river, lake) including those related to water sport activities (e.g. triathlon) are permitted when authorized by the Chief Education Officer or designee. When authorized, the supervision, lifeguard, student accommodation and activity safety requirements shall be established by the Chief Education Officer or designee.

Recreational shoreline swimming and snorkeling in oceans, lakes, rivers or other open water locations is prohibited.

D. Student Travel Approval: Requests for boating or open water activities are subject to prior approval in accordance with the Board's Student Travel Policy. The principal or designee shall ensure that all required aquatic activity documentation is submitted as part of the trip approval process in accordance with the Student Travel Policy guidelines.

V. AQUATIC CERTIFICATION – CREDENTIAL COMPLIANCE: The principal shall obtain a copy of the current aquatic certificates for lifeguards, SECAs and also for staff teaching swim instruction or coaching a sport involving aquatic activity or supervising an aquatic activity and provide the certificates to the Chief Executive Officer or designee who will maintain the certificates on file. The principal shall instruct the aquatic certificate holder to renew required certification during their employment, so long as they engage in supervising water activities. Certificates must be issued by the American Red Cross. Certificates from other organizations will be accepted only if they are equivalentthey are of equivalent or better quality and approved by the CPS Health and Physical Education Department at the time of employment.

The principal or designee shall ensure that all required aquatic certification documentation is submitted as part of the trip approval process in accordance with the Student Travel Policy and Guidelines. The principal shall maintain copies of certification documents provided by third parties who use the school pool that reflect compliance with the following lifeguard and supervision requirements together with the rental documentation.

Nothing herein shall limit the authority of the Chief Executive Officer's authority to identify additional credentials requirements for lifeguards, teaching staff, coaches, paraprofessionals, SECAs or aquatic activity supervisors for consistency with state or local laws.

VI. FACILITY COMPLIANCE:

Schools with pools on site shall operate and maintain their aquatic facility in compliance with the applicable state and local laws and licensing requirements. The Facilities Department shall maintain standards and operating procedures to ensure the proper maintenance of pools, safety equipment, and inspection of aquatic facilities. Schools with indoor pools must maintain high standards of environmental safety. This includes regular air quality monitoring, maintaining optimal humidity and temperature levels, and ensuring effective operation of HVAC systems. Emergency protocols for severe weather, power outages, and other relevant indoor environmental hazards must be established and practiced regularly. Staff should be trained in these protocols, and drills should be conducted at least bi-annually. Schools with indoor pools must maintain pool temperature required by the state between 76 degrees and -92 degrees, inclusive.

The Facilities Department shall make determinations whether a pool must be deactivated/de-activated in order for maintenance or corrective actions are taken.

VII. GUIDELINES: The Chief Education Officer or designee is authorized to establish and publish aquatic activity guidelines to ensure the effective implementation of this policy. At a minimum, the guidelines shall include standards, procedures, and requirements for pool signage, pool maintenance and inspection, safety equipment and procedures, aquatic instructor hiring and responsibilities, SECA hiring and responsibilities, lifeguard hiring and responsibilities, the use of student lifeguards, aquatic emergency action plan and drills, special education compliance, aquatic credential compliance and principal scheduling, religious accommodations, third-party rentals of CPS pools, parent notices and request for information, student safety vest requirements, aquatic activities during student travel including aquatic sports and same-day field trips and such other requirements as necessary. The aquatic activity guidelines will incorporate the pool-related standards and procedures established by other CPS departments including but not limited to Facilities, Real Estate, Sports Administration, Diverse Learners Supports and Services, as necessary. The principal and all school staff shall ensure compliance with this policy and related aquatic activity guidelines. For more detail information regarding certifications and expirations, please refer to the Aquatic Emergency Management Policy (AEMP)

VIII. OVERSIGHT AND SUPPORT: The Chief Education Officer or designee shall oversee school implementation and compliance with this policy and in doing so shall:

1. Provide technical assistance and support to assist schools with implementation of the policy and swim programming;
2. Ensure schools are offered support services through various CPS departments, including Facilities, Real Estate, Sports Administration, Diverse Learners Supports and Services to ensure the full implementation of this policy; and
3. Conduct yearly/periodic evaluations and report on district-wide and individual schools' compliance with the Policy.

The Chief Education Officer or designee shall ensure that continuous professional development opportunities are available for all aquatic staff. This includes annual refresher courses in lifesaving skills, first aid, CPR, and updates on best practices in aquatic safety, diversity and inclusion training, and mental health first aid.

IX. NON-DISCRIMINATION: Students with disabilities shall participate in aquatics programming in the same manner as their non-disabled peers. It is the Board's policy to ensure compliance with Title IX of the Education Act of 1972 in the provision of school-sponsored aquatic activities and equal opportunity to participate in such activities. Administration at the school/designee will ensure that all aquatic staff receive diversity, inclusion, and cultural competence training, focusing on creating an inclusive environment for all students, including those from diverse backgrounds and with varying abilities.

~~**X. EFFECTIVE DATE:** This policy shall rescind and replace the current Aquatic Activity Safety Policy adopted under Board Report 04-0324-PO2, effective September 1, 2018.~~

XI. VIOLATIONS: Employees who violate this policy or guidelines will be subject to disciplinary action, including discharge.

LEGAL REFERENCES: 210 ILCS 125/1 *et seq.* 77 Ill. Admn. Code 820 *et seq.*