

# **ONE IS TOO MANY**

## **SUMMARY**

Last year at Atascadero High School a student drowned during a physical education class. Sadly, while we realize that we cannot bring that student back, and cannot speculate whether the school's safety plan in place at that time would have prevented that death, the Grand Jury believes that schools offering aquatic sports as part of their physical education curriculum should take every precaution to ensure the safety of those students. The San Luis Obispo Grand Jury investigated the school districts within San Luis Obispo County to determine if they have School Pool Safety Plans. After reviewing eleven schools, we found that four school districts within the county, Atascadero Unified School District, Cayucos Elementary School District, Paso Robles Public Schools and Lucia Mar Unified School District, offered swimming as part of their physical education curriculum. The Pool Safety plans at those school districts ranged from very extensive to almost non-existent.

## **INTRODUCTION**

The State of California does not have a legislative requirement for school pool safety plans. Public pools are regulated by the California Health and Safety Codes, The California Building Code and the California Electrical Code in regards to water clarity, lighting, fences and gates, signs, non-slip surfaces, and circulation drains. School use of pools for physical education programs are not specifically addressed in the Education Code. However, the Curriculum Standards for Physical Education in Aquatic Sports states,

“A safe environment in Physical Education has two components. The first refers to the physical environment and the need to ensure that the facilities and equipment are safe, staff is prepared to handle emergencies, class size is conducive to providing a safe

environment, communication systems are in place so that the physical education teachers can connect quickly to the main office or health office, students use equipment and facilities in a safe manner and there is proper supervision of all physical activities.”

In the opinion of this Grand Jury, school pool safety plans would clarify emergency procedures, set standards for teachers and students, reduce liability and yes, perhaps even save lives.

Atascadero Unified School District, Cayucos Elementary School District, Lucia Mar Unified School District and Paso Robles Public Schools conduct swimming lessons as part of their Physical Education programs. In addition, San Luis Coastal School District has swim teams and water polo teams at San Luis Obispo High School and Morro Bay High School as an extra-curricular activity. This Grand Jury has chosen, for the purpose of this report, to focus on those school districts offering swim lessons as part of their Physical Education Curriculum. It would behoove those schools offering extra-curricular aquatic sports to develop or revise their safety plans with respect to those sports.

## **METHOD**

We have contacted the following school districts and requested their school pool safety plans.

- Atascadero Unified School District
- Bellevue-Santa Fe Charter School District
- Cayucos Elementary School District
- Lucia Mar Unified School District
- Paso Robles Public Schools
- Pleasant Valley Joint Unified School District
- San Luis Obispo Coastal School District
- San Miguel Union School District
- Shandon Unified School District
- Templeton Unified School District

We received school pool Safety plans from Atascadero Unified School District, Nipomo High School and Arroyo Grande High School in Lucia Mar Unified School District, Paso Robles Public Schools, and Cayucos Elementary School District. Atascadero Unified School District sent us a comprehensive plan, while the other school districts sent us much less thorough plans even after repeated requests.

We also interviewed officials from the San Luis Obispo County Department of Public Health and the San Luis Obispo County Board of Education.

## **NARRATIVE**

California Health and Safety Code 116043 states,

“Every public swimming pool, including swimming pool structure, appurtenances, operation, source of water supply, amount and quality of water recirculated and in the pool, method of water purification, lifesaving apparatus, measures to insure safety of bathers, and measures to insure personal cleanliness of bathers shall be such that the public swimming pool is at all times sanitary, healthful and safe.”

The San Luis Obispo County Environmental Health Agency inspects all public pools annually. They scrutinize water clarity, pH, electrical systems including GFI plugs, drain suction outlet covers, non-slip lane markers and depth markers, fencing and gates, and signage.

The Environmental Health Agency inspection provides a good starting point for swimmer safety, but does not address all concerns. A complete school pool safety plan should include sections regarding personnel, facility safety, student rules and emergency procedures.

1. Personnel- There should be a clear line of command listing the responsible parties for ensuring the safety of students. Every instructor should be a credentialed Physical Education Instructor for high school programs, or a credentialed multiple subject instructor for elementary schools. Current certification in first aid and

cardiopulmonary resuscitation is required according to California Health & Safety Code 116033. In addition, it states that persons providing aquatic instruction shall possess current certificates from an American Red Cross or YMCA of the U.S.A. lifeguard training program, or have equivalent qualifications, as determined by the department. An additional lifeguard or responsible person should provide another set of eyes. Each school district should decide on and document their appropriate student to teacher ratio. Attendance should be taken outside of the pool area prior to students entering the pool, and periodically throughout the class. Testing to identify non-swimmers would be helpful. The instructor should have a cell phone readily available. All personnel need to be familiar with emergency procedures.

2. Facility Safety- Whether the pool belongs to the school district or another agency, the safety of the facility becomes the school district's responsibility when students are present. Employee responsibilities should be clearly stated. A checklist would be helpful in determining that the pool, pool decks, ladders, filters and chemical balance of the pool are all in working condition. Pool chemicals must be safely stored in a locked enclosure. Experience is required to achieve the proper chemical balance. Daily testing should be conducted before students enter the pool and a log should be kept. Safety equipment, including flotation devices, a hook, and a first aid kit should be readily available. Annual testing by the County Environmental Health Department is required.
3. Student Rules – Student rules must be posted and should also be sent home to parents. Every school district we contacted had adequate pool rules for students (see Appendix A). Emergency evacuation procedures should be clearly explained.
4. Emergency Procedures- In the event of an emergency, a well thought out plan, specific to the pool site, will save much needed time, and can make the difference between life and death. Clear instructions to be followed step by step must be familiar to staff. Flow charts, graphs or written dialogues are helpful. Necessary

directions for 911 responders should be included. Diagrammatic illustrations of artificial respiration procedures shall be posted where clearly visible from the nearby deck.

After setting the parameters for a complete school pool safety plan, the Grand Jury compared the plans submitted by the four schools with swimming as part of their physical education curriculum.

1. Atascadero Unified School District's plan was finalized in September after a tragic accident. It is very comprehensive. The Atascadero plan outlines the roles of personnel and who they report to. The Instructor is a certified Physical Education Instructor and oversees that all curriculum and instructional procedures for pool safety are followed. The pool Assistant is a responsible person or lifeguard in charge of a swimming group, or supporting the instructor. He or she reports to the instructor, appropriate building personnel or Athletic Director. There is a certified pool operator who tests the chemicals and records results every day the pool is in use. He also maintains the proper chemical balance and filter systems. The pool operator is responsible for cleaning the pool and ensures that all safety equipment is in place.

The Atascadero plan has a section on maintenance and inspection of the pool. It also includes conditions for closing the pool. Chemical storage and handling procedures are covered.

Rules and regulations are shared with students at the beginning of each swimming unit. Regular school rules are also enforced during all school related activities. Atascadero requires at least one qualified PE teacher for every 42 students. Class attendance is taken outside the pool area and then checked periodically.

Atascadero has a clear emergency action plan including the message to give to 911 responders. It details the actions to be taken by the instructor and assistant.

There is also a list of lifesaving equipment required onsite. Atascadero Unified School District should include a requirement for a current first aid and CPR certificate and that a cell phone be with the teacher at all times.

2. Lucia Mar Unified School District conducts swimming lessons as part of their physical education curriculum at Arroyo Grande High and Nipomo High. They have a flow chart describing the Emergency Action Plan (see Appendix B). It was very complete and specified the steps to be taken in an emergency.

Unfortunately, materials requested from Arroyo Grande High School and Nipomo High School did not include the flow chart. The Emergency Action Plan flow chart should be incorporated into the memo headed "Emergency Plan for Pool". Lucia Mar also had thorough student rules for the pool as well as a letter going home to parents describing the swimming curriculum and uniform needs. Lucia Mar was the only school to require pretesting of students to determine their ability level at the start of the course. This would be most helpful.

The Grand Jury believes that the Lucia Mar Unified School District needs a plan outlining instructor qualifications and also a plan for pool maintenance and inspection. It would be helpful to incorporate all the school pool safety plans into one binder to be easily accessed by staff and parents.

3. Cayucos Elementary School has a preliminary plan and has indicated that they are scheduling an overhaul of their school pool safety plan this summer. The Cayucos Lioness Club financially sponsors swimming lessons at the school. The pool is owned by the County of San Luis Obispo and the school relies on them to oversee the safety of the facility. We would encourage Cayucos Elementary School District to develop their own checklist for facility safety including chemical checks, inspection of the pool, pool decks, ladders, diving boards and safety equipment. We hope our guidelines will be useful.

4. Paso Robles Public Schools use the Paso Robles City Pool, and sent us the city pool safety plan. We believe that the school district needs to form a district wide school pool safety plan or formally adopt the city's plan. Much of the plan addressed city employee policy and would need to be adapted to meet the needs of the school district.

## **CONCLUSIONS**

The Grand Jury has found that there are many inconsistencies among the school districts, including some ignoring the CPR practices. We, the Grand Jury feel ALL schools in San Luis Obispo County who have swimming as part of their physical education program should have a comprehensive school pool safety plan. Atascadero Unified School District should be commended on having a thorough plan. Lucia Mar Unified School District needs to incorporate their student rules and Emergency Action Plan flow chart into a complete school pool safety plan that includes sections on facility inspections and safety and instructor qualifications. Cayucos Elementary School District and Paso Robles Public Schools need to develop comprehensive plans.

## **FINDINGS**

1. The Grand Jury found that School Pool Safety Plans varied from comprehensive to almost nonexistent.
2. Atascadero Unified School District's School Pool Safety plan will meet their needs with only minor modifications. We commend the Atascadero School District for responding to the tragic accident at their high school by developing a plan to protect future students.
3. Lucia Mar Unified School District has clear rules for student behavior and an excellent Emergency Action Plan flow chart. However, they fail to have a plan for

instructor qualifications or facility safety. It is also unclear whether instructors at Arroyo Grande High and Nipomo High are familiar with the Emergency Action Plan flow chart.

4. Cayucos Elementary School District has rules for student behavior. They need to refine their rules for instructor qualifications and develop an emergency action plan. They should work with the County of San Luis Obispo to create a facility safety plan.

5. Paso Robles Public Schools need to develop a school pool safety plan. They may choose to adopt the rules from the City of Paso Robles, but should also include an emergency plan specific to school use.

## **RECOMMENDATIONS**

1. Recommend Atascadero Unified School District policies include a requirement for a current CPR certification.
2. Recommend that Atascadero Unified School District policies include a requirement that the instructors have access to a cell phone.
3. Recommend that Lucia Mar Unified School District develop a school pool safety plan that incorporates their Student Rules and their Emergency Action Plan with Teacher Qualifications and Facility safety.
4. Recommend that Paso Robles Public Schools develop their own set of school pool safety plans including sections on instructor qualifications, facility safety, student rules and emergency procedures.

5. Recommend that Cayucos Elementary School District develop a comprehensive set of School Pool Safety Plans including sections on instructor qualifications, facility safety, student rules and emergency procedures.
6. Recommend that the County Superintendent of Schools monitor school pool safety plans to ensure that each school district using a pool has adequate safety policies in place.
7. The San Luis Obispo County Superintendent of Schools, Atascadero Unified School District, Lucia Mar Unified School District, Paso Robles Public Schools and Cayucos Elementary School District should post a copy of this report where it will be available for public review.

## **REQUIRED RESPONSES**

Responses to the recommendations are required from the following:

- Atascadero Unified School District – Finding #1 & #2, Recommendations #1 & #2
- Lucia Mar Unified School District - Finding #1 & #3, Recommendation #3
- Paso Robles Public Schools – Finding #1 & #4, Recommendation #4
- Cayucos Elementary School District – Finding #1 & #5, Recommendation #5
- San Luis Obispo County Superintendent of Schools – Finding #1, Recommendations #6 & #7

The responses from the Atascadero Unified School District, the Lucia Mar Unified School District, the Paso Robles Public Schools, the Cayucos Elementary School District and San Luis Obispo County Superintendent of Schools shall be submitted to the Presiding Judge at the San Luis Obispo Superior court by August 12, 2009. Please provide a copy of all responses to the Grand Jury as well.

The responses from the San Luis County Board of Supervisors shall be submitted to the Presiding Judge at the San Luis Obispo Superior court by September 11, 2009. Please provide a copy of all responses to the Grand Jury as well.

The mailing addresses for delivery are:

<b>Presiding Judge</b>	<b>Grand Jury</b>
Presiding Judge Martin Tangeman Superior Court of California 1035 Palm, Room 385 San Luis Obispo, CA 93408	San Luis Obispo County Grand Jury P.O. Box 4910 San Luis Obispo, CA 93403

## **APPENDIX A**

### Atascadero High School Pool Rules

1. Urinating or blowing the nose in the pool prohibited.
2. No food, drink, or gum, will be allowed in the pool area.
3. No smoking is allowed in the locker rooms or pool area at any time, or anywhere else on school property.
4. Divers should swim straight out of the diving area to the ladders and get out of the water quickly. Swimmers are not allowed in the diving area, only one person at a time on the diving board; waiting divers must wait until the diving area is cleared.
5. No pushing or horseplay in the pool or around the pool area.

6. No jewelry or personal swimming equipment will be taken into the pool unless authorized by the instructor or pool assistant. (masks, fins, etc.)
7. School equipment will not be used without permission of the instructor or pool assistant.
8. Swimmers will not run on or around pool areas or deck.
9. No diving will be allowed in the shallow half of the pool off the deck or off of the starting platforms. Only those competitive swimmers instructed in proper technique will be allowed to use starting platforms in competitive practice or meets.
10. No glass will be allowed in the pool area.
11. The deck of the pool shall be clear of all unused equipment. All equipment must be put away after use. Nothing is to be left around the pool deck.
12. All safety equipment, including first aid kit, shall be readily available and in its proper place at all times.
13. No bather shall enter the pool area unless a qualified instructor or lifeguards is on duty in the immediate pool area.
14. The instructor, pool assistant, and/or lifeguard must always enter the pool area first to secure the area and be the last to leave the pool after checking carefully to see that all are out. No one should enter the water until so instructed by the person(s) in charge of supervision.
15. Head first diving from the pool deck is prohibited in water depths less than eight feet.
16. No sitting on ropes in the pool.