

Date of Hearing: April 9, 2025

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
AB 1005 (Davies) – As Introduced February 20, 2025

[Note: This bill was double referred to the Assembly Water, Parks and Wildlife Committee and will be heard by that Committee as it relates to issues under its jurisdiction.]

SUBJECT: Drowning prevention: public schools: informational materials: swimming lesson vouchers

SUMMARY: Makes numerous changes to the authorization for the distribution of informational materials in public schools provided by drowning or injury prevention organizations. Establishes the Swim Lesson Voucher and Swim Lesson Directory Development Plan Partnership in order to develop guidelines for establishing a swim lesson voucher program and swim lesson directory in California. Specifically, **this bill:**

- 1) Authorizes, for the 2025–26 school year, upon receipt of the informational materials, a public school to provide the informational materials to parents, legal guardians, or caregivers of pupils at the time the pupil enrolls at the public school and at the beginning of each school year.
- 2) Authorizes, beginning with the 2026–27 school year, upon receipt of the informational materials, a public school to provide the informational materials to parents, legal guardians, or caregivers of pupils at the time the pupil enrolls at the public school and at the beginning of each school year, or at a period of time agreed upon between the public school and the drowning or injury prevention organization. Requires, beginning with the 2026-27 school year, the informational materials to not be provided later than the first week of May in the year that the informational materials were provided.
- 3) Requires, upon request by a public school, a drowning or injury prevention organization that elects to provide informational materials to provide the informational materials in English and encourages drowning or injury prevention organization to provide informational materials in the other most commonly spoken languages associated with the population attending the school based on available data from the California Department of Education (CDE).
- 4) Requires a drowning or injury prevention organization that provides informational materials to a public school to adhere to all of the following:
 - a) Correspond only with a school administrator or school entity authorized by the school district or school, which also may include the school’s parent-teacher association or an equivalent association, to request to work with the public school;
 - b) Approach the public school only during regular business hours or at a time outside of regular business hours as specified by a school administrator;

- c) Provide written evidence, in the form of a letter or document, either of which is required to be no longer than one page, to a school administrator that demonstrates that the informational materials provided by the drowning or injury prevention organization align with the drowning, drowning prevention, water safety, rescue, and swim skills lesson information found on the drowning prevention web page of the federal Centers for Disease Control and Prevention, which includes evidence-based water safety and drowning prevention information vetted through such authorities on drowning and drowning prevention as the American Academy of Pediatrics and the American Red Cross, among other sources;
 - d) Provide printed informational materials, for any language, that are no larger than a legal size paper or are in a folded pamphlet format, or online informational materials; and
 - e) Provide informational materials at no cost to the public school.
- 5) States that a school administrator or school entity authorized by the school district or school, which also may include the school's parent-teacher association or an equivalent association, that engages with a drowning or injury prevention organization is not responsible for confirming the drowning or injury prevention organization's compliance with the requirements of this bill.
- 6) Authorizes a school administrator who receives informational materials from multiple drowning or injury prevention organizations to consider both of the following factors when selecting which drowning or injury prevention organization to work with:
- a) Which drowning or injury prevention organization provides informational materials that are best suited for the public school's parent, guardian, and caregiver population and the families served by the public school; and
 - b) Which drowning or injury prevention organization can distribute informational materials in a manner that reduces the public school's role in distributing the informational materials, including, among other things, whether the proposed informational materials are in a printed or electronic format.
- 7) Prohibits, if a school administrator selects informational materials for a given school year, other drowning or injury prevention organizations to not contest those informational materials but are authorized to submit their own informational materials the following school year for the school administrator's consideration.
- 8) States that the requirement to provide drowning prevention informational materials shall not be construed to require a school administrator to work with any drowning or injury prevention organization.
- 9) Adds "water safety and drowning prevention education" to the list of subjects pupils will receive instruction in comprehensive health education programs, in order to aid them in making decisions in matters of personal, family, and community health.
- 10) Requires the CDE to gather and make available on its website, school-based water safety and prevention education resources and curriculum that are age appropriate to pupils of different

grade levels and adaptable for public school use. Encourages the CDE to refer to the existing, freely accessible, age- and grade-appropriate curriculum that has been identified by the Drowning Prevention Foundation and that can be used in school settings.

- 11) States the findings and declarations of the Legislature in Health and Safety Code:
 - a) In California, drowning is the leading cause of death for children 4 years of age and younger, the second leading cause of death for children 5 to 14 years of age, inclusive, and the third leading cause of death for teenagers and youth 15 to 24 years of age, inclusive; and
 - b) Swim instruction provided by persons who are qualified and certified, as specified, and open to children of all ages is an essential public health service.
- 12) Defines the following:
 - a) “Public school” to mean a school operated by a school district, county office of education (COE), or a charter school; and
 - b) “Water safety” to mean age-appropriate education intended 1) to promote safety in, on, and around bodies of water, including residential and public pools and spas, home water sources such as bathtubs, and open bodies of water such as lakes, rivers, canals, and the ocean, and 2) to reduce the risk of injury or drowning.
- 13) Establishes the Swim Lesson Voucher and Swim Lesson Directory Development Plan Partnership. Requires the partnership to develop guidelines for establishing a swim lesson voucher program and swim lesson directory in California, both of which may include initial pilot programs. States the purpose of the swim lesson voucher program and associated pilot programs is to increase water safety by offering vouchers for swim lessons at no cost to children under 18 years of age whose families have an income of no more than 250% of the federal poverty level. States the purpose of the swim lesson directory, and associated pilot programs, is to make it easier for parents, caregivers, and guardians to access swim lessons for their children at all ages.
- 14) Includes various technical clean up provisions.

EXISTING LAW:

- 1) Authorizes a local, state, or national drowning or injury prevention organization affiliated with one or more drowning prevention organizations to provide informational materials, in electronic or hardcopy form, to a public school regarding the following topics:
 - a) The role that water safety education courses and swimming lessons play in drowning prevention and saving lives;
 - b) Local water safety and swimming skills programs in the county and communities served by the school, including free or reduced-price programs, and how to access information about age-appropriate public or private water safety courses and swimming skills programs that result in a certificate indicating successful completion; and

- c) Contact information of the organization to receive further water safety education information. (Education Code (EC) 51140)
- 2) Requires the informational materials to not be used to solicit funding or donations for the organization. (EC 51140)
- 3) Authorizes, beginning with the 2024–25 school year, upon receipt of the informational materials, a public school to provide the informational materials to parents, legal guardians, or caregivers of pupils at the time the pupil enrolls at the school and at the beginning of each school year. (EC 51140)
- 4) Requires, upon request by a public school, a drowning or injury prevention organization to provide the informational materials in the three most commonly spoken languages associated with the population attending the school. (EC 51140)
- 5) Defines the following terms:
 - a) “Public school” to mean a school operated by a school district, county office of education, or a charter school; and
 - b) “Water safety” to mean age-appropriate education intended to promote safety in, on, and around bodies of water, including residential and public pools and spas, home water sources such as bathtubs, and open bodies of water such as lakes, rivers, canals, and the ocean, and to reduce the risk of injury or drowning.
- 6) Requires a coach of an athletic activity to complete the coach’s sudden cardiac arrest training course and to retake the training course every two years thereafter. States that a coach of an athletic activity shall not be eligible to coach an athletic activity until the coach completes the training course required. (EC) 33479.6)
- 7) Requires, if a school district or charter school elects to sponsor or host, in or around a swimming pool, an on-campus event that is not part of an interscholastic athletic program, the school district or charter school to require at least one adult with a valid certification of cardiopulmonary resuscitation (CPR) training to be present throughout the duration of the event. Authorizes the presence of an adult with CPR training, as mandated by the California Interscholastic Federation coaching education program requirements, to satisfy this requirement. (EC 35179.6 (b))

FISCAL EFFECT: Unknown

COMMENTS:

Need for the bill. According to the author, “Drowning is completely preventable, but every year we have families across our State losing loved ones to unintentional drowning. With so many barriers to entry in swimming, it’s hard for families to get the resources they need. By providing drowning prevention education in schools we can ensure that students and their families are receiving information from professionals on best practices. Also by developing a swim lesson

voucher program we will eventually be able to ensure that any kid who wants to swim will be able to learn, and we can finally end drowning in California.”

Key provisions of the bill. Current law authorizes public schools to distribute informational materials regarding water safety education courses and swim lessons provided by a drowning or injury prevention organization. The bill seeks to clarify and provide technical clean-up to several provisions, including that the materials shall be distributed in the month of May. Current law requires that the informational materials be provided in three of the most commonly spoken languages associated with the population of the schools, and this bill would require the informational materials be provided in English, and encourage the materials to be provided in the other most commonly spoken languages. The bill establishes additional procedures for the communication between a public school and the drowning or injury prevention organization that provides informational materials.

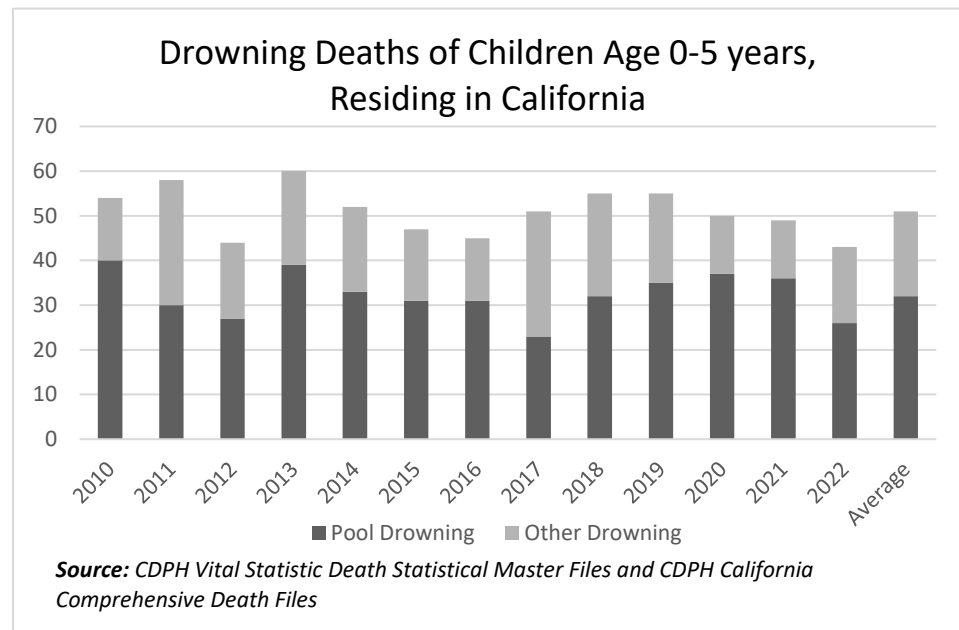
The bill adds “water safety and drowning prevention education” to the list of subjects pupils will receive instruction in comprehensive health education programs, in order to aid them in making decisions in matters of personal, family, and community health.

The bill requires the CDE to gather and make available on its website, school-based water safety and prevention education resources and curriculum that are age appropriate to pupils of different grade levels and adaptable for public school use and encourages the CDE to refer to the existing, freely accessible, age- and grade-appropriate curriculum that has been identified by the Drowning Prevention Foundation and that can be used in school settings.

Finally, the bill establishes the Swim Lesson Voucher and Swim Lesson Directory Development Plan Partnership (partnership). The partnership would be required develop guidelines for establishing a swim lesson voucher program and swim lesson directory in California, both of which may include initial pilot programs. States that the purpose of the swim lesson voucher program, and associated pilot programs is to increase water safety by offering vouchers for swim lessons at no cost to children under 18 years of age whose families have an income of no more than 250% of the federal poverty level. States that the purpose of the swim lesson directory, and associated pilot programs, is to make it easier for parents, caregivers, and guardians to access swim lessons for their children at all ages. ***The Committee may wish to consider*** that the bill does not specify which public entity or agency will be charged with participating in and developing the plan partnership.

Child drowning. According to the California Department of Developmental Services, in California, drowning is a leading cause of injury-related deaths among children under the age of five. Each year, near-drowning incidents result in life-long disabilities.

According to a 2019 policy statement by the American Academy of Pediatrics (AAP) Council on Injury, Violence, and Poison Prevention, *Prevention of Drowning*, rates of drowning death vary with sex, race, and/or ethnicity, with toddlers and male adolescents at highest risk. After 1 year of age, male children of all ages are at greater risk of drowning than female children. Overall,



African American children have the highest drowning fatality rates, followed in order by American Indian and/or Alaskan native, white, Asian American and/or Pacific Islander, and Hispanic children.

Drowning is also a significant source of morbidity for children. In 2017, an estimated 8,700 children younger than 20 years of age visited a hospital emergency department for a drowning event, and 25% of those children were hospitalized or transferred for further care. Most victims of nonfatal drowning recover fully with no neurologic deficits, but severe long-term neurologic deficits are seen with extended submersion times (>6 minutes), prolonged resuscitation efforts, and lack of early bystander-initiated CPR.

Drowning prevention strategies. According to the AAP, five major drowning prevention interventions are evidence based: 4-sided pool fencing, life jackets, swim lessons, supervision, and lifeguards (with descending levels of evidence). The installation of 4-sided fencing (at least 4 feet tall) with self-closing and self-latching gates that completely isolates the pool from the house and yard is the most studied and effective drowning-prevention strategy for young children, preventing more than 50% of swimming-pool drownings of young children. Life jackets are now also well proven to prevent drowning fatalities. Some data reveal that swimming lessons may lower drowning rates among children, including those 1 to 4 years of age. Lifeguards and CPR training also appear to be effective.

Arguments in support. The Drowning Prevention Foundation writes, “Increasing all parents and students’ knowledge about water safety and drowning prevention, as well as how to access swim lessons for all ages of children, including children living in lower income families, is a critical piece of the drowning prevention strategic plan for California. AB 1005 provisions will help move California toward making drowning rare rather than common on the road to achieving zero fatal drownings in our state. AB 1005 addresses five actions necessary for us to bring about this critical public health and safety goal.”

Recommended Committee Amendments. Staff recommends that the bill be amended as follows:

- Encourage, rather than require, drowning prevention materials to be distributed during the first week of May in the year that the informational materials were provided.
- Remove the requirement for a drowning prevention organization that provides informational materials to a public school to correspond only with a school administrator or school entity authorized by the school district or school, and remove the requirement to only approach the public school during regular business hours or at a time outside of regular business hours as specified by a school administrator.
- Remove the requirement for drowning prevention organizations to provide printed informational materials, for any language, that are no larger than a legal size paper or are in a folded pamphlet format, or online informational materials.
- Remove the language in the bill establishing authorized procedures for superintendents to consider when reviewing informational materials provided by a drowning prevention organization.
- Remove “water safety and drowning prevention education” from the list of subjects pupils will receive instruction in comprehensive health education programs.

The Committee may wish to consider that although the bill establishes, in the Health and Safety Code, the Swim Lesson Voucher and Swim Lesson Directory Development Plan Partnership in order to develop guidelines for establishing a swim lesson voucher program and swim lesson directory in California, the bill does not specify which agency or entity would be charged with the implementation of the Partnership.

Related legislation. AB 1445 (Arambula), Chapter 370, Statutes of 2023, authorizes a drowning or injury prevention organization to provide informational materials to a public school, and authorizes, beginning with the 2024-25 school year and upon receipt of the materials, a public school to provide the materials to parents of pupils.

AB 768 (Holden) of the 2021-22 Session would have required the California Department of Public Health (CDPH), in cooperation with the CDE and other specified entities, to develop an aquatic and pool safety program to be made available for use at school districts, COEs, and charter schools that serve pupils in kindergarten or any of grades 1 to 12, inclusive, as a model policy at no expense. The bill would have also required the CDE to notify school districts, COEs, and charter schools of the availability of the aquatic and pool safety program model policy once it is developed and to establish a deadline for them to adopt an aquatic and pool safety program that is based on the model policy. This bill was held in the Assembly Education Committee.

AB 2650 (Arambula) of the 2021-22 Session would have authorized a drowning or injury prevention organization to provide informational materials to a public elementary school, and would have required beginning with the 2022-23 school year, upon receipt of the materials, a public elementary school to provide the materials to parents of pupils in kindergarten to grade three, inclusive. This bill was held in the Assembly Education Committee.

SB 722 (Melendez), Chapter 679, Statutes of 2021, requires a school district or charter school, if it elects to host or sponsor an event that is in or around a swimming pool, to have at least one adult with a valid certification of CPR training to be present throughout the duration of the event.

AB 1214 (Melendez) of the 2019-20 Session would have required a local educational agency (LEA) to offer a course in CPR for school staff. The Governor vetoed the bill with the following message:

While I support efforts to ensure the safety of students involved in local activities, the requirements of this bill exceed that goal and create new, potentially significant costs for LEAs by requiring them to make CPR training available to all school staff rather than only the staff involved with the interscholastic athletic programs. For this reason, I am unable to sign this bill.

AB 1766 (Maienschein), Chapter 270, Statutes of 2018, requires public swimming pools, as defined, that are required to provide lifeguard services and that charge a direct fee to additionally provide an AED during pool operations. Also requires the CDE, in consultation with the CDPH, to issue best practices guidelines related to pool safety at K–12 schools.

AB 2009 (Maienschein), Chapter 646, Statutes of 2018, requires school districts or charter schools that choose to offer any interscholastic athletic program to ensure that there is a written emergency action plan in place that describes the location and procedures to be followed in the event of sudden cardiac arrest and other medical emergencies related to the athletic program's activities or events. The written emergency action plan must be posted in compliance with the most recent pertinent guidelines of the National Federation of State High School Associations. Further requires the school districts or charter schools to acquire at least one AED for each school within the school district or the charter school.

SB 442 (Newman), Chapter 670, Statutes of 2017, requires two of seven specified safety barriers to keep children from accessing pools. The new law makes the Pool Safety Act uniform across the state and affects new pools, pools being updated, and pools associated with a home sale.

AB 1719 (Rodriguez), Chapter 556, Statutes of 2016, requires school districts and charter schools that require a course in health education for graduation from high school to include instruction in performing compression-only CPR. Requires the CDE to provide guidance on how to implement these provisions, including, but not limited to, who may provide instruction. Provides that a local agency, entity of state or local government, or other public or private organization that sponsors, authorizes, supports, finances, or supervises, and a public employee who provides or facilitates, the instruction of pupils in compression-only cardiopulmonary resuscitation or the use of an AED pursuant to the bill will not be liable for any civil damages alleged to result from the acts or omissions of an individual who received such instruction.

SB 658 (Hill), Chapter 264, Statutes of 2015, requires, when an Automated External Defibrillator (AED) is placed in a public or private K–12 school, the principal to ensure that the school administrators and staff annually receive information that describes sudden cardiac arrest, the school's emergency response plan, and the proper use of an AED. Further requires the principal to also ensure that instructions, in no less than 14-point type, on how to use the AED are posted next to every AED. The principal must, at least annually, notify school employees as to the location of all AED units on the campus.

REGISTERED SUPPORT / OPPOSITION:

Support

California Association of School Police Chiefs
California Coalition of School Safety Professionals
California Pool & Spa Association
Drowning Prevention Foundation
Emergency Medical Services Administrators' Association of California (EMSAAC)
Los Angeles School Police Management Association
Los Angeles School Police Officers Association
National Marine Manufacturers Association
Rady Children's Hospital
Riverside Police Officers Association
Riverside Sheriffs' Association

Opposition

None on file

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