

# STATE OF NEW YORK

1080--A

2025-2026 Regular Sessions

## IN ASSEMBLY

January 8, 2025

Introduced by M. of A. PHEFFER AMATO, HYNDMAN, ZINERMAN, BUTTENSCHON, OTIS, SIMON, ANDERSON, PAULIN, ROSENTHAL, LUNSFORD, RAGA, SEAWRIGHT, KELLES, GONZALEZ-ROJAS -- read once and referred to the Committee on Education -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to establishing a mandatory statewide, classroom-based water safety education program

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Legislative findings and intent. The legislature hereby  
2 finds that:
- 3 1. accidental drowning is a leading cause of preventable injury and  
4 death among children and adolescents, and disproportionately impacts  
5 communities with limited access to aquatic education and safety  
6 resources.
- 7 2. access to foundational water safety knowledge is a matter of public  
8 health and safety, comparable to fire safety, traffic safety, and emer-  
9 gency preparedness education.
- 10 3. longstanding inequities in access to swimming instruction and  
11 aquatic facilities necessitate a classroom-based, waterless approach to  
12 water safety education to ensure universal reach.
- 13 4. establishing a state-developed, statewide water safety guidance  
14 document will promote consistency, equity, and accountability across  
15 public schools and early-childhood education settings.
- 16 5. time is of the essence with New York state geography and climate  
17 changing, our extensive coastlines, rivers, lakes and increasing expo-  
18 sure to extreme weather and flooding, all New Yorkers across all regions  
19 face evolving water-related risks.
- 20 It is therefore the intent of the legislature to require the develop-  
21 ment and implementation of a statewide, age-appropriate, classroom-based

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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1 water safety education, integrated into existing educational frameworks,  
2 and delivered equitably to students throughout New York state. This is  
3 essential to scaling proven drowning prevention measures that are  
4 currently inaccessible to children in our most resource-limited neigh-  
5 borhoods.

6 § 2. The education law is amended by adding a new section 804-e to  
7 read as follows:

8 § 804-e. Statewide water safety education program in public schools.

9 1. Definitions. For the purposes of this section, the following terms  
10 shall have the following meanings:

11 (a) "water safety education" shall mean age-appropriate instruction  
12 designed to equip students with knowledge and decision-making skills  
13 necessary to recognize situational water-related risks, understand safe  
14 behaviors in and around bodies of water, and respond appropriately in  
15 water-related emergencies.

16 (b) "classroom-based" or "waterless" shall mean instruction delivered  
17 without requiring student access to swimming pools, aquatic facilities,  
18 or in-water participation.

19 (c) "early-childhood education settings" shall mean licensed or regis-  
20 tered childcare programs, pre-kindergarten programs, and other early-  
21 learning environments regulated by the state.

22 2. Curriculum development. (a) The commissioner shall work in conjunc-  
23 tion with New York State Association for Health, Physical Education,  
24 Recreation and Dance certified educators to develop and promulgate a  
25 statewide, age-appropriate, classroom-based water safety education guid-  
26 ance document for students in kindergarten through grade twelve and for  
27 early-childhood education settings.

28 (b) The statewide water safety education guidance document shall be  
29 aligned with the New York State Aquatic Learning Standards developed by  
30 the New York State Temporary Commission to Prevent Childhood Drowning,  
31 and shall be designed to provide age-appropriate waterless water safety  
32 education for students in kindergarten through grade twelve.

33 (c) The guidance document shall provide examples of how to meet the  
34 New York State Education Learning Standards, not only physical educa-  
35 tion, and be designed to be integrated into existing instructional  
36 frameworks.

37 (d) Documentation of how the district is meeting the water safety  
38 education requirement shall be documented in the District-wide Physical  
39 Education Plan, by grade-level.

40 3. Scope and content. The statewide water safety education guidance  
41 document shall include, but not be limited to:

42 (a) identification of common water-related hazards, including but not  
43 limited to pools, beaches, lakes, rivers, oceans, flooding conditions,  
44 and extreme weather;

45 (b) safe behaviors in and around water, including risk avoidance and  
46 situational knowledge and awareness;

47 (c) recognition of dangerous water conditions and environments;

48 (d) basic emergency response principles and rescue, including when and  
49 how to seek help;

50 (e) age-appropriate decision-making and peer-safety awareness;

51 (f) seasonal and regional considerations relevant to water safety  
52 within New York state;

53 (g) careers related to lifeguarding, swim instruction, and other  
54 aquatic-related jobs within the blue economy;

55 (h) the proper use of United States coast guard-approved personal  
56 floatation devices (PFD) and safety equipment; and

1 (i) water safety in, at, and around the home.

2 4. Implementation. (a) Within twenty-four months of the effective date  
3 of this section, the department shall initiate statewide implementation  
4 of water safety education.

5 (b) Instruction pursuant to this section shall be classroom-based and  
6 waterless and shall not require student access to aquatic facilities,  
7 swimming instruction, or in-water assessment.

8 5. Educator training and support. (a) Professional development train-  
9 ing may be provided through existing professional development structures  
10 and shall be designed to minimize administrative and instructional  
11 burden.

12 (b) Nothing in this section shall be construed to require the hiring  
13 of additional staff or the construction, use, or modification of aquatic  
14 facilities.

15 6. Rulemaking authority. The commissioner is authorized to promulgate  
16 any rules and regulations necessary to implement the provisions of this  
17 section, provided that such rules and regulations shall be consistent  
18 with the intent and limitations set forth herein.

19 § 3. Severability clause. If any clause, sentence, paragraph, subdivi-  
20 sion, section or part of this act shall be adjudged by any court of  
21 competent jurisdiction to be invalid, such judgment shall not affect,  
22 impair, or invalidate the remainder thereof, but shall be confined in  
23 its operation to the clause, sentence, paragraph, subdivision, section  
24 or part thereof directly involved in the controversy in which such judg-  
25 ment shall have been rendered. It is hereby declared to be the intent of  
26 the legislature that this act would have been enacted even if such  
27 invalid provisions had not been included herein.

28 § 4. This act shall take effect on the one hundred eightieth day after  
29 it shall have become a law. Effective immediately, the addition, amend-  
30 ment and/or repeal of any rule or regulation necessary for the implemen-  
31 tation of this act on its effective date are authorized to be made and  
32 completed on or before such effective date.