

Background Check and Fingerprinting Requirements for Lifeguards and Swim Coaches

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Issue

Does Connecticut law require background checks for lifeguards and swim coaches who have contact with children under age 18 through school-sponsored or non-school-sponsored activities? Do other states require criminal background checks for coaches of non-school-sponsored activities?

Summary

Connecticut law requires state and national criminal history records checks and a state child abuse and neglect registry check (“background checks”) for lifeguards and coaches newly hired by a school operator to oversee school-sponsored swimming activities. It also requires individuals applying to a school operator for a job to state whether they have been convicted of a crime or have charges pending against them and to disclose so in writing at the time of application.

State law authorizes school operators to require background checks of employees who were hired before the background check requirements applied ([CGS §§ 10-221d](#), as amended by [PA 19-91](#); [10-232a](#); & [10-232c](#)).

Connecticut law does not require background checks for lifeguards or coaches (1) volunteering with a school-sponsored swimming activity or (2) participating in non-school-sponsored swimming activities, including paid and voluntary activities conducted by a youth camp, state park, or local parks and recreation department.

Several states have laws requiring criminal background checks for non-school-sponsored youth sport employees and volunteers, which appear to apply to the sport of swimming. Below, we briefly describe three of these state laws.

Connecticut Law on School-Sponsored Swimming Activities

Applicability

Connecticut law requires background checks for athletic coaches (including swimming coaches) hired by an "eligible school operator" or "nongovernmental school operator."

Eligible school operators are entities authorized to receive national criminal history record information from the FBI and include:

1. local or regional boards of education,
2. state or local charter school governing councils,
3. interdistrict magnet school operators that are not third-party nonprofit corporations approved by the education commissioner,
4. the technical high school system, and
5. cooperative arrangements ([CGS § 10-221d\(a\)](#), as amended by [PA 19-91](#)).

Nongovernmental school operators include:

1. state or local charter school governing councils;
2. State Board of Education-approved (a) endowed or incorporated academies and (b) special education facilities;
3. third-party, nonprofit interdistrict magnet school operators that are approved by the education commissioner; and
4. private school supervisory agents ([CGS § 10-232a\(a\)](#)).

Requirements

The law requires applicants to jobs offered by school operators to submit to state child abuse and neglect registry checks before being hired and state and national criminal history records checks within 30 days of being hired ([CGS §§ 10-221d\(b\)](#), as amended by [PA 19-91](#) & [10-232a\(b\)](#)).

The required background checks are performed through the State Police Bureau of Identification and the FBI and include fingerprinting ([CGS § 29-17a](#)). Nongovernmental school operator-requested criminal history records checks must be conducted in accordance with the federal National Child Protection Act of 1993 and the federal Volunteers for Children Act of 1998, in addition to state law ([CGS § 10-232a](#)).

In addition to the background checks, state law requires applicants to reveal whether they have ever been convicted of a crime or whether criminal charges are pending against them. They must disclose in writing, at the time of application, any charges and the court in which the charges are pending ([CGS §§ 10-221d\(b\)](#), as amended by [PA 19-91](#) & [10-232a\(b\)](#)).

Applicants for jobs with local or regional boards of education, state or local charter school governing councils, private school supervisory agents, and inter-district magnet school operators who will have direct contact with students must also participate in, and consent to, a number of steps, including contacting former employers, to determine whether an applicant has a history of sexual misconduct or child abuse or neglect ([CGS § 10-222c](#), see OLR's [PA Summary](#) for more detail).

Non-School-Sponsored Swimming Activities

Connecticut law does not require background checks for coaches or volunteers for non-school-sponsored swimming activities, for example sports teams offered by youth camps, state parks, municipal parks and recreation departments, or other swimming organizations. Background check requirements for these activities are determined by the sponsoring private organization (e.g., YMCA or Connecticut Swimming, Inc.) or public entity (e.g., local parks and recreation departments).

Examples of Other States' Requirements for Non-School-Sponsored Sports Coaches

Below we provide examples of several states' laws that require background checks for coaches and volunteers for non-school-sponsored youth sports. Swim coaches and lifeguards may fall under these laws.

California

California law requires community youth athletic programs (organizations for which promoting or providing sports to youth under age 18 is the primary purpose) to provide written notice to the parent or guardian of a youth participating in the program about the program's policies for criminal background checks for volunteers and hired coaches. If criminal background checks are required by the program, the notice must contain a statement about (1) whether the background check

includes state and federal criminal history and whether the program obtains subsequent arrest notification for those individuals and (2) contact information for the parent or guardian to obtain additional information on the program's background check policy ([Cal. Business and Professions Code § 18900](#)).

Florida

Florida law requires private, nongovernmental entities that organize, operate, or coordinate youth athletic teams to conduct annual background screenings on each current prospective youth athletic team coach, assistant coach, or referee who is authorized by the entity to work 20 or more paid or volunteer hours a year. The screening must include a search of the coach's name against (1) state and federal sexual predator and offender registries, (2) employment history checks, and (3) statewide criminal correspondence checks through the state law enforcement department ([Fla. Stat. §§ 943.0438](#) & [435.03](#)).

Massachusetts

Massachusetts law requires any entity or organization primarily engaged in providing activities or programs to children 18 years old or younger to obtain all available criminal offender record information from the state's criminal justice information services department prior to accepting any person as an employee, volunteer, vendor, or contractor ([Mass. Gen. Laws Ch. 6, § 172H](#)).

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