

## **Public Notice**

### **Education**

#### **State Board of Education**

#### **Notice of Receipt of Petition for Rulemaking**

#### **State Board of Examiners and Certification**

#### **Department-Issued Endorsements and Authorizations**

#### **Swimming and Water Safety**

#### **N.J.A.C. 6A:9B-9.3 and 11.10**

Petitioner: Matthew Teter, American Red Cross.

**Take notice** that on October 21, 2021, the New Jersey State Board of Education (State Board) received a petition for rulemaking from the above petitioner, requesting the State Board of Education amend N.J.A.C. 6A:9B-9.3 and 11.10 to adjust the names of safety certificates and other language related to related to qualifications for teaching swimming, diving, and water safety in New Jersey public schools.

The petitioner specifically requests the State Board adopt amendments at N.J.A.C. 6A:9B-9.3(a)2iv that state that a holder of the swimming and water safety instructor endorsement to an instructional certificate authorizes the holder to teach swimming, diving, and water safety in all public schools. The petitioner seeks to delete “instructor” after “swimming and water safety.”

The petitioner also requests the State Board adopt amendments at N.J.A.C. 6A:9B-11.10(a) that require candidates for the swimming and water safety endorsement to hold a standard New Jersey instructional certificate and the following safety certificates: a valid Cardiopulmonary Resuscitation for Professional Rescuer (CPR) Certificate issued by the American Red Cross or the YMCA; a valid Lifeguard Certificate issued by the American Red Cross or the YMCA; and a valid Water Safety Instructor Certificate issued by the American Red

Cross, the YMCA, or the Flotation Aided Swim Training Program (FAST Swim Program<sup>TM</sup>).

The petitioner specifically seeks to replace the “YMCA” with the “American Heart Association” as an issuer of the CPR certificate. The petitioner also seeks to replace “Water Safety Instructor Certificate” with “swimming instructor certificate” and to list, as examples of the latter certificate, the Water Safety Instructor issued by the American Red Cross, the YMCA Swim Lesson Instructor issued by the YMCA, or the FAST Aquatics Instructor issued by the FAST Swim Program. The petitioner further seeks to add “or equivalent training as determined by the Board of Examiners” for the three safety certificates.

The petitioner also requests an amendment at N.J.A.C. 6A:9B-11.10(b)2, which requires the chief school administrator of the employing district board of education to annually forward to the executive county superintendent copies of each valid American Red Cross or YMCA certificate identified at N.J.A.C. 6A:9B-11.10(a)2, 3, and 4 for every person assigned to teach swimming and/or diving. The petitioner seeks to delete “American Red Cross or YMCA.”

The petitioner states that the existing language at N.J.A.C. 6A:9B-9.3(a)2iv and 11.10 does not align with the actual names of the certificates issued by the American Red Cross and YMCA. The petitioner also states that it is paramount to ensure clarity regarding the training agencies that provide the safety certificates and to ensure that the New Jersey Administrative Code references the relevant certificate names. The petitioner further states that accuracy in the identification of specific training agencies and the certificates are a matter of public safety, and that the requested amendments will help ensure that the integrity of the approved training and certificates is maintained. The petitioner also states that the requested amendments will help reduce confusion for individuals who seek the safety certificates, as well as individuals who implement the rules by ensuring that people understand the identity of the approved certifying organizations, what is included in the training, and the requisite standards.

**Full text** of the requested amendments is as follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

Subchapter 9. Instructional Endorsements

6A:9B-9.3 Department-issued endorsements and authorizations

- (a) The teaching endorsements and authorizations in (a)1 through 9 below are grouped within the relevant NJSLs.
  - 1. (No change.)
  - 2. Comprehensive health and physical education:
    - i. – iii. (No change.)
    - iv. Swimming and water safety [instructor]: This endorsement authorizes the holder to teach swimming, diving, and water safety in all public schools; and
    - v. (No change.)
  - 3. – 8. (No change.)
- (b) (No change.)

Subchapter 11. Additional Requirements or Exceptions to Requirements for Instructional Certification with Special Endorsements

6A:9B-11.10 Swimming and water safety

- (a) To be eligible for the swimming and water safety endorsement, candidates shall hold:
  - 1. (No change.)

2. A valid Cardiopulmonary Resuscitation for Professional Rescuer Certificate issued by the American Red Cross, **the American Heart Association**, or [the YMCA] **equivalent training as determined by the Board of Examiners**;
  3. A valid Lifeguard Certificate issued by the American Red Cross or the YMCA **or equivalent training as determined by the Board of Examiners**; and
  4. A valid **swimming instructor certificate, such as** Water Safety Instructor [Certificate] issued by the American Red Cross, **YMCA Swim Lesson Instructor issued by the YMCA**, or **FAST Aquatics Instructor issued by the** Flotation Aided Swim Training Program (FAST Swim Program<sup>TM</sup>) **or equivalent training as determined by the Board of Examiners**.
- (b) The chief school administrator of the employing district board of education shall:
1. (No change.)
  2. Annually forward to the executive county superintendent copies of each valid [American Red Cross or YMCA] certificate identified in (a)2 through 4 above for every person assigned to teach swimming and/or diving.
- (c) (No change.)

In accordance with N.J.A.C. 1:30-4.2, the Department shall subsequently mail to the petitioner, and file with the Office of Administrative Law, a notice of action on the petition.