

Public Notice

Education

State Board of Education

Notice of Action on 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 requested that 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 requested to delete “instructor” after “swimming and water safety.”

The petitioner also requested that 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™). The petitioner specifically sought to replace the “YMCA” with the “American Heart Association” as an issuer of the CPR certificate. The petitioner also requested 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 sought to add “or equivalent training as determined by the Board of Examiners” for the three safety certificates.

The petitioner also requested 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 sought to delete “American Red Cross or YMCA.”

A notice acknowledging receipt of the petition was published in the December 6, 2021, New Jersey Register at 53 N.J.R. 2090(b). In accordance with applicable law, the Department of Education (Department) reviewed the petition and has determined that additional time is needed to deliberate about it. Additional time is needed because the Department of Health, in accordance with N.J.S.A. 18A:26-2.3, is reviewing the materials submitted by the petitioner.

Accordingly, pursuant to N.J.A.C. 1:30-4.2(a)3 and 6A:6-4.2(b)3, this matter will be referred for further deliberation for a period not to exceed 90 days.