

Education

State Board Of Education

State Board of Examiners and Certification

Proposed Amendments: N.J.A.C. 6A:9B-5.15 and 11.10

Authorized By: New Jersey State Board of Education, Lamont O. Repollet, Commissioner,
Department of Education, Secretary, State Board of Education.

Authority: N.J.S.A. 18A:4-15, 18A:6-38, and 18A:26-2.3.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2020-008.

Submit written comments by March 21, 2020, to:

Assistant Commissioner Linda Eno

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New Jersey Department of Education

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The agency proposal follows:

Summary

The Department of Education (Department) proposes to amend N.J.A.C. 6A:9B, State Board of Examiners and Certification, to provide a third option for the issuer of the water safety instructor certificate that candidates are required to hold to be eligible for a swimming and water safety endorsement to the instructional certificate and to be employed to coach, or to serve as

coach, for interscholastic swimming and/or diving programs. Specifically, the Department proposes to amend N.J.A.C. 6A:9B-11.10, Swimming and water safety, to add the Flotation Aided Swim Training Program (FAST Swim ProgramTM) as one of three acceptable issuers of the Water Safety Instructor Certificate.

The proposed amendments are the result of a petition for rulemaking submitted by Linda Bolger, creator of the FAST Swim Program. The petitioner requested amendments to N.J.A.C. 6A:9B-11.10(a)4, that require candidates to hold a valid Water Safety Instructor Certificate issued by the American Red Cross or YMCA, to add the FAST Swim Program as an issuer of the required certificate.

In accordance with N.J.S.A. 18A:26-2.3, the Department sought the assistance of the Department of Health to review the materials submitted by the petitioner and to make a recommendation to the Department as to whether the FAST Swim Program is comparable to the water safety instructor programs offered by American Red Cross or YMCA. The Department of Health recommended the FAST Swim Program as an alternative issuer of the Water Safety Instructor Certificate. After further deliberations and reviewing the Department of Health's recommendation, the Department, on July 15, 2019, granted the petitioner's request to add the FAST Swim Program as one of the acceptable issuers of the Water Safety Instructor Certificate, required at N.J.A.C. 6A:9B-11.10(a)4, for a candidate to be eligible for the swimming and water safety endorsement to an instructional certificate.

Pursuant to the rules governing petitions for rulemaking at N.J.A.C. 1:30-4.2(a)3, the Department is required to initiate a rulemaking to effectuate the approved request within 90 days of approving a petition.

The Department also proposes an amendment at N.J.A.C. 6A:9B-5.15, Persons employed to coach or serving as coach for interscholastic swimming and/or diving programs, to reflect the additional issuer of the Water Safety Instructor Certificate.

The proposed amendments will provide a third option for the issuer of the Water Safety Instructor Certificate, which is required for candidates to be eligible for the swimming and water safety endorsement to the instructional certificate and to be employed to coach, or to serve as coach, for interscholastic swimming and/or diving programs.

The proposed amendments will have no impact on class size, curriculum, or required equipment of swimming or diving programs in school districts or on anything other than the issuance of the Water Safety Instructor Certificate for a candidate to be eligible for the swimming and water safety endorsement. Likewise, approval of the FAST Swim Program, for purposes of N.J.A.C. 6A:9B-11.10(a)4, will not constitute endorsement or favoring by the Department over other listed authorizers. If the proposed amendments are adopted, all promotional materials will need to be limited to statements indicating that the FAST Swim Program may issue the Water Safety Instructor Certificate required for a candidate to be eligible for the swimming and water safety endorsement to an instructional certificate in New Jersey. The use and display of the seal of the State of New Jersey and State agencies are restricted by law.

The proposed amendments also do not constitute any type of approval or endorsement of the FAST Swim Program by the Department of Health.

As the Department has provided a 60-day comment period on this notice of proposal, the notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

Although the proposed amendments will provide a third option for the issuer of the required Water Safety Instructor Certificate, the Department does not anticipate that the proposed amendments will have a social impact on candidates seeking a swimming and water safety endorsement to the instructional certificate and individuals employed to coach, or serving as coach, for interscholastic swimming and/or diving programs. The proposed amendments will not have any social impact on school districts or students.

Economic Impact

Although the proposed amendments will provide a third option for the issuer of the required Water Safety Instructor Certificate, the Department does not anticipate that the proposed amendments will have an economic impact on candidates seeking a swimming and water safety endorsement to the instructional certificate and individuals employed to coach, or serving as coach, for interscholastic swimming and/or diving programs. The proposed amendments will not have an economic impact on school districts or students.

Federal Standards Statement

There are no Federal requirements that impact the proposed amendments.

Jobs Impact

The proposed amendments will not result in the generation or loss of jobs.

Agriculture Industry Impact

The proposed amendments will have no impact on the agriculture industry.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not required because the proposed amendments do not impose reporting, recordkeeping, or other compliance requirements on small businesses, as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendments impact candidates seeking a swimming and water safety endorsement to the instructional certificate and individuals employed to coach, or serving as coach, for interscholastic swimming and/or diving programs.

Housing Affordability Impact Analysis

The proposed amendments will have an insignificant impact on the affordability of housing in New Jersey. There is an extreme unlikelihood the proposed amendments would evoke a change in the average costs associated with housing because the proposed amendments concern candidates seeking a swimming and water safety endorsement to the instructional certificate and individuals employed to coach, or serving as coach, for interscholastic swimming and/or diving programs.

Smart Growth Development Impact Analysis

The proposed amendments will have an insignificant impact on smart growth. There is an extreme unlikelihood the proposed amendments would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the proposed amendments impact candidates seeking a swimming and water safety endorsement to the instructional certificate and individuals employed to coach, or serving as coach, for interscholastic swimming and/or diving programs.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

There is an extreme unlikelihood that the proposed amendments would have an impact on pretrial detention, sentencing, probation, or parole policies concerning juveniles and adults in the State because the proposed amendments concern candidates seeking a swimming and water safety endorsement to the instructional certificate and individuals employed to coach, or serving as coach, for interscholastic swimming and/or diving programs.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

Subchapter 5. General Certification Policies

6A:9B-5.15 Persons employed to coach or serving as coach for interscholastic swimming and/or diving programs

- (a) (No change.)
- (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 required in (a)2 above for every person employed to coach or serving as coach for interscholastic swimming and/or diving programs.

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.-3. (No change.)

4. A valid Water Safety Instructor Certificate issued by the American Red Cross,
[or] the YMCA, **or the Flotation Aided Swim Training Program (FAST Swim
ProgramTM).**

(b)–(c) (No change.)