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EDUCATION

45 N.J.R. 2360(a)

STATE BOARD OF EDUCATION

Notice of Action on Petition for Rulemaking

N.J.A.C. 6A:9-5.18 and 11.12(a)3 and 4

Persons Assigned to Work with Interscholastic Swimming and/or Diving Programs

Petitioner: Linda DuBois

Take notice that on August 2, 2013, the New Jersey State Board of Education received a petition for rulemaking from the above petitioner requesting that the State Board of Education repeal the requirements for a high school swim coach to be certified as a water safety instructor and as a lifeguard to be hired as a varsity swim coach. See 45 N.J.R. 2146(b).

The petitioner states that no other state has instituted these requirements of swimming coaching staffs. The petitioner also states it is expensive for school districts to get outstandingly qualified swim coaches certified as water safety instructors with no purpose to enhance the safety of the athletes. The petitioner further states it is very costly and time consuming to accomplish the certification.

The petitioner states the American Red Cross now requires individuals who do hold water safety instructor certification be affiliated with a pool facility that they can use to enter into the computer system as the individual's "organization." The petitioner also states it is becoming almost impossible in South Jersey to become affiliated with a pool facility due to the limited number of pools and shared facilities.

In accordance with applicable law, the Department concluded its review and determined that no repeal or amendments to the current regulations are warranted.

For individuals to receive the swimming and water safety endorsement, the regulations at N.J.A.C. 6A:9-11.12 require among other criteria, that those individuals hold a valid Lifeguard Certificate issued by American Red Cross or YMCA and a valid Water Safety Instructor Certificate issued by the American Red Cross or YMCA. Pursuant to N.J.A.C. 6A:9-5.18, swim coaches must also meet the requirements for water safety training as set forth in N.J.A.C. 6A:9-11.12.

The State Board of Education was authorized under N.J.S.A. 18A:26-2.3 to promulgate rules and regulations to provide for the certification to teach swimming in the public schools. The regulations adopted by the State Board must include that candidates for certification have the appropriate swimming and first aid skills necessary to protect the health and safety of stu-

dents. The current requirements fall squarely within the intent of N.J.S.A. 18A:26-2.3 and are meant to protect the health and safety of students while being instructed or coached in the water.

The minimum requirements apply to certification to teach swimming as well as to coach swimming and/or diving because such individuals may be the closest and first responders to a water accident. As both instructors and coaches supervise the highly dangerous pool area, a sound safety policy dictates that swimming and/or diving coaches must meet the same requirements as swimming and/or diving instructors.

Finally, the petitioner states that the water requirements are overly burdensome and costly. The Department remains committed to eliminating unnecessary procedural burdens, as long as the requirements are unrelated to student learning, fiscal integrity, or student health and safety. (See Education Task Force Report, Final Report, September 2012, <http://www.state.nj.us/education/reform/ETTFFinalReport.pdf>.) The requirement that swimming coaches must have the appropriate swimming and first aid skills necessary to save a drowning child clearly falls within domain of student health and safety and, therefore, the petitioner's request is denied.