

PUBLIC NOTICE

EDUCATION

STATE BOARD OF EDUCATION

Notice of Receipt of Petition for Rulemaking

State Board of Examiners and Certification

Persons Employed to Coach or Serving as Coach for Interscholastic Swimming and/or Diving Programs; Swimming and Water Safety

N.J.A.C. 6A:9B-5.17 and 10.12

Petitioner: Meghan Vaccarelli.

Take notice that on August 7, 2015, 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 to alter the certification requirements for individuals who coach interscholastic swimming and/or diving.

The petitioner specifically requests the State Board adopt amendments to N.J.A.C. 6A:9B-5.17(a)2 and 10.12(a)3 and 4 to allow individuals who coach interscholastic swimming and/or diving to obtain the Water Safety for Swim Coaches certification offered by the American Red Cross instead of the Lifeguard Certificate or Water Safety Instructor Certificate issued by the American Red Cross or the YMCA. The petitioner also requests the State Board adopt amendments to N.J.A.C. 6A:9B-5.17(b)2 to require the chief school administrator to notify the executive county superintendent of the locations for the school district's swim practices. The petitioner further requests the State Board amend N.J.A.C. 6A:9B-10.12(a)2 to allow coaches to obtain general cardiopulmonary resuscitation (CPR) certification rather than the currently required Cardiopulmonary Resuscitation for Professional Rescuer Certificate.

The petitioner's request indicates the amendments to N.J.A.C. 6A:9B-5.17(a)2 and 10.12(a)3 and 4 would bring the requirements for swim coaches in line with coaches of other water sports. The current requirements for swim coaches mirror requirements for physical education teachers instructing students in swimming and/or diving. The petitioner states swim coaches select students to participate in swim teams based on skill level and are not responsible for teaching students of all skill levels how to swim or dive as do certified swimming and diving instructors. The petitioner also stated swim team practice facilities are required to have certified lifeguards on duty to ensure student safety.

The petitioner's requested amendment to N.J.A.C. 6A:9B-5.17(b)2 would require chief school administrators to notify the executive county superintendent of the location of all swim team practice facilities – in addition to the currently required reporting of all persons employed to coach or serving as coach for interscholastic swimming and/or diving programs and copies of their valid American Red Cross or YMCA certificates. The petitioner stated the requested amendment would allow school districts to waive the Lifeguard Certificate or Water Safety Instructor Certificate requirement if practices are held at facilities that utilize lifeguards.

The petitioner's requested amendment to N.J.A.C. 6A:9B-10.12(a)2 to obtain general CPR certification would allow swim coaches to utilizing certification classes offered by their employing school districts rather than forcing them to attend and pay for a class that offers the CPR for Professional Rescuers certification.

The petitioner stated the requested amendments will provide flexibility for swim coaches without jeopardizing student safety. The petitioner also stated the requested amendments would bring New Jersey's requirements for swim coaches in line with American Red Cross, the YMCA, and USA Swimming, which is the national governing body for competitive swimming. Lastly, the petitioner stated the requested amendments would eliminate the discriminatory nature of the certification rules against individuals who are pregnant or physically disabled as,

according to the petitioner, they cannot fulfill the in-water portion of the certification or recertification requirements.

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.