

## **PUBLIC NOTICE**

### **EDUCATION**

#### **STATE BOARD OF EDUCATION**

##### **Notice of Action on Petition for Rulemaking**

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

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

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

Petitioner: Linda Bolger.

**Take notice** that on January 22, 2019, 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-11.10 to include a third option for the entity that issues a Water Safety Instructor Certificate required for a swimming and water safety endorsement to an instructional certificate. The petitioner submitted to the Department of Education materials to support the petition, the last of which was received on February 15, 2019.

The petitioner specifically requested the State Board adopt amendments to N.J.A.C. 6A:9B-11.10(a)4, which requires candidates to hold a valid Water Safety Instructor Certificate issued by the American Red Cross or YMCA, to add the Flotation Aided Swim Training Program (FAST Swim Program<sup>TM</sup>) as an issuer of the required certificate.

A notice acknowledging receipt of the petition was published in the New Jersey Register on April 1, 2019, at 51 N.J.R. 479(b). A notice of action stating additional time was needed to deliberate about this petition because the Department of Health, in accordance with N.J.S.A. 18A:26-2.3, was reviewing the materials submitted by the petitioner was published in the New Jersey Register on May 20, 2019, at 51 N.J.R. 780(a).

The Department of Health reviewed the submitted materials and met with the petitioner and the Department of Education, during which time the petitioner provided additional materials to support the petition. After consideration of all materials and information presented by the

petitioner, the Department of Health recommended to the Department of Education the FAST Swim Program as an alternative issuer of the Water Safety Instructor Certificate.

Accordingly, after further deliberations and pursuant to N.J.A.C. 1:30-4.2(a)3, the Department of Education hereby grants 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. Within 90 days, the Department of Education will initiate a rulemaking before the State Board of Education. Amendments adding the FAST Swim Program as one of the acceptable issuers will not be effective until the State Board of Education adopts the rulemaking and a notice of adoption appears in the New Jersey Register.

Approval of the petitioner's current request by the Department of Education does not represent approval of provisions related to class size, curriculum, or required equipment that were included in the petitioner's previous petitions for rulemaking on this topic or to 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 of Education over other listed authorizers. If the rulemaking is 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.

This notice of action also does not constitute any type of approval or endorsement of the FAST Swim Program by the Department of Health.

A copy of this public notice is being mailed to the petitioner.