

**SENATE, No. 1882**

**STATE OF NEW JERSEY**  
**213th LEGISLATURE**

INTRODUCED JUNE 5, 2008

**Sponsored by:**  
**Senator BRIAN P. STACK**  
**District 33 (Hudson)**

**SYNOPSIS**

Authorizes school districts and charter school trustees to enter into shared service agreements with municipalities for school crossing guard services; gives boards of education primary responsibility to hire and assign school crossing guards.

**CURRENT VERSION OF TEXT**

As introduced.



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1 AN ACT concerning school crossing guards and amending P.L.2007,  
2 c.63 and P.L.1979, c.82.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. Section 3 of P.L.2007, c.63 (C.40A:65-3) is amended to read  
8 as follows:

9 3. As used in sections 1 through 35 of P.L.2007, c.63  
10 (C.40A:65-1 through C.40A:65-35):

11 "Board" means the Local Finance Board in the Division of Local  
12 Government Services in the Department of Community Affairs.

13 "Construct" and "construction" connote and include acts of  
14 construction, reconstruction, replacement, extension, improvement  
15 and betterment of lands, public improvements, works, facilities,  
16 services or undertakings.

17 "Contracting local units" means local units participating in a  
18 joint meeting.

19 "Director" means the Director of the Division of Local  
20 Government Services in the Department of Community Affairs.

21 "Division" means the Division of Local Government Services in  
22 the Department of Community Affairs.

23 "Governing body" means the board, commission, council, or  
24 other body having the control of the finances of a local unit; and in  
25 those local units in which an executive officer is authorized by law  
26 to participate in such control through powers of recommendation,  
27 approval, or veto, the term includes that executive officer, to the  
28 extent of the officer's statutory participation.

29 "Joint contract" means an agreement between two or more local  
30 units to form a joint meeting.

31 "Joint meeting" means the joint operation of any public services,  
32 public improvements, works, facilities, or other undertaking by  
33 contracting local units pursuant to a joint contract under section 14  
34 of P.L.2007, c.63 (C.40A:65-14).

35 "Local unit" means a "contracting unit" pursuant to section 2 of  
36 P.L.1971, c.198 (C.40A:11-2), a "district" pursuant to  
37 N.J.S.18A:18A-2, a school district under State supervision pursuant  
38 to section 1 of P.L.1987, c.399 (C.18A:7A-34), a charter school, a  
39 "county college" pursuant to N.J.S.18A:64A-1, a joint meeting, or  
40 any authority or special district that is subject to the "Local  
41 Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et  
42 seq.).

43 "Operate" and "operation" mean and include acquisition,  
44 construction, maintenance, management, and administration of any

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

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1 lands, public improvements, works, facilities, services, or  
2 undertakings.

3 "Person" means any person, association, corporation, nation,  
4 State, or any agency or subdivision thereof, or a county or  
5 municipality of the State.

6 "Service" means any of the powers, duties and functions  
7 exercised or performed by a local unit by or pursuant to law.

8 "Shared service" or "shared" means any service provided on a  
9 regional, joint, interlocal, shared, or similar basis between local  
10 units, the provisions of which are memorialized by agreement  
11 between the participating local units, but, for the purposes of this  
12 act, does not include any specific service or activity regulated by  
13 some other law, rule or regulation.

14 "Shared service agreement" or "agreement" means a contract  
15 authorized under section 4 of P.L.2007, c.63 (C.40A:65-4).

16 "Terminal leave benefit" means a single, lump sum payment,  
17 paid at termination, calculated using the regular base salary at the  
18 time of termination.

19 (cf: P.L.2007, c.63, s.3)

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21 2. Section 1 of P.L.1979, c.82 (C.40A:9-154.1) is amended to  
22 read as follows:

23 1. The governing body, or the chief executive, or the chief  
24 administrative officer, as appropriate to the form of government of  
25 any municipality, or a local board of education, may appoint adult  
26 school crossing guards for terms not exceeding one year and revoke  
27 such appointments for cause and after proper hearing before the  
28 chief of police or other chief law enforcement officer of the  
29 municipality, in the case of an adult school crossing guard hired by  
30 a municipality, or the board of education in the case of an adult  
31 school crossing guard hired by the board of education. No person  
32 shall be appointed as an adult school crossing guard unless **[he]**  
33 the person:

- 34 a. Is a citizen and resident of this State;  
35 b. Is sound in body and of good health;  
36 c. Is of good moral character; and  
37 d. Has not been convicted of any criminal offense involving  
38 moral turpitude.

39 An adult school crossing guard may be a member of the police  
40 department or force of the municipality **[and his].** The powers and  
41 duties [as] of an adult school crossing guard shall cease at the  
42 expiration of the term for which [he] that person was appointed.  
43 **[He]** An adult school crossing guard shall not have the right to bear  
44 firearms or the power of arrest unless the crossing guard is also a  
45 member of a police department or force.

46 Every adult school crossing guard shall be under the supervision  
47 and direction of the school district, however, that supervision and  
48 direction may be delegated in whole or in part to the chief of police

1 or other chief law enforcement officer of the municipality or  
2 municipalities comprising a regional school district wherein [he]  
3 the adult school crossing guard is appointed with the consent of that  
4 chief of police or other chief law enforcement officer and shall  
5 perform his or her duties only in such municipality or school  
6 district, as appropriate. [He] Every adult school crossing guard  
7 shall comply with the rules and regulations applicable to the  
8 conduct and decorum of the regular police officers of the  
9 municipality. Before any adult school crossing guard is appointed  
10 the chief of police shall ascertain the eligibility of the applicant and  
11 make a report to the governing body, or the chief executive or chief  
12 administrative officer, as the case may be.

13 The appointment of adult school crossing guards and their  
14 assignment to specific locations shall be the primary responsibility  
15 of the school district and charter school trustees after consultation  
16 with the chief of police; however, this paragraph shall not preclude  
17 the chief of police from assigning additional adult school crossing  
18 guards to any other locations deemed appropriate.

19 A municipality may enter into a shared service agreement with  
20 any school district or the trustees of a charter school pursuant to the  
21 "Uniform Shared Services and Consolidation Act," sections 1  
22 through 35 of P.L.2007, c.63 (C.40A:65-1 through C.40A:65-35) in  
23 order to defray its expenses for providing adult school crossing  
24 guards appointed by the municipality.

25 (cf: P.L.1996, c.113, s.15)

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27 3. This act shall take effect immediately.

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#### STATEMENT

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32 This bill authorizes shared service agreements for adult  
33 school crossing guard services between municipalities and all  
34 school districts, including those under State supervision pursuant to  
35 section 1 of P.L.1987, c.399 (C.18A:7A-34), and charter schools, so  
36 that municipalities can defray the cost, in salary and benefits of the  
37 crossing guards, of providing this service. The bill also states that  
38 the appointment of adult school crossing guards and their  
39 assignment to specific locations shall be the primary responsibility  
40 of the local school district, and charter school trustees in the case of  
41 a charter school, after consultation with the chief of police.