

ASSEMBLY, No. 2449

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED FEBRUARY 1, 2018

Sponsored by:

Assemblyman DANIEL R. BENSON
District 14 (Mercer and Middlesex)

SYNOPSIS

Establishes “School Bus Safety and Child Protection Act,” requires periodic criminal background checks for certain school employees; and prohibits interference with school bus monitoring devices.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT establishing “School Bus Safety and Child Protection Act,
2 amending P.L.1989, c.229 and P.L.1986, c.116 and N.J.S.2C:28-
3 7 and supplementing Title 18A of the New Jersey Statutes.

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

7
8 1. Section 6 and 7 of this act shall be known and may be cited as
9 the “School Bus Safety and Child Protection Act.”

10
11 2. N.J.S.2C:28-7 is amended to read as follows:

12 2C:28-7. Tampering with public records or information. a.
13 Offense defined. A person commits an offense if he:

14 (1) Knowingly makes a false entry in, or false alteration of, any
15 record, document or thing belonging to, or received or kept by, the
16 government for information or record, or required by law to be kept
17 by others for information of the government;

18 (2) Makes, presents, offers for filing, or uses any record,
19 document or thing knowing it to be false, and with purpose that it
20 be taken as a genuine part of information or records referred to in
21 paragraph (1); or

22 (3) Purposely and unlawfully destroys, conceals, removes,
23 mutilates, or otherwise impairs the verity or availability of any such
24 record, document or thing.

25 b. Grading. An offense under subsection a. is a disorderly
26 persons offense unless the actor's purpose is to defraud or injure
27 anyone, in which case the offense is a crime of the third degree.

28 c. A person commits a crime of the fourth degree if he
29 purposely and unlawfully alters, destroys, conceals, removes or
30 disables any camera or other monitoring device including any
31 videotape, film or other medium used to record sound or images
32 that is installed in a patrol vehicle or a school bus.

33 (cf: P.L.2001, c.219, s.1)

34
35 3. Section 1 of P.L.1989, c.229 (C.18A:6-4.13) is amended to
36 read as follows:

37 1. a. Any nonpublic school may require all final candidates for
38 employment or service under contract with the school as a teacher,
39 substitute teacher, teacher aide, a school physician, school nurse,
40 custodian, maintenance worker, bus driver, school bus aide, security
41 guard, secretary or clerical worker or for any other position which
42 involves regular contact with pupils, to demonstrate that no criminal
43 history record information exists on file in the Federal Bureau of
44 Investigation, Identification Division, or the State Bureau of
45 Identification which would disqualify that individual from

**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.

1 employment in the public schools of this State pursuant to the
2 provisions of P.L.1986, c.116 (C.18A:6-7.1 et seq.). Application of
3 this requirement by a nonpublic school shall be consistent and
4 nondiscriminatory among candidates and may be conducted every
5 five years for each person employed as a school bus driver or
6 school bus aide.

7 b. Every charter school or school that receives State or federal
8 funds to provide school bus service shall require all final candidates
9 for employment or service under contract with the school as a bus
10 driver or a school bus aide to demonstrate prior to their employment
11 and every five years thereafter, that no criminal history record
12 information exists on file in the Federal Bureau of Investigation,
13 Identification Division, or the State Bureau of Identification which
14 would disqualify that individual from employment in the public
15 schools of this State pursuant to the provisions of P.L.1986, c.116
16 (C.18A:6-7.1 et seq.).

17 As used in this act, "nonpublic school" means an elementary or
18 secondary school within the State, other than a public school,
19 offering education in grades K-12 or any combination thereof,
20 wherein a child may legally fulfill compulsory school attendance
21 requirements. "Charter school" means a school established pursuant
22 to P.L.1995, c.426 (C.18A:36A-1 et seq.).
23 (cf: P.L.1998, c.31, s.1)

24
25 4. Section 3 of P.L.1989, c.229 (C.18A:6-4.15) is amended to
26 read as follows:

27 3. The commissioner shall apply the same requirements,
28 procedures and standards and shall proceed in the same manner as
29 is prescribed in P.L.1986, c.116 (C.18A:6-7.1 et seq.) for
30 determining whether the applicant would be qualified or
31 disqualified for employment in the public schools and shall inform
32 the applicant of his determination in writing. The commissioner
33 shall also provide written notification to the chief administrator of
34 the nonpublic school, which requires the criminal history record
35 check as a condition of employment, of his determination as to
36 whether the candidate would be qualified or disqualified for
37 employment in the public schools.

38 Following qualification for employment pursuant to this section,
39 the State Bureau of Identification shall immediately forward to the
40 Commissioner of Education any information which the bureau
41 receives on a charge pending against an employee of the nonpublic
42 school which requires a criminal history record check as a condition
43 of employment. If the charge is for one of the crimes or offenses
44 enumerated in section 1 of P.L.1986, c.116 (C.18A:6-7.1), the
45 commissioner shall notify the chief administrator of the nonpublic
46 school and the employee shall be suspended until the charge has
47 been adjudicated. In the event the employee is deemed guilty of
48 one of the crimes and offenses enumerated in section 1 of P.L.1986,

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1 c.116 (C.18A:6-7.1) the employee shall be terminated from
2 employment.

3 (cf: P.L.2002, c.119, s.2)

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5 5. Section 1 of P.L.1986, c.116 (C.18A:6-7.1) is amended to
6 read as follows:

7 1. A facility, center, school, or school system under the
8 supervision of the Department of Education and board of education
9 which cares for, or is involved in the education of children under
10 the age of 18 shall not employ for pay or contract for the paid
11 services of any teaching staff member or substitute teacher, teacher
12 aide, child study team member, school physician, school nurse,
13 custodian, school maintenance worker, cafeteria worker, school law
14 enforcement officer, school secretary or clerical worker or any other
15 person serving in a position which involves regular contact with
16 pupils unless the employer has first determined consistent with the
17 requirements and standards of this act, that no criminal history
18 record information exists on file in the Federal Bureau of
19 Investigation, Identification Division, or the State Bureau of
20 Identification which would disqualify that individual from being
21 employed or utilized in such capacity or position. This
22 determination shall be made for persons employed as school bus
23 drivers or school bus aides at the commencement of employment
24 and the determination shall be reviewed every five years thereafter
25 to determine a school bus driver's or school bus aide's eligibility
26 for continued employment. An individual employed by a board of
27 education or a school bus contractor holding a contract with a board
28 of education, in the capacity of a school bus driver, shall be
29 required to meet the criminal history record requirements pursuant
30 to section 6 of P.L.1989, c.104 (C.18A:39-19.1). A facility, center,
31 school, or school system under the supervision of the Department of
32 Education and board of education which cares for, or is involved in
33 the education of children under the age of 18 may require criminal
34 history record checks for individuals who, on an unpaid voluntary
35 basis, provide services that involve regular contact with pupils. In
36 the case of school districts involved in a sending-receiving
37 relationship, the decision to require criminal history record checks
38 for volunteers shall be made jointly by the boards of education of
39 the sending and receiving districts.

40 An individual, except as provided in subsection g. of this section,
41 shall be permanently disqualified from employment or service
42 under this act if the individual's criminal history record check
43 reveals a record of conviction for any crime of the first or second
44 degree; or

45 a. An offense as set forth in chapter 14 of Title 2C of the New
46 Jersey Statutes, or as set forth in N.J.S.2C:24-4 and 2C:24-7, or as
47 set forth in R.S.9:6-1 et seq., or as set forth in N.J.S.2C:29-2; or

1 b. An offense involving the manufacture, transportation, sale,
2 possession, distribution or habitual use of a "controlled dangerous
3 substance" as defined in the "Comprehensive Drug Reform Act of
4 1987," N.J.S.2C:35-1 et al. or "drug paraphernalia" as defined
5 pursuant to N.J.S.2C:36-1 et seq.; or

6 c. (1) A crime involving the use of force or the threat of force
7 to or upon a person or property including, but not limited to,
8 robbery, aggravated assault, stalking, kidnapping, arson,
9 manslaughter and murder; or

10 (2) A crime as set forth in chapter 39 of Title 2C of the New
11 Jersey Statutes, a third degree crime as set forth in chapter 20 of
12 Title 2C of the New Jersey Statutes, or a crime as listed below:

13 Recklessly endangering another person	N.J.S.2C:12-2
14 Terroristic threats	N.J.S.2C:12-3
15 Criminal restraint	N.J.S.2C:13-2
16 Luring, enticing child into motor	
17 vehicle, structure or isolated area	P.L.1993, c.291
18 (C.2C:13-6)	
19 Causing or risking widespread injury	
20 or damage	N.J.S.2C:17-2
21 Criminal mischief	N.J.S.2C:17-3
22 Burglary	N.J.S.2C:18-2
23 Usury	N.J.S.2C:21-19
24 Threats and other improper influence	N.J.S.2C:27-3
25 Perjury and false swearing	N.J.S.2C:28-3
26 Resisting arrest	N.J.S.2C:29-2
27 Escape	N.J.S.2C:29-5
28 Bias intimidation	N.J.S.2C:16-1;
29 or	

30 (3) Any crime of the fourth degree involving a victim who is a
31 minor; or

32 (4) Conspiracy to commit or an attempt to commit any of the
33 crimes described in this act.

34 d. For the purposes of this section, a conviction exists if the
35 individual has at any time been convicted under the laws of this
36 State or under any similar statutes of the United States or any other
37 state for a substantially equivalent crime or other offense.

38 e. Notwithstanding the provisions of this section, an individual
39 shall not be disqualified from employment or service under this act
40 on the basis of any conviction disclosed by a criminal record check
41 performed pursuant to this act without an opportunity to challenge
42 the accuracy of the disqualifying criminal history record.

43 f. When charges are pending for a crime or any other offense
44 enumerated in this section, the employing board of education shall
45 be notified that the candidate shall not be eligible for employment
46 until the commissioner has made a determination regarding
47 qualification or disqualification upon adjudication of the pending
48 charges.

1 g. This section shall first apply to criminal history record
2 checks conducted on or after the effective date of P.L.1998, c.31
3 (C.18A:6-7.1c et al.); except that in the case of an individual
4 employed by a board of education or a contracted service provider
5 who is required to undergo a check upon employment with another
6 board of education or contracted service provider, the individual
7 shall be disqualified only for the following offenses:

8 (1) any offense enumerated in this section prior to the effective
9 date of P.L.1998, c.31 (C.18A:6-7.1c et al.); and

10 (2) any offense enumerated in this section which had not been
11 enumerated in this section prior to the effective date of P.L.1998,
12 c.31 (C.18A:6-7.1c et al.), if the person was convicted of that
13 offense on or after the effective date of that act. An individual,
14 except as provided in subsection g. of this section, shall be
15 temporarily suspended from employment or service under this
16 section if the Commissioner of Education receives data in
17 accordance with section 13 of P.L.1998, c.31 (C.18A:6-7.2a) on
18 charges pending against an employee who has previously
19 undergone a criminal history record check until the charge has been
20 adjudicated. If the employee is deemed guilty of one of the crimes
21 or offenses enumerated in this section, the employee shall be
22 terminated from employment.

23 (cf: P.L.2011, c.72, s.9)

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25 6. (New section) The results of any criminal history
26 background check conducted for a school bus driver or a school bus
27 aide pursuant to section 1 of P.L.1989, c.229 (C.18A:6-4.13) or
28 section 1 of P.L.1986, c.116 (C.18A:6-7.1) shall be forwarded to
29 the county superintendent of the county in which the school bus
30 driver or school bus aide would be employed.

31

32 7. (New section) Each school district that has cameras which
33 record images on school buses shall appoint an employee to
34 randomly view such recorded images during each school year.

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36 8. This act will take effect on the first day of the third month
37 after enactment.

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STATEMENT

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42 This bill would establish the "School Bus Safety and Child
43 Protection Act," requiring criminal background checks for certain
44 school employees and prohibiting interference with school bus
45 monitoring devices.

46 The bill would make it a crime of the fourth degree to purposely
47 alter, destroy, conceal or disable a monitoring device, including a
48 camera or other medium used to record sound or images that is

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1 installed in a school bus. A fourth degree crime is punishable by up
2 to 18 months imprisonment and a fine of up to \$10,000 or both.

3 This bill would also clarify that any school bus aide in the public
4 and charter school systems, and any school that receives public
5 funds for school buses is required to have a background check.
6 Prospective aides and school bus drivers shall also submit to a
7 background check prior to starting employment and every five years
8 thereafter in these schools. The bill also permits non-public schools
9 to conduct similar background checks to those performed by public
10 schools, charter schools, and schools that receive governmental
11 funding for school buses. The bill would also require that the results
12 of the criminal history background check be sent to the county
13 superintendent of the county in which a bus driver or school bus
14 aide would be employed.

15 This bill would require that an employee who commits a
16 disqualifying offense be suspended until the offense is adjudicated,
17 and a conviction or other adverse adjudication would result in
18 termination of the employee's service.

19 The bill also requires each school district that has cameras which
20 record images on school buses to appoint an employee to randomly
21 view such recorded images during each school year.