

## SCHOOL CROSSING GUARDS

### House Bill 4753 (Substitute H-1) First Analysis (6-24-03)

**Sponsor: Rep. Scott Shackleton**  
**Committee: Transportation**

#### ***THE APPARENT PROBLEM:***

In 2001, cars and trucks killed 167 pedestrians in Michigan, and 3,036 pedestrians were injured. Twenty-one of those killed and 586 of those injured were younger than 16, according to the Michigan Office of Highway Safety Planning (as reported in the *Lansing State Journal* 8-16-02). Given these fatalities, school safety plans often take school-age pedestrians into account and arrange to have school crossing guards help them navigate congested intersections, guiding them to safety across busy thoroughfares.

Under Michigan law, school crossing guards are the responsibility of local law enforcement agencies. The law requires that guards have four hours of training before beginning their duties, and two hours of additional training before each school year begins. For example, in the Lansing area—where the guard positions pay about \$8.20 an hour, and the crossing guards work between 20 and 25 hours a week—annual training and refresher courses are offered by the Lansing Area Safety Council each August before the school year opens.

However, some areas of the state report difficulty finding an adequate number of school crossing guards. To address that shortage, legislation has been introduced to eliminate the age requirement of 18 years for crossing guard service from the law, allowing municipalities to use their own judgment as to the appropriate age and level of maturity for their school crossing guard employees.

#### ***THE CONTENT OF THE BILL:***

The bill would amend the Michigan Vehicle Code to eliminate the minimum age for a school crossing guard. Currently, a crossing guard must be at least 18 years old.

MCL 257.57b

#### ***BACKGROUND INFORMATION:***

The bill is identical to the H-1 substitute for House Bill 5586 of the 2001-2002 legislative session which was reported by the House Committee on Education in December of last year.

The American Automobile Association (AAA) of Michigan provides training guidelines and assistance for local governments as they deploy crossing guards at high-traffic intersections near schools. The AAA also sponsors school safety patrols involving about 40,000 safety patrollers in more than 1,300 schools throughout the state.

Pedestrian safety for school children is a goal of the American Association of State Highway and Transportation Officers (AAHSTO), and strategies to increase pedestrian safety for youngsters claim a prominent position in the organization's Strategic Highway Safety Plan. AAHSTO makes each state's strategies available to safety officers nationwide, and among the Michigan strategies that come highly recommended is a 21-minute videotape produced by the Automobile Club of Michigan in 1992 entitled "Between the Lines: Adult School Crossing Guard Training." The videotape covers the five basic adult school crossing guard procedures, and includes live-action diagrams and an expert crossing guard to model proper procedures.

For further information about training guidelines for school crossing guards, contact AAA at 1-800-646-4222, and a representative will put you in touch with the traffic safety consultant in your area.

#### ***FISCAL IMPLICATIONS:***

According to the House Fiscal Agency, the bill would have no apparent fiscal impact on state or local governments. (6-19-03)

**ARGUMENTS:****For:**

Reportedly, some areas of the state are having difficulty filling crossing guard positions. Because crossing guards typically work in early morning, mid-day to accommodate kindergartners and mid-afternoon, some adult workers are reticent to commit to a schedule that restricts their abilities to schedule doctor appointments, enrichment courses, or even run errands. Some believe that the problem could be solved if responsible high school students could be hired to fill some of the shifts, primarily the mid-afternoon shift when elementary students are walking home from school. However, state statute requires that crossing guards be at least 18 years old. This legislation would allow municipalities to use their own judgment as to the appropriate age and level of maturity for their employees who are hired to safeguard youngsters as they cross busy streets of their way to school. Municipalities should be trusted to make good decisions about the personnel they would hire to ensure the safety of the community's school children.

**Against:**

Crossing guards carry more responsibility than elementary and middle school safety patrols, including having the authority to stop traffic. Therefore, a minimum age for school crossing guards should remain in the law. Currently that age is 18. Given the busy thoroughfares that children must cross—sometimes spanning four or five lanes of high-speed traffic—it would be far safer to require that municipalities hire mature adults as the safety officers at these intersections. Indeed, some states set an even higher minimum age. For example, in Nashville, Tennessee, crossing guards must be 21 years old, undergo a pre-employment drug test, a criminal history check, and present a valid drivers' license and Social Security card before they are eligible for hire. In Fairfax, Virginia, the police department uses uniformed part-time civilian employees as school crossing guards.

**Response:**

This legislation is permissive, and would not prevent municipalities from setting minimum age requirements for the employees they hire to fill crossing guard positions.

**Against:**

Two concerns have been raised in response to the bill. The first is that because a student 17 years old or younger is considered to be a minor for civil law purposes, his or her parents would be civilly liable in

a lawsuit to recover damages if an accident should occur. The legal and financial implications for a family could discourage parents from granting permission for their son or daughter to work as a crossing guard. Secondly, there is a concern that employing a person younger than 18 years old could increase insurance costs for local governments.

**POSITIONS:**

The Michigan Education Association supports the bill. (6-20-03)

The Department of State Police is neutral on the bill. (6-20-03)

The Michigan Federation of Teachers and Related School Personnel is neutral on the bill. (6-20-03)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.