

POLICY GUIDE

PROPERTY

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Smoking in School Buildings and
on School Grounds

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[See POLICY MEMO No. 23]

[See POLICY ALERT Nos. 98, 158, 168, 188 and 199]

7434 SMOKING IN SCHOOL BUILDINGS AND ON SCHOOL GROUNDS

The Board of Education believes that the right of persons to smoke must be balanced against the right of nonsmokers to breathe air untainted by tobacco smoke.

For purposes of this Policy, “smoking” means the burning of, inhaling the smoke from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe, or any other matter or substance which contains tobacco or any other matter that can be smoked, **including the use of smokeless tobacco and snuff, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.**

For the purpose of this Policy, “electronic smoking device” means an electronic device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, or pipe.

For the purposes of this Policy, “school buildings” and “school grounds” means and includes land, portions of land, structures, buildings, and vehicles, owned, operated, or used for the provision of academic or extracurricular programs sponsored by the district or community provider and structures that support these buildings, **such as school wastewater treatment facilities, generating facilities, and other central facilities** including, but not limited to, ~~administrative buildings, kitchens, and maintenance shops, and garages.~~ “School buildings” and “school grounds” **also includes athletic stadiums; swimming pools; any associated structures or related equipment tied to such facilities including, but not limited to, grandstands; greenhouses; garages; facilities used for non-instructional or non-educational purposes; and any structure, building, or facility used solely for school administration.** “School buildings” and “School grounds” also includes other facilities as defined in N.J.A.C. 6A:26-1.2; playgrounds; and other recreational places owned by the local municipalities, private entities, or other individuals during those times when the school district has exclusive use of a portion of such land.



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Smoking in School Buildings and
on School Grounds

In accordance with **N.J.S.A. 26:3D-58 and N.J.A.C. 8:6-7.2** law, the Board prohibits smoking at all times anywhere **in school buildings or** on school grounds.

Notwithstanding any provision of this **P**olicy, smoking by pupils is **prohibited and** governed by Policy No. 5533.

A sign indicating smoking is prohibited **in school buildings and** on school grounds ~~as defined above~~ will be posted at each public entrance **of a school building** in accordance with law. The sign shall also indicate violators are subject to a fine. Pupils and district employees who violate the provisions of this **P**olicy shall be subject to appropriate disciplinary measures and may be subject to fines in accordance with law.

The Principal or designee may order the departure and removal of any person who continues to smoke in violation of this **P**olicy **and** ~~or~~ the law after being ordered to stop smoking **in school buildings or** on school grounds. **The Principal or designee and** may request the assistance of law enforcement to accomplish this departure and removal.

~~{~~**Optional**

In the event ~~the~~ a person is found to have violated this **P**olicy and the law, the Principal or designee may file a complaint with the appropriate Municipal Court or other agency with jurisdiction as defined in N.J.A.C. 8:6-9.1(c).~~}~~

The Board of Education will comply with any provisions of a municipal ordinance which provides restrictions on or prohibitions against smoking equivalent to, or greater than, those provided in N.J.S.A. 26:3D-55 through N.J.S.A. 26:3D-63.

N.J.S.A. 26:3D-55 through 26:3D-63

N.J.A.C. 6A:16-1.3

N.J.A.C. 8:6-7.2; 8:6-9.1 through 8:6-9.5

Adopted:

