

Policy

Egg Harbor Township Board of Education

7000 Property 7434 SMOKING ON SCHOOL GROUNDS

The Board of Education believes that the right of persons to smoke must be balanced against the right of nonsmokers to breath air untainted by tobacco smoke and also recognizes that the use of tobacco as a gateway drug presents a health hazard, which can have serious implications both for the smoker and the nonsmoker.

For purposes of this policy, "tobacco product" is defined to include, but not limited to, cigars, cigarettes, pipes, blunts, chewing tobacco, electronic smoking devices and all other forms of smokeless tobacco, rolling papers and any other items containing tobacco. "Tobacco use" includes possessing, smoking, chewing, dipping, or any other matter or substance that contains tobacco and the use of smokeless tobacco and snuff or any other matter or substance that contains tobacco.

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 purposes of this Policy, "smoking" means the burning of, inhaling 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 purposes of this policy, "school buildings" and "school grounds" means and includes land, portions of land, structures, buildings, and vehicles when used for the provision of academic or extracurricular programs by the district or community provider and structures that support these buildings, such as school wastewater treatment facilities, generating facilities, and any other central facilities including, but not limited to administrative buildings, kitchens, 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 NJAC 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.

The Board acknowledges that adult employees and visitors serve as role models for students. Finally, the Board recognizes that it has a legal authority and obligation to prohibit smoking on

school grounds, pursuant to P.L. 2005, Chapter 383 New Jersey Smoke-Free Air Act, as well as the federal Pro-Children's Act, Title X of Public Law 103-227 and the No Child Left Behind Act, Part C, Environmental Smoke, section 4303.

In accordance with NJSA 26:3D-58 and NJAC 8:6-7.2 ~~law~~, the Board prohibits all pupils, faculty/staff members and/or school visitors from using any tobacco product, at any time on school grounds, as defined above, at events sponsored by this Board away from school, and on any transportation vehicle supplied by the Board. In addition, school district employees, school volunteers, contractors or other persons performing services on behalf of the school district also are prohibited from using tobacco products at any time while on duty in accordance with their contracts or in the presence of students, either on or off school grounds. No student is permitted to possess a tobacco product.

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

Signs indicating that the school is 100 percent tobacco-free may be posted on school grounds, as defined above. Signs will be posted at each public entrance in accordance with law, to adequately notify all students, faculty/staff, and visitors about the tobacco-free policy.

Faculty or staff members who violate the district's tobacco-use policy will be subject to fines in accordance with law. Visitors using tobacco products will be informed about the policy and asked to refrain while on school grounds, as defined above, and all visitors who continue to violate the policy will then be asked to leave the premises and will also be subject to fines in accordance with law.

Pupils and district employees who violate the provisions of this policy shall be subject to appropriate disciplinary measures and may be subject to fines in accordance with law.

The Board directs that the health curriculum include instruction in the potential hazards of the use of tobacco. Staff members shall, by example and persuasion, make every reasonable effort to discourage pupils from developing the habit of smoking.

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

In the event ~~the~~ *a* person is found to have violated this policy 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

Adopted: 10/22/2002
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