

[See POLICY ALERT Nos. 98, 158, 170, 188, 199 and 215]

5533 STUDENT PUPIL SMOKING

The Board of Education recognizes the use of tobacco presents a health hazard that can have serious implications both for the smoker and the nonsmoker and that smoking habits developed by the young **people** may have lifelong harmful consequences.

For the purpose 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 **pursuant to N.J.S.A. 26:3D-57. For the purpose of this Policy, “smoking” also includes the use of smokeless tobacco and snuff.**

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, **or any cartridge or other component of the device or related product pursuant to N.J.S.A. 2A:170-51.4.**

For the purpose 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 any other central facilities including, but not limited to, kitchens and maintenance shops. “School buildings” and “school grounds” also include athletic stadiums; swimming pools; any associated structures or related equipment tied to such facilities including, but not limited to, grandstands **and night field lights**; 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 include other facilities as defined in N.J.A.C. 6A:26-1.2; playgrounds; and other recreational places owned by local municipalities, private entities, or other individuals during those times when the school district has exclusive use of a portion of such land.

N.J.S.A. 2A:170-51.4 prohibits the sale or distribution to any person under twenty-one years old of any cigarettes made of tobacco or any other matter or substance which can be smoked, or any cigarette paper or tobacco in any form, including smokeless tobacco; and any 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, pipe, or any cartridge or other component of the device or related product. Consequences for a student pupil possessing such an item will be in accordance with the Student Code of Conduct.

The Board prohibits smoking by students pupils at any time in school buildings or and on any school grounds, at school-sponsored events sponsored by the Board away from school, or and on a school bus any transportation vehicle supplied by the Board.

The Board also prohibits the possession of any item listed in N.J.S.A. 2A:170-51.4 at any time in school buildings or on school grounds, at school-sponsored events away from school, or on a school bus. Such items will be confiscated and may be returned to the parent, upon request.

~~[Optional — Prohibited Items and Controlled Dangerous Substances~~

~~If it appears to an educational staff member or other professional, upon confiscating such item(s), that the student may currently be under the influence of alcohol or other drugs, the staff member shall inform the Principal or designee. The Principal or designee will immediately notify the parent and the Superintendent or designee. The Principal or designee will arrange for an immediate medical examination of the student and shall comply with all of the provisions of N.J.A.C. 6A:16-4.3 and Policy and Regulation 5530 — Substance Abuse.~~

~~In the event the Principal or designee, after inspection of the confiscated item(s), has reason to believe the item(s) may have contained or may contain a controlled dangerous substance or a controlled dangerous analog pursuant to N.J.S.A. 2C:35-2, the Principal or designee will immediately notify the parent and the Superintendent or designee. The Principal or designee will arrange for an immediate medical examination of the student and shall comply with all of the provisions of N.J.A.C. 6A:16-4.3 and Policy and Regulation 5530 — Substance Abuse. Principals and designees will be trained to identify controlled dangerous substances in electronic smoking devices.]~~

NOTE TO FILE: see Marc H. Zitomer recommendation in email 11/6/18:

“I agree that it is a lot to expect our administrators to determine what the substance in the e-cigarette might be. Therefore, I don’t think we should adopt this optional policy language. Rather, I think we should have a definition of drug paraphernalia in our policy that includes electronica



smoking devices. Under those circumstances, I think we would be on more solid footing to send out a student for a test if he or she is in possession of such a device. This is a little bit of uncharted water as to whether there must be some other indicator that the student is under the influence besides just having the e-cigarette. I am certainly available to discuss further.”
AMG

A sign indicating smoking is prohibited in school buildings and on school grounds 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.

A ~~s~~Student ~~pupil~~ who violates the provisions of this Policy shall be subject to appropriate disciplinary measures in accordance with the district's Student Discipline/Code of Conduct and may be subject to fines in accordance with law. In the event a ~~student~~ ~~pupil~~ 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).

A student ~~pupil~~ found to have violated this Policy and the law may be required to participate in additional educational programs to help the student ~~pupil~~ understand the harmful effects of smoking and to discourage the use of tobacco products. These programs may include, but are not limited to, counseling, smoking information programs, and/or smoking cessation programs sponsored by this school district or available through approved outside agencies.

The Board directs that the health curriculum include instruction in the potential hazards of the use of tobacco. All school staff members shall make every reasonable effort to discourage students ~~pupils~~ from developing the habit of smoking.

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. 2A:170-51.4

N.J.S.A. 2C:35-2

N.J.S.A. 18A:40A-1

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

~~N.J.A.C. 6A:16-1.34.3~~

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



POLICY

RANDOLPH BOARD OF EDUCATION

~~STUDENTS PUPIL~~
5533/page 4 of 4
Student Pupil Smoking
Apr 18

Adopted: 17 July 2012
Revised: 15 October 2013; _____

DRAFT

