

BYLAW GUIDE

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0000.02 INTRODUCTION

Definitions

The following terms used in these bylaws, policies, and regulations shall have the meanings set forth below unless the context requires a different meaning or a different definition is supplied:

“Board” means the Board of Education of Readington Township.

“Bylaw” means a rule of the Board for its own operation.

“Chief School Administrator” means the Chief Executive Officer of this school district, whose title in this district is Superintendent.

“Collective Bargaining”, “Negotiated Agreement”, or “Collective Bargaining Agreement” means a contract collectively negotiated by the Board of Education and a recognized bargaining unit.

“Commissioner” means the New Jersey State Commissioner of Education.

“Core Curriculum Content Standards” means the New Jersey Core Curriculum Content Standards and the Common Core State Standards initiatives coordinated by the Council of Chief State School Officers (CCSSO) and the National Governor’s Association (NGA) in partnership with other national organizations.

“County Superintendent” means the **Executive** County Superintendent of Schools designated by the Department of Education for _____ this school district ~~County~~. “Executive County Superintendent” means the “County Superintendent.”

“Day” means a calendar day.

“Full Board” means the authorized number of voting members of the Board of Education.



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“Meeting” means a gathering that is attended by or open to all of the members of the Board of Education, held with the intent on the part of the Board members present to discuss or act as a unit on the specific public business of the Board of Education.

~~“Collective Bargaining” or “Negotiated Agreement” means a contract collectively negotiated by the Board of Education and a recognized bargaining unit.~~

“Parent” means the **natural parent(s), adoptive parent(s), or legal guardian(s), foster parent(s), or parent surrogate(s) of a pupil.** ~~having legal custody and control of a pupil.~~ **Where parents are separated or divorced, “parent” means the person or agency who has legal custody of the pupil, as well as the natural or adoptive parent(s) of the pupil provided such parental rights have not been terminated by a court of appropriate jurisdiction.**

“Policy” means a Statement, formally adopted by the Board of Education, in which the Board recognizes the mandates and constraints of law, establishes practices and standards binding on staff members and pupils, and gives direction to the Superintendent.

“President” means the President of the Board of Education.

“Principal” means the administrator in charge of a school building or facility; except where prohibited by law, “Principal **or designee**” ~~also~~ means the qualified person duly delegated by the Principal to discharge a particular duty in place of the Principal.

“Professional employee” means an employee who holds a position for which a certificate issued by the New Jersey State Board of Examiners is required.

“Pupil” ~~or “Pupil”~~ means a ~~person~~ **student** enrolled in a school in this district.

“Regulation” means a Statement developed and promulgated by the Superintendent that details the specific operations by which Board policy or a legal mandate is implemented.

“Secretary” means the Secretary of the Board of Education.

“Student” means a pupil enrolled in a school in this district.



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“Superintendent” means the Chief School Administrator of this school district; except where prohibited by law, “Superintendent or designee” ~~also~~ means the qualified person duly delegated by the Superintendent to discharge a particular duty in place of the Superintendent.

“Support staff member” means an employee who holds a position for which no certificate issued by the New Jersey State Board of Examiners is required.

“Teaching staff member” means an employee who holds a position for which a certificate issued by the New Jersey State Board of Examiners is required.

“Treasurer” means the Treasurer of School Moneys for this school district.

Construction

The following rules of construction apply to these bylaws, policies and regulations:

1. Wherever possible, language shall be given its clear and ordinary interpretation;
2. Language shall be construed to have a meaning that complies with law;
3. In the event bylaws, policies and regulations conflict with one another, the later adopted bylaw, policy or regulation shall take precedence over the earlier, and the more specific bylaw, policy or regulation shall take precedence over the more general;
4. Except as otherwise provided by the context, the auxiliary verbs “shall,” “will,” and “must” indicate a mandated action, and the auxiliary verb “may” indicates an action that is permitted but is not mandated.

Effectuation

Except as may otherwise be expressly provided, a bylaw, policy or regulation will become effective on the date it is adopted and a revised bylaw, policy or regulation will become effective on the date it is revised.



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Citations

Bylaws, policies and regulations may contain citations to the following codifications of State and Federal laws and regulations:

1. United States Statutes
20 U.S.C.A. Education
2. United States Regulations
34 C.F.R. Education
3. New Jersey Statutes
N.J.S.A. 2C Code of Criminal Justice
N.J.S.A. 9 Children-Juvenile and Domestic Relations
N.J.S.A. 10 Civil Rights
N.J.S.A. 11 Civil Service
N.J.S.A. 17 Corporations and Institutions for Finance and Insurance
N.J.S.A. 18A Education
N.J.S.A. 19 Elections
N.J.S.A. 24 Food and Drug
N.J.S.A. 26 Health and Vital Statistics
N.J.S.A. 27 Highways
N.J.S.A. 30 Institutions and Agencies
N.J.S.A. 34 Labor and Worker's Compensation
N.J.S.A. 36 Legal Holidays
N.J.S.A. 39 Motor Vehicles and Traffic Regulation
N.J.S.A. 41 Oaths and Affidavits
N.J.S.A. 45 Professions and Affidavits
N.J.S.A. 47 Public Records
N.J.S.A. 52 State Government, Departments, and Officers
N.J.S.A. 53 State Police
N.J.S.A. 54 Taxation
N.J.S.A. 59 Tort Claims
4. New Jersey Administrative Code
N.J.A.C. 1 Administrative Law
N.J.A.C. 6 & 6A Education
N.J.A.C. 8 Health
N.J.A.C. 10 Human Services
N.J.A.C. 13 Law and Public Safety
N.J.A.C. 17 Treasury-General



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Severability

If any part of this manual is made invalid by judicial decision or legislative or administrative enactment, all other parts shall remain in full effect unless and until they are amended or repealed by the Board of Education or until regulations issued by the Superintendent are amended.

Enactment

The official record of the adoption, issuance, amendment, or repeal of the bylaws, policies and regulations of this district shall be the minutes of meetings of the Board of Education. Such alterations shall be duly entered in this manual; a master copy of the bylaw, policy and regulation manual shall be maintained by the Board Secretary and shall be the manual to which all others may be compared for accuracy.



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Assignment of Pupils
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[See POLICY ALERT Nos. 96 and 199]

5120 ASSIGNMENT OF PUPILS

The Board of Education directs the assignment of pupils to the schools, programs, and classes of this district consistent with the best interests of pupils and the best uses of the resources of this district.

Pupils shall generally attend the school located in the attendance area of their residence. The Superintendent may assign a pupil to a school other than that designated by the attendance area when such an exception is justified by circumstances and/or is in the best interests of the pupil. Every effort will be made to continue a pupil in the same elementary school **once the pupil has been enrolled in that elementary school.**

The Superintendent shall assign an incoming transfer pupils to the school **in their attendance area of their residence provided the district's school or class size requirements can accommodate the pupil's enrollment** ~~that will afford the pupil the most appropriate educational opportunity.~~ The Building Principal may assign pupils in his/her school to grades, classes, and groups on the basis of the needs of the pupil as well as the sound administration of the school.

In accordance with the provisions of N.J.S.A. 18A:36-38.a.(1), a parent of twins or higher order multiples enrolled in the same Kindergarten through eighth grade level at the same public school may request, in writing, the children be placed in the same classroom or in separate classrooms. The Principal shall make the classroom placement requested in accordance with the provisions of N.J.S.A. 18A:36-38.a.(1).

In accordance with the provisions of N.J.S.A. 18A:36-38a.(2), a parent of twins or higher order multiples enrolled in the same ninth through twelfth grade level at the same public school may request, in writing, the children be placed in the same classroom or in separate classrooms. The placement of such children shall be made at the discretion of the Principal in the best interest of the school and its pupils. The parent may appeal the Principal's classroom placement decision to the Board of Education, which shall make a final determination on the placement.



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Assignment of Pupils

The written request must be submitted to the Principal no later than fourteen days after the first day of each school year. Parents of twins or higher order multiples enrolling after the school year commences shall request the classroom placement in writing no later than fourteen days after the first day of attendance.

In accordance with the provisions of N.J.S.A. 18A:36-38.(2)(b), a Principal may, after consultation with the pupils' parent and teachers at the end of the initial grading period, request the Board make a different classroom placement determination for the twins or higher order multiples if the initial classroom placement is determined to be disruptive to any of the pupils in the class or classes, or if the Principal concludes the initial placement does not sufficiently support the pupils' academic or social development. Upon receiving such request, the Board shall make a final classroom placement determination.

"Higher order multiples" means triplets, quadruplets, quintuplets, or larger group siblings born at one birth. Provisions of N.J.S.A. 18A:36-38 do not apply to a school district which maintains only a single classroom for the grade level in which twins or higher order multiples are enrolled. The parent shall be responsible for any additional pupil transportation costs that are incurred by the district as a result of providing the requested classroom placement, unless the district is in agreement with the placement. In the event one of the twins or higher order multiples receives special education services, the requested placement shall not be accommodated if the placement is inconsistent with a pupil's Individualized Education Plan.

N.J.S.A. 18A:36-38

Adopted:



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Automated External Defibrillators (AEDs)

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[See POLICY ALERT Nos. 162, 170 and 199]

5300 AUTOMATED EXTERNAL DEFIBRILLATORS (AEDS)

The American Heart Association estimates many lives could be saved if defibrillators were more widely available. Due to technological advances, automated external defibrillators (AEDs) may be used by lay persons without any training to provide defibrillation within the first minutes of cardiac arrest thereby increasing the victim's chances of survival. In accordance with N.J.S.A. 18A:40-41.a, the Board of Education shall ensure every school in the school district has an AED as defined in N.J.S.A. 2A:62A-24. The AED shall be made available in an unlocked location on school property with an appropriate identifying sign. The AED shall be accessible during the school day and any other time when a school-sponsored athletic event or team practice is taking place in which pupils of the school district are participating. The AED shall be within reasonable proximity of the school athletic field or gymnasium, as applicable.

A team coach, licensed athletic trainer, or other designated staff member if there is no coach or licensed athletic trainer, who is present during athletic events or team practices, shall be trained in cardio-pulmonary resuscitation and the use of the AED in accordance with the provisions of N.J.S.A. 2A:62A-25.a. The school district shall be deemed to be in compliance with N.J.S.A. 2A:62A-25.a, if a State-certified emergency services provider or other certified first responder is on site at the event or practice.

Each AED in the school district shall be tested and maintained according to the manufacturer's operational guidelines. Notification shall be provided to the appropriate first aid, ambulance, rescue squad, or other appropriate emergency medical services provider regarding the AED, the type acquired, and its location in accordance with N.J.S.A. 2A:62A-25.b and c.

The school district and its employees shall be immune from civil liability in the acquisition and use of AEDs pursuant to the provisions of N.J.S.A. 2A:62A-27.

In accordance with the provisions of N.J.S.A. 18A:40-41.b, the Superintendent of Schools or designee shall establish and implement an Emergency Action Plan applicable to each school in the school district for responding to a sudden cardiac event including, but not limited to, an event in which the use of an AED may be



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Automated External Defibrillators (AEDs)

necessary. The Emergency Action Plan shall be consistent with the provisions of N.J.S.A. 18A:40-41.a and, at a minimum, shall include a list of no less than five school employees, team coaches, or licensed athletic trainers who hold current certifications from the American Red Cross, American Heart Association, or other training programs recognized by the Department of Health and Senior Services in cardio-pulmonary resuscitation and in the use of an AED. This list shall be updated, if necessary, at least once in each semester of the school year. The Emergency Action Plan shall also include detailed procedures on responding to a sudden cardiac event including, but not limited to, the identification of the persons in the school who will be responsible for responding to the person experiencing the sudden cardiac event; calling 911; starting cardio-pulmonary resuscitation; retrieving and using the AED; and assisting emergency responders in getting to the individual experiencing the sudden cardiac event.

N.J.S.A. 18A:40-41.a; 18A:40-41.b

Adopted:



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Automated External Defibrillators (AEDs)
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[See POLICY ALERT No. 199]

R 5300 AUTOMATED EXTERNAL DEFIBRILLATORS (AEDS)

A. Automated External Defibrillator (AED)

1. Every school in the school district shall have an AED as defined in N.J.S.A. 2A:62A-24.
2. For the purposes of this Policy and Regulation, “automated external defibrillator” or “defibrillator” or “AED” means a medical device heart monitor and defibrillator that:
 - a. Has received approval of its pre-market notification filed pursuant to 21U.S.C.§360(k) from the United States Food and Drug Administration;
 - b. Is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia, and is capable of determining, without intervention by an operator, whether defibrillation should be performed; and
 - c. Upon determining that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to an individual's heart.

B. Location and Availability of AED

1. The AED shall be made available in an unlocked location on school property with an appropriate identifying sign.
2. The AED shall be accessible during the school day and any other time when a school-sponsored athletic event or team practice is taking place in which pupils of the school district are participating.
3. The AED shall be within reasonable proximity of the school athletic field or gymnasium, as applicable.



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Automated External Defibrillators (AEDs)

C. Training Requirements for Using an AED

1. A team coach, licensed athletic trainer, or other designated staff member if there is no coach or licensed athletic trainer, who is present during athletic events or team practices, shall be trained in cardio-pulmonary resuscitation and the use of the AED in accordance with the provisions of N.J.S.A. 2A:62A-25.a.
 - a. The school district shall be deemed to be in compliance with this requirement if a State-certified emergency services provider or other certified first responder is on site at the event or practice.
2. Prior to using an AED a school employee must have successfully completed and hold a current certification from the American Red Cross, American Heart Association, or other training programs recognized by the Department of Health and Senior Services in cardio-pulmonary resuscitation and the use of an AED.
 - a. The Board of Education shall not be liable for any act or omission of any lay person who uses the defibrillator in the rendering of emergency care.
3. Each AED shall be maintained and tested according to the manufacturer's operational guidelines.
4. The Principal or designee shall notify the appropriate first aid, ambulance, rescue squad, or other appropriate emergency medical services provider that the school has acquired an AED, the type acquired, and its location.
5. Prior to purchasing an AED, the Superintendent of Schools or designee will provide the prescribing licensed physician with documentation that the school district has a protocol in place to comply with the requirements of 2., 3., and 4. above.



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Automated External Defibrillators (AEDs)

D. Immunity from Civil Liability

1. Any person who uses an AED shall request emergency medical assistance from the appropriate first aid, ambulance, or rescue squad as soon as practicable. However, a lay person who, in good faith, fails to request such emergency medical assistance shall be immune from civil liability for any personal injury that results from that failure.
2. The school district and its employees shall be immune from civil liability in the acquisition and use of AEDs pursuant to the provisions of N.J.S.A. 2A:62A-27.
 - a. Any person or entity who, in good faith, acquires or provides an AED, renders emergency care or treatment by the use of an AED, assists in or supervises the emergency care or treatment by the use of an AED, attempts to use an AED for the purpose of rendering emergency care or treatment, and who has complied with the requirements of Policy and Regulation 5300, N.J.S.A. 18A:40-41.a and b, and N.J.S.A. 2A:62A-23 through 2A:62A-27 shall be immune from civil liability for any personal injury as a result of that care or treatment, or as a result of any acts or omissions by the person or entity in providing, rendering, assisting in, or supervising the emergency care or treatment.
 - b. A person or entity providing or maintaining an AED shall not be liable for any act or omission involving the use of an AED in the rendering of emergency care by a lay person.
3. The immunity provided in 2. above shall include the prescribing licensed physician and the person or entity who provided training in cardio-pulmonary resuscitation and use of the AED.
4. N.J.S.A. 2A:62A-27 shall not immunize a person for any act of gross negligence or willful or wanton misconduct. It shall not be considered gross negligence or willful or wanton misconduct to fail to use a defibrillator in the absence of an otherwise pre-existing duty to do so.



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Automated External Defibrillators (AEDs)

E. Emergency Action Plan

1. The Superintendent of Schools or designee shall establish and implement an Emergency Action Plan applicable to each school in the district for responding to a sudden cardiac event including, but not limited to, an event in which the use of an AED may be necessary.
 - a. The Emergency Action Plan shall be consistent with the provisions of N.J.S.A. 18A:40-41.a and, at a minimum, shall include a list of no less than five school employees, team coaches, or licensed athletic trainers in each school building who hold current certifications from the American Red Cross, American Heart Association, or other training programs recognized by the Department of Health and Senior Services in cardio-pulmonary resuscitation and in the use of the AED. This list shall be updated, if necessary, at least once in each semester of the school year.
 - b. The Emergency Action Plan shall also include detailed procedures on responding to a sudden cardiac event including, but not limited to:
 - (1) The identification of the persons in the school who will be responsible for responding to the person experiencing the sudden cardiac event;
 - (2) Calling 911;
 - (3) Starting cardio-pulmonary resuscitation;
 - (4) Retrieving and using the AED; and
 - (5) Assisting emergency responders in getting to the individual experiencing the sudden cardiac event.

Issued:



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Pupil Smoking
Jul 89
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[See POLICY ALERT Nos. 98, 158, 170, 188 and 199]

5533 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 may have lifelong deleterious harmful consequences.

For the purposes of this Policy, "smoking" means the burning of, inhaling the smoke from, ~~exhaling 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** and 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 any other central facilities** including, but not limited to, ~~administrative buildings, kitchens, and maintenance shops, and garages.~~ "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; 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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Pupil Smoking

The Board prohibits smoking by pupils at any time **in school buildings and** on any school grounds ~~as defined above~~, at events sponsored by the Board away from school, and on any transportation vehicle supplied by the Board.

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 who violate the provisions of this ~~P~~policy shall be subject to appropriate disciplinary measures **in accordance with the district's Pupil Discipline/Code of Conduct** and may be subject to fines in accordance with law.

[Optional

In the event ~~the~~ a pupil is found to have violated this ~~P~~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).]

[Optional

A pupil found to have violated this ~~p~~Policy and the law may be required to participate in additional educational programs to help the pupil understand the **harmful deleterious effects of upon smokersing** 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, ~~by example and persuasion~~, make every reasonable effort to discourage 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. 18A:40A-1

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:



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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. **Personal vehicles are not included in this Policy.**



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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 Ppolicy, 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 Ppolicy 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 Ppolicy and of 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 Ppolicy 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:

