

8453 HIV/AIDS

The Board of Education will comply with rules of the State Board of Education and the State Department of Health with regard to the admission and employment of persons who may be infected with Human Immunodeficiency Virus (HIV) or Acquired Immune Deficiency Syndrome (AIDS). AIDS or HIV infection shall not be considered a communicable disease for purposes of admission to or attendance in a school or for eligibility for educational transportation. "HIV infection" means infection with the human immunodeficiency virus or any other related virus identified as a probable causative agent of AIDS. Laboratory results indicative of infection with HIV shall mean laboratory results showing the presence of HIV or components of HIV, or laboratory results showing the presence of antibodies to HIV, or results from laboratory tests conducted to measure the presence of HIV RNA (viral load tests), such as quantitative PCR tests. "AIDS" means a condition affecting a person who has a reliably diagnosed disease that meets the criteria for AIDS specified by the Center for Disease Control of the United States Public Health Services.

No person, pupil or employee, will be excluded from school solely because he or she is infected with HIV or lives with or is related to a person infected with HIV. Pupils infected with HIV, including those who may be symptomatic or diagnosed with AIDS, may only be excluded from school for the same reasons as a pupil not infected with HIV or diagnosed with AIDS. A school employee infected with HIV may be restricted in his or her employment only if the employee has another illness that would affect his or her employment.

Any pupil excluded from the regular school program will be provided with home instruction in accordance with rules of the State Board of Education and Policy No. 2412 (Home Instruction).

No pupil, staff member, or visitor may attend or visit school if he or she has an uncoverable and/or uncovered weeping skin lesion, whether or not the person has been screened for HIV.

It is not required that anyone in the school be specifically notified that an HIV-infected pupil or employee is present. School employee physicals, student physicals and athletic physicals do not require disclosure of HIV status. Records of health and medical examinations should not include information about an individual's infection with HIV. Therefore, HIV/AIDS status is an exception to records required pursuant to student physical examinations, N.J.A.C. 6A:16-2.2, and school employee examinations, N.J.A.C. 6A:32-6.1 et seq. In the event that the school nurse or a school official is apprised that a pupil or employee is HIV-infected, the fact of the infection will be held in strict confidence and will not be classified as a communicable disease for admission, local health reporting or educational transportation.

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Information regarding a pupil's HIV-infection may be released only on the express written consent of the minor pupil's parent or legal guardian, or the adult pupil and only to those staff members who need to know the status in order to determine the pupil's educational program. The person who receives such information shall not reveal it to any other person without the express written consent of the minor pupil's parent or legal guardian, or the adult pupil.

The Board shall annually provide pupils, parents or legal guardians, staff members, school volunteers, and members of the community with information intended to increase awareness of HIV and AIDS, including information regarding the nature of the disease and its prevention. The Board will cooperate with other agencies to provide HIV/AIDS awareness information to the community.

N.J.S.A. 26:5C-5; 26:5C-6; 26:5C-7; 26:5C-8;
26:5C-9; 26:5C-10; 26:5C-11;
26:5C-12; 26:5C-13; 26:5C-14
N.J.A.C. 6A:-1.3; 6A:16-3.2; 6A:32-9.1
N.J.A.C. 8:57-2.1 et seq.

Approved: December 2, 2003
Approved: February 5, 2019

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The following procedures are designed to address the presence of Human Immunodeficiency Virus, HIV/AIDS in the school setting.

A. Pupils

1. For pupils identified as infected with HIV/AIDS who are enrolled or seeking enrollment in a school program, the regulations and procedures in this section shall apply. All information about the identity of a student with HIV/AIDS shall be kept confidential and shall comply with the provision of NJAC 6A:16-3.2.
2. Pupils with HIV/AIDS infection shall be admitted to the regular school setting.
 - a. The presence of HIV/AIDS infection in a pupil does not constitute reason for exclusion of such pupil from school, nor may a pupil so infected be excluded for reason of her/his own protection against possible exposure to the infectious diseases of others.
 - b. No sibling or other person in the same household as a pupil who has been diagnosed to have HIV/AIDS infection shall be excluded from attendance at school.
 - c. Any pupil or adult, with or without HIV/AIDS infection, shall be removed from school if and when the individual has weeping skin lesions that cannot be covered.

B. Employees

Adults with HIV/AIDS infection in all school settings shall not be restricted from their normal employment for reasons of the HIV/AIDS infection unless they have another illness which would restrict that employment.

In Effect: December 2, 2003