

STUDENTS AND EMPLOYEES WITH HIV-RELATED ILLNESS

The Board of Education recognizes the public concern over the health issues surrounding Acquired Immune Deficiency Syndrome (AIDS) and Human Immunodeficiency Virus Infection (HIV). It is and will continue to be the policy of the Board to protect the health and well being of both infected and non-infected students and employees. The Board recognizes, based upon the current state of medical knowledge, that the virus associated with AIDS is not easily transmitted, and there is no evidence that AIDS or the HIV virus can be transmitted by casual social contact in the open school setting.

The Board acknowledges the interests of those students and employees diagnosed as having AIDS or HIV infection to continue their education or employment as well as the interests of all students and employees in the school district to learn, to participate in school activities and to work without being subjected to significant risks to their health. The Board also takes notice that under current law and regulations the disclosure of confidential AIDS and/or HIV-related information must be strictly limited.

Accordingly, it is the policy of the Board that no student shall be denied the opportunity to attend school, continue his/her education or take part in school-related activities, and no employee shall be denied employment or opportunity to continue employment, solely on the basis of being diagnosed as having AIDS or HIV infection.

In accordance with current State law and regulations, it is also the policy of the Board to prohibit any student or employee from being subjected to harassment or adverse or discriminatory treatment or stigma because he or she has been diagnosed as having AIDS or HIV-infected.

The Superintendent of Schools also shall establish and implement, and all school personnel shall comply with, guidelines and routine sanitary hygiene procedures for dealing with all spills of blood and other body fluids (Administrative Regulations 5191-R.2) in or on school premises and grounds. The Superintendent shall consult public health officials, as appropriate, for the most current methods and information pertaining to such procedures.

Cross-ref: 5420, Student Health Services

Ref: 29 USC §794 et seq. (Rehabilitation Act of 1973)
 42 USC §12101 et seq. (Americans with Disabilities Act)
 Civil Rights Law §40 et seq.
 Education Law §§913; 4401; 4401-a
 Executive Law §290 et seq.
 Public Health Law, Article 27-F
 8 NYCRR Part 200
 10 NYCRR Part 63
Romei v. Shell Oil Co., - Misc. 2d-, Feb. 22, 1991 NYLJ, p. 27
Doe v. A Medical Center, State Division of Human Rights
 Case No.1B-E-D-86-116054, Dec. 12, 1990
Chalk v. U.S. District Court, 840 F2d 701 (9th Cir. 1988)
Arline v. School Board of Nassau County, 692 F Supp 1286 (MD Fla., 1988)
School Board of Nassau County v. Arline, 480 US 273 (1987)

Note: Prior policy, Students and Employees with HIV-Related Illness, 4190

Policy Adopted: April 23, 1990
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