

(c) Medical inspectors may accept a record of a thorough physical examination made by a physician licensed to practice medicine. Such examination shall not be at the expense of the district board of education but shall be reported on a form furnished by the district board of education.

(d) District boards of education shall develop a vision screening program in consultation with the medical inspector, for the early detection of visual problems among pupils. District boards of education may employ one or more optometrists, licensed to practice optometry within the State, pursuant to N.J.S.A. 18A:40-1.

New Rule R.1990 d.154, effective March 5, 1990.
See: 21 N.J.R. 3815(b), 22 N.J.R. 793(a).

6:29-2.2 Dental clinics

District boards of education may maintain and conduct dental clinics for the treatment of children pursuant to N.J.S.A. 44:6-2.

New Rule R.1990 d.154, effective March 5, 1990.
See: 21 N.J.R. 3815(b), 22 N.J.R. 793(a).

6:29-2.3 Testing for tuberculosis infection

(a) The following are the rules of the State Department of Education concerning testing for tuberculosis infection by district boards of education for implementation of N.J.S.A. 18A:16-2 and 40-16.

1. The Mantoux intradermal tuberculin test using five T.U. (Tuberculin Units) of PPD tuberculin shall be the only skin test used to detect evidence of tuberculosis infection in pupils and employees.

2. The only pupils who shall be tested are those in grades and schools identified and/or under circumstances specified by the State Department of Health based upon the high incidence of tuberculosis or reactor rates in the communities or population groups concerned.

3. A Mantoux intradermal tuberculin test shall be given upon employment to all newly hired employees (full-time and part-time), all student teachers, school bus drivers for companies under contract with the district and other persons who have contact with pupils.

- i. An employee with a documented Mantoux test administered within the previous six months does not have to be retested.

- ii. An employee transferring between school districts within New Jersey would not have to be tuberculin tested if there is a documented record of a Mantoux tuberculin skin test being administered upon his or her initial employment in a New Jersey public school.

4. Procedures for the administration of the Mantoux test, interpretation of tuberculin reactions, follow-up procedures (including a chest x-ray and medical evaluation) and reporting shall be in accordance with the New Jersey Department of Health's document, School Tuberculin

Testing in New Jersey, Reference Guide for Physicians and Nurses. For copies contact the New Jersey State Department of Health, Division of Epidemiology and Disease Control, Communicable Disease Control Program, CN 360, Trenton, New Jersey 08625-0360.

5. All pupils, employees and other personnel referred for the necessary chest X-ray and medical evaluation shall submit a physician's report. If the physician's report is not received by the school medical inspector within four weeks, or if the medical inspector is unwilling to accept the findings, the pupil, employee or other persons shall have a chest X-ray examination in the manner prescribed by the district board of education.

6. In accordance with standards, referenced in (a)4, above, provided by the New Jersey Department of Health, any pupil or employee shall be exempt from tuberculin skin testing upon presentation of documentation from a licensed physician showing a significant tuberculin reaction and a subsequent negative chest X-ray.

As amended, R.1974 d.154, eff. June 19, 1974.

See: 6 N.J.R. 258(c).

As amended, R.1974 d.155, eff. June 19, 1974.

See: 6 N.J.R. 258(c).

As amended, R.1977 d.276, eff. August 3, 1977.

See: 9 N.J.R. 308(a), 9 N.J.R. 416(c).

As amended, R.1979 d.148, eff. July 1, 1979.

See: 11 N.J.R. 118(a), 11 N.J.R. 224(a).

As amended, R.1982 d.120, eff. April 19, 1982 (operative September 1, 1982).

See: 13 N.J.R. 914(b), 14 N.J.R. 385(a).

Section substantially amended.

Amended by R.1988 d.563, effective December 5, 1988.

See: 20 N.J.R. 1981(a), 20 N.J.R. 3016(a).

Substantially amended.

Recodified by R.1990 d.154, effective March 5, 1990.

See: 21 N.J.R. 3815(b), 22 N.J.R. 793(a).

Recodified from N.J.A.C. 6:29-4.2; requirement to follow New Jersey Department of Health guidelines for tuberculin testing added.

6:29-2.4 Attendance at school by pupils or adults infected by Human Immunodeficiency Virus (HIV)

(a) The following words when used in this section shall have the following meanings unless the context clearly indicates otherwise:

1. "Adult" means a teacher, administrator, food service employee or other school staff member compensated or uncompensated; and

2. "Pupil" means an individual who is entitled to attendance at school in grades K through 12, as well as a pre-kindergarten child who is entitled to attendance at school.

(b) For pupils with HIV infection who are enrolled or seeking enrollment in a school program, the regulations and procedures in this section shall apply.

1. All information about the identity of a pupil with HIV infection shall be kept confidential and shall comply with the provisions of N.J.A.C. 6:3-2.

(c) Pupils with HIV infection shall not be excluded from attending school for reason of the HIV infection in accordance with N.J.A.C. 8:61-1.1.

1. The presence of HIV 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 his or her own protection against possible exposure to the infectious diseases of others.

2. The presence of HIV infection in and of itself may not serve as a basis for excluding a pupil by way of classification as eligible for home instruction in accordance with N.J.A.C. 6:28-3.5(c)2ii.

(d) Pupils with HIV infection who are symptomatic and/or diagnosed with AIDS shall not be excluded by virtue of the diagnosis. The only medical grounds for exclusion from school shall be those established in N.J.S.A. 18A:40-7 and 8 and N.J.A.C. 8:61-1.1(e). Pursuant to N.J.A.C. 8:57-2.5, AIDS or HIV infection shall not be considered a communicable disease for purposes of admission to or attendance in an education facility, or eligibility for educational transportation.

(e) In accordance with N.J.A.C. 8:61-1.1:

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

2. No pupil or adult shall be excluded from school solely by virtue of the fact of living with or being related to an HIV-infected individual;

3. Any pupil or adult, with or without HIV infection, shall be removed from school if and when the individual has weeping skin lesions that cannot be covered, in accordance with N.J.A.C. 8:61-1.1;

4. It is not necessary that anyone in the school be specially notified that an HIV infected individual is registered to attend school or is an employee of the school. Therefore, HIV/AIDS status is an exception to records required pursuant to student physical examinations, N.J.A.C. 6:29-2.1 and school employee examinations, N.J.A.C. 6:29-7. If school officials receive notification of the presence of an HIV infected individual, records containing identifying information regarding the HIV status of the individual shall be kept confidential as required by N.J.S.A. 26:5C-5 et seq. Information regarding an HIV infected pupil can be shared, only with the written consent of the pupil's parent or guardian, with those who need to know the status to determine the educational program for the pupil, N.J.A.C. 8:61-1.1.

(f) District boards of education shall annually provide pupils and their parents/guardians and district employees and/or volunteers with HIV/AIDS awareness information.

(g) District boards of education shall provide HIV/AIDS awareness information to their school communities. This may be accomplished in cooperation with State and local agencies, and in consultation with the county superintendent of schools, and may include utilization of district newsletters, bulletins or other media.

New Rule R.1986 d.445, effective November 3, 1986.
See: 18 N.J.R. 1509(a), 18 N.J.R. 2206(a).

Sections 4 and 5 recodified to 5 and 6.
Recodified by R.1990 d.154, effective March 5, 1990.
See: 21 N.J.R. 3815(b), 22 N.J.R. 793(a).

Recodified from N.J.A.C. 6:29-4.4; confidentiality provision and requirement to determine admissibility of pupil within 10 days added.
Administrative Correction to (d): Deleted 1.1.

See: 22 N.J.R. 2359(a).

Public Notice: Public testimony session held on June 17, 1992.

See: 24 N.J.R. 2081(a).

Amended by R.1992 d.398, effective October 5, 1992.

See: 24 N.J.R. 2124(a), 24 N.J.R. 3538(a).

Eliminated any reason for exclusion of HIV-infected pupils from schools; added language including employees and added a definition section.

Case Notes

Commissioner could override power of boards of education to exclude students from public schools due to health reasons. Board of Educ., Plainfield v. Cooperman, 105 N.J. 587, 523 A.2d 655 (1987).

6:29-2.5 Routine procedures for sanitation and hygiene when handling body fluids

(a) District boards of education shall develop written policies and procedures for sanitation and hygiene when handling blood and body fluids in conformance with N.J.A.C. 8:61-1.1(j) and in conformance with Centers for Disease Control guides, "Recommendations for Prevention of HIV Transmission in Health Care Settings," MMWR Supplement, August 1987, and "Update: Universal Precautions for Prevention of Transmission of Human Immunodeficiency Virus, Hepatitis B Virus, and Other Bloodborne Pathogens in Health-Care Settings" from MMWR, June 24, 1988, Vol. 37, No. 24, pp. 337-382, 387-388. Copies are available through the National AIDS Information Clearinghouse, P.O. Box 6003, Rockville, MD 20850.

(b) District boards of education shall make available to school personnel, compensated and uncompensated (volunteer), training and appropriate supplies for the handling of blood and body fluids, whether or not pupils or school staff with HIV infection are present. School nurses, custodians and teachers in particular should have knowledge of the proper techniques in the handling and disposal of materials.

New Rule R.1990 d.154, effective March 5, 1990.

See: 21 N.J.R. 3815(a), 22 N.J.R. 793(a).

SUBCHAPTER 3. PHYSICAL EDUCATION AND ATHLETICS PERSONNEL AND PROCEDURES

6:29-3.1 Physical education personnel

(a) In all schools not having the services of certificated physical education teachers, the responsibility for the program of activities and instruction shall be that of each teacher, or such responsibility may be delegated to one or more teachers designated by the chief school administrator.