

**HIV/AIDS POLICY****Preamble**

Acquired Immunodeficiency Syndrome (AIDS) is a disease in which the body's immune system is impaired by the Human Immunodeficiency Virus (HIV). The virus leaves its victim unable to fight off infections. As a result, persons with AIDS are susceptible to serious secondary infections, such as pneumonia and certain malignancies. Some, but not all, persons infected with HIV develop AIDS. To assist the School District and infected persons, the School District has developed the following policy.

**I. General Principles:**

- (A) HIV is not spread by casual, everyday contact. Therefore, absent a serious secondary infection that may be transmitted to others or a significant health problem that restricts the infected person's ability to attend school, a student who is infected with HIV or AIDS shall attend the school and classroom to which he or she would be assigned, and shall receive the rights, privileges and services to which he or she would be entitled if not infected. Decisions about any changes in the educational program of a student who is infected with HIV or AIDS shall be made on a case-by-case basis.
- (B) There shall be no discrimination in employment against a person infected with HIV or AIDS based solely upon said infection. No School District employee shall be terminated, non-renewed, demoted, suspended, transferred or subjected to adverse action based solely upon his/her infection with HIV or AIDS, or the perception that he or she is so infected. However, the School District may take whatever action is appropriate as to an employee who, despite reasonable accommodation, is unable to perform his/her duties due to an illness, including an illness related to HIV or AIDS.
- (C) The School District shall provide a sanitary environment and shall establish procedures for handling bodily fluids, pursuant to Section V.
- (D) The School District shall administer a program of education about HIV or AIDS for students, their families, and School District employees to ensure that they are informed about the following:
- (1) The nature of HIV, including how HIV is transmitted, according to current scientific evidence;
  - (2) School District policies and procedures relating to employees and students with diseases such as HIV or AIDS;
  - (3) Resources within the School District and elsewhere for obtaining additional information or assistance; and
  - (4) Procedures to prevent the spread of communicable diseases at school.

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**II. Evaluation of Infected Students and Staff**

- (A) HIV is not transmitted casually. Accordingly, infection with HIV or AIDS is not, by itself, sufficient reason to remove a student or staff member from the school. When the Superintendent has been notified that a student or staff member is infected with HIV or AIDS, the Superintendent shall act appropriately to ensure the safety of persons in school setting and to plan to support the infected person.
- (B) When the School District learns that a student is infected with HIV or AIDS, the appropriate procedures under State and Federal Law with regard to evaluation and educational programming shall be followed if the student is or may be educationally handicapped.
- (C) (1) When notified that an employee is infected with HIV or AIDS, the Superintendent shall determine whether the infected person has a significant health problem that will restrict his/her ability to work and shall determine whether the infected person has a secondary infection (e.g., tuberculosis) that poses a medically recognized risk of transmission of disease. The Superintendent shall make this determination by consulting with the infected person's physician and the infected person.

The Superintendent also may consult with public health officials and other persons, subject to the confidentiality provisions in this policy. The Superintendent shall consider methods in which the School District may anticipate and meet the needs of persons infected with HIV or AIDS.

- (2) Absent a secondary infection which creates a medically recognized risk of transmission of disease, or a significant health problem which restricts the infected person's ability to work, the Superintendent shall not alter the job assignment of the infected person. However, the Superintendent shall periodically review the case with the persons described in Section II(C) (1).
- (3) If the Superintendent determines that a secondary infection poses a medically recognized risk of transmission of disease in the school setting or that a significant health problem restricts the infected person's ability to work, the Superintendent shall consult with the persons described in Section II(C) (1). After said consultation, the Superintendent shall, if necessary, develop an individually tailored plan to accommodate the staff member if reasonably possible. Additional persons may be consulted if necessary for gaining additional information, but the infected person must approve of the notification of any additional persons who are informed of the infected person's identity. The Superintendent may consult with legal counsel to ensure that any official action is consistent with state and federal law. If an individually tailored plan is necessary, said plan shall be medically, legally, educationally and ethically sound.
- (D) Infected students who are aggrieved by the education plan determinations may appeal said determinations pursuant to state and federal special education law if the infected student is eligible for or claims that he is eligible for special education or special education and related

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services. Infected persons who do not claim that they are eligible for special education or special education and related services, but who are aggrieved by the Superintendent's determinations, may appeal said determinations to the School Board.

(E) Confidentiality shall be observed throughout the foregoing process.

**III. Confidentiality**

(A) The identity of a student or staff member who is infected with HIV or AIDS may be disclosed to those persons who determine whether the infected person has a secondary infection that poses a medically recognized risk of transmission of disease in the school setting or whether a significant health problem will restrict the infected person's ability to work or attend class. These persons include:

(1) The Superintendent or a person designated by the Superintendent to be responsible for the determination, or, in the case of a student who is identified as educationally handicapped or who is claimed or believed to be educationally handicapped, the special services team.

(2) The physician of the infected person.

(3) Public health officials, to the extent that their knowledge of the infected person's identity is necessary.

(B) The persons listed in Section III (A) (1) - (2) and the infected person (or his/her parents or guardians) shall determine whether additional persons need to know the identity of an infected person. The identity of an infected person shall not be disclosed to persons who are not listed in Section III (A) without the consent of the infected person, or the infected person's parents or guardians. The persons to whom the infected person's identity may be disclosed with the aforementioned consent include the school nurse, the school Principal or other persons necessary to protect the health of the infected person or to evaluate and monitor the case.

(C) All staff members who know the identity of persons infected with HIV or AIDS shall treat said information as confidential. No information shall be divulged directly or indirectly to any individuals or groups, except as noted in Section III (A) - (B). All medical information and written documentation of discussions, telephone conversations, proceedings, and meetings concerning the HIV or AIDS infection shall be maintained in a locked file. Access to said file shall be granted only to those persons who have the written consent of the infected person or his/her parents or guardians. The names of infected persons shall not be used in documents, except when essential. No document containing the name or other information which reveals the identity of an infected person may be shared with any person for any purposes without the consent of the infected person or the infected person's parents or guardians. Any school staff member who violates the confidentiality provisions of Section III shall be subject to discipline. Test results and medical records shall be disclosed only

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with the consent of the infected person (or that person's parent if he is a minor), pursuant to a subpoena or order of a court or administrative agency, or otherwise in accordance with law.

**IV. Testing**

Mandatory testing for communicable diseases that are not spread by casual, everyday contact (e.g., HIV or AIDS) shall not be a condition for school entry or attendance, or for employment or continued employment.

**V. Control of Infections**

(A) HIV cannot penetrate unbroken skin, and there is no evidence that HIV has been transmitted through contact with vomit, nasal discharge, saliva, urine, or feces.

However, said body fluids commonly transmit infections such as Hepatitis, colds and flu. Accordingly, direct skin contact with body fluids should be avoided whenever possible.

(B) Staff members shall follow the UNIVERSAL PRECAUTIONS in handling body fluids in the schools.

(C) The School District shall cooperate with local, state and federal health agencies in controlling infections.

**Legal References:**

*RSA 186:11, IX, Instruction as to Intoxicants and Venereal Disease*

*RSA 186:11, IX-a, AIDS Instructional Material*

*RSA 189:1-a- Duty to Provide Education*

*RSA 186-C:2,I, Special Education*

*RSA 193:1- Duty of Parent; Compulsory Attendance by Pupil*

*RSA 193:3- Change of School or Assignment, manifest Educational Hardship or Best Interest, Excusing Attendance*

*National Association of State Boards of Education, Someone at School has AIDS, 2001  
[www.aids.gov/basic/index.html](http://www.aids.gov/basic/index.html)*

Proposed: 05/14/08

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