

HIV/AIDS POLICY GUIDELINES

Proposed Revised Policy represents NHSBA Model Policy in its entirety.

Preamble. Human Immunodeficiency Virus (HIV) progressively destroys the body's ability to fight infections and certain cancers. The term acquired immunodeficiency syndrome (AIDS) is used to mean the later stages of an HIV infection. To assist the District and infected persons, the District adopts 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, free of physical and verbal harassment.

(B) There shall be no discrimination in employment against a person infected with HIV or AIDS based solely upon said infection. No 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 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 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 and effects of HIV including current information about how it is transmitted and prevented in ways that are scientifically, legally, and educationally sound;
- (2) 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.

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 the School setting and to plan to support the infected person.

(B) When the 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 that 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 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 should 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 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 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 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 will 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 infect 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 that 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 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 District shall cooperate with local, state and federal health agencies in controlling infections.

(D) If a person in a school setting has been exposed to blood-to-blood contact, the district should counsel the person to seek medical testing and attention.

VI. Health Education

The Board recognizes that HIV/AIDS education should be integrated into the health and family life curriculum, but may also be applied to other curriculum areas.

The District's HIV/AIDS education program must address, at a minimum, the nature, transmission, prevention, and effects of the disease. The program shall be provided in a sequential manner in all grades, taking into consideration the age and maturity of the pupils and the subject matter of the course.

Development of the program should take into account the instructional needs of all pupils in the District and be scientifically, legally, and educationally sound.

The Superintendent shall ensure that the information presented as a part of the HIV/AIDS program is articulated in such a way that transition from grade to grade in the elementary Schools and from elementary to secondary approaches to the material will be appropriate for all pupils.

The Superintendent shall ensure that all staff involved in teaching the HIV/AIDS education program are properly certified and adequately prepared to teach the material. As necessary, appropriate staff training shall be provided. All employees shall have training in Universal Precautions.

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, 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

Proposed Revision Second Reading: February 6, 2019

~~The following statements, when considered collectively, constitute the policy guidelines from the Raymond School District with regard to Human Immunodeficiency Virus (HIV) Acquired Immune Deficiency Syndrome (AIDS).~~

~~The Raymond School District is committed to programs and policies that protect individuals' confidentiality and the right to further their personal goals and objectives regardless of disease or disabling conditions. Raymond School District recognizes the rights, privileges, and services of students and staff infected with HIV to attend school.~~

~~Raymond School District recognizes that an employee or student with HIV/AIDS should be given the same consideration as any other employee or student with any other illness or disability.~~

~~Raymond School District recognizes the rights of employees to maintain their employee status for as long as their medical condition allows and they can perform their essential job functions.~~

~~An individual's right to privacy is of the utmost importance. There is absolutely no medical or other compelling reason to advise students or employees of the identity and/or presence of persons with HIV/AIDS who may be attending classes or performing work assignments.~~

~~Discrimination and/or harassment against those with, or suspected of having, HIV/AIDS will not be tolerated. Any employee who suspects that a coworker or a student is HIV infected or has AIDS may not refuse to work with that person or student. Those members of the school community who perpetrate such actions will be disciplined in the same way as individuals involved in other forms of discrimination and/or harassment.~~

~~The Raymond School District recognizes and supports the current regulations regarding mandatory HIV testing of either employees or students. Under RSA 141-F: 5, mandatory testing is only permitted in specific circumstances including blood or tissue donation, incarceration or immediate necessity for the protection of the individuals health. (See RSA for details).~~

Title: ~~Raymond School District HIV/AIDS Procedures and Guidelines~~
For ~~Faculty and Staff~~

The following procedures and guidelines apply to faculty and staff.

~~Human Immunodeficiency Virus (HIV), is the infectious agent of Acquired Immune Deficiency Syndrome (AIDS). AIDS represents the late clinical stage of HIV infection. It is a severe, life-threatening clinical condition that most often results in progressive damage to the immune and other organ systems, especially the central nervous system.~~

~~The Raymond School District is guided in the development and implementation of these policies by current specific and medical information. RSD subscribes to the position that education must be the primary institutional response to HIV infection and commits itself to on-going HIV/AIDS education and awareness with all members of the educational community.~~

~~Raymond School District is committed to programs and policies that protect individuals' confidentiality and right to further their proposal goals and objectives regardless of disease or disabling conditions. Raymond School District also recognizes the right of such persons to maintain employee status for as long as their medical condition allows and they can perform their tasks. There is no justification (medical or otherwise) to deny or restrict access of persons with HIV infection or AIDS to classrooms, offices, eating and recreational facilities, or other such common areas within the school setting. Accordingly, the following procedures and guidelines should be carefully implemented in accordance with all applicable state and federal regulations.~~

Employment

~~HIV antibody tests can not be required of candidates for employment. Consideration for job application, employment, advancement, discharge, compensation, training, or other terms, conditions, or privileges of employment cannot be denied to individuals on the basis of HIV zero status.~~

Confidentiality

~~Due to the gravity of the HIV/AIDS epidemic and the potential for discriminatory abuse targeted against those who are thought to be HIV positive, maintenance of an individual's right to privacy is of utmost importance.~~

~~All matters regarding an employee's health and medical information, including HIV related information, are to be managed in a confidential manner. HIV related information means any information that is likely to identify, directly or indirectly, someone suspected of or actually having HIV infection or AIDS.~~

Legal Liability

~~HIV-related information is confidential regardless of the source, including whether the information is obtained intentionally or unintentionally from the employee or from another source; or through oral, written, or electronic communication. Disclosure of HIV-related information could result in a loss of privacy, harassment, and discrimination. Unauthorized disclosures by staff could lead to individual liability in addition to criminal or civil penalties against the school district.~~

Guidelines for Superintendent

- ~~1. An employee may disclose his or her positive HIV status to the Superintendent so as to become less isolated in coping with his or her diagnosis, to gain the support of his/her employer, and/or to request reasonable accommodation.~~
- ~~2. Once the Superintendent is notified of an employee who is HIV positive, the Superintendent should meet with the employee to determine if any reasonable Accommodations (as defined in the Americans With Disabilities Act) are needed for the employee to perform the essential functions of his/her job and to plan for the support of the infected employee.~~
- ~~3. The Superintendent and employee, together in consultation with school and employee health care providers, shall determine whether there is any risk of transmission of HIV or a serious secondary infection.~~
- ~~4. Systems need to be designed to ensure that all meetings, correspondence, documentation, and discussions are kept highly confidential to protect the privacy of the employee.~~
- ~~5. If the Superintendent determines that additional information is necessary, public health officials may be consulted. In such cases, the identity of the infected employee shall not be divulged without the written consent of the infected employee. If however, the Superintendent determines it is necessary, he/she may request additional medical information, including but not limited to a physical examination, as provided by the collective bargaining agreement or personnel rules in the district but only with the written consent of the HIV positive employee.~~
- ~~6. Written consent from the employee must be obtained prior to disclosing any information regarding the HIV status of an employee to any additional personnel.~~
- ~~7. The Superintendent shall periodically review with the employee his/her health status and support needed for the employee to continue to perform essential duties.~~

~~_____ A. _____ If the HIV positive employee does not agree with a decision of the Superintendent
_____ made under this policy, he/she may appeal this decision in accordance with the
_____ School District's grievance procedures in the applicable collective bargaining
_____ agreement. For non-represented employees, the appeal shall be to the School
_____ Board.~~

~~_____ B. _____ The HIV positive employee shall comply with the decision of the Superintendent
_____ pending the final disposition of his/her appeal.~~

Occupational Safety

~~Raymond School District shall follow the most current Centers for Disease Control and
Prevention (CDC) *Standard Precautions for Prevention of Transmission of Human
Immunodeficiency Virus, Hepatitis B Virus, and Other Blood-borne Pathogens in Health-Care
Settings* and the federal Occupational Safety and Health Administration (OSHA) standards.
Training regarding universal precautions shall be provided for all staff on an annual basis.~~

~~Each school shall provide materials necessary to follow universal precautions. School nurses are
the appropriate staff members to assist in implementation of guidelines for the handling of body
fluids based on the recommendations of the New Hampshire Department of Education, New
Hampshire Division of Public Health Services, and the U.S. Centers for Disease Control and
Prevention. All employees shall be encouraged to comply with these guidelines in handling all
blood or body fluids.~~

Title: ~~Raymond School District HIV/AIDS Procedures and Guidelines for~~ **Students**

The following procedures and guidelines apply to students.

Human Immunodeficiency Virus (HIV), is the infectious agent of Acquired Immune Deficiency Syndrome (AIDS). AIDS represents the late clinical stage of HIV infection. It is a severe, life-threatening clinical condition, which most often results in progressive damage to the immune and other organ systems, including the central nervous system.

The Raymond School District is guided in the development and implementation of these policies by current scientific and medical information. Raymond School District subscribes to the position that education will be the primary institutional response to HIV infection and commits itself to on-going HIV/AIDS education and awareness with all members of the educational community.

Raymond School District is committed to programs and policies that protect individuals' confidentiality and right to further their personal goals and objectives regardless of disease or disabling conditions. Raymond School District also recognizes that HIV-infected students are entitled to all rights, privileges, and services. Accordingly, the following procedures and guidelines should be carefully implemented in accordance with state and federal regulations.

Access to Facilities

There is no justification (medical or otherwise) to deny or restrict access of persons with HIV infection of AIDS to classrooms, office buildings, theatres, eating and recreational facilities, or other such common areas within the school setting.

Attendance

Mandatory or random testing for the HIV antibody can not be required by the school district as a condition for school entry or attendance.

Athletic and Recreation Programs

Students with HIV/AIDS who are capable of vigorous sports activity will not be restricted from recreational sports, intramural, or interscholastic athletic participation.

As of March 1997, there has never been a confirmed case of HIV transmission during any athletic activity in the United States. HIV is not transmitted through casual contact such as

~~touching, rubbing, sharing sports equipment or using the same locker room or bathroom facilities. The virus has never been identified in sweat and has been found only rarely and in minute concentrations in saliva. Transmission does not occur from swimming pool water or through the air (CDC, May 1997). There is a risk of HIV infection from sharing needles used to inject steroids and human growth hormone.~~

~~Students and their parents are encouraged to consult with their health care provider for advice in regard to the student's health-related limitation(s) to participate in recreational, intramural, or interscholastic athletic events.~~

~~Sports participation does not present sufficiently clear danger to another individual to warrant unauthorized disclosure of confidential information by a health care provider to a coach or a athletic trainer.~~

Confidentiality

~~Due to gravity of the HIV/AIDS epidemic and the potential for discriminatory abuse targeted against those who are or are thought to be HIV positive, maintenance of an individual's right to privacy is of utmost importance.~~

~~All matters regarding a student's health and medical information, including HIV-related information, are to be managed in a strict confidential manner. HIV-related information means any information that is likely to identify, directly or indirectly, someone suspected of or actually having HIV infection or AIDS.~~

~~HIV-related information is confidential regardless of the source, including whether the information is obtained intentionally or unintentionally from the student or from another source; or through oral, written, or electronic communication. Disclosure of HIV-related information could result in a loss of privacy, harassment, and discrimination against the student and his/her family. Unauthorized disclosures by staff or student could lead to individual liability in addition to criminal or civil penalties against school districts and their personnel.~~

~~The Family Educational Rights and Privacy Act of 1974 and other laws protect individuals from unauthorized disclosure of confidential information. More specifically, this means that no medical information will be released unless there is prior specific written consent of the student (if he/she is eighteen or older), his/her parents, or his/her legal guardians. It also means that no specific or detailed information concerning complaints or diagnosis will be provided to faculty, administrators without written consent of the student (if he/she is eighteen or older), his/her parents, or his/her legal guardians. Further, no information about a student will be entered into non-medical or education records without the knowledge and written consent of the student (if he/she is eighteen or older), his/her parents, or his/her legal guardians.~~

Guidelines for Superintendent

1. ~~A student or a parent/guardian of a student may disclose the student's positive HIV status so as to become less isolated in coping with his or her diagnosis and to gain the support of the educational community and/or to seek modification of the student's educational program.~~
2. ~~The Superintendent, upon being informed that a student is infected with HIV, will meet with the infected student, his/her parents/guardians and upon receiving written consent, will consult with his/her health care provider to determine whether there is any risk of transmission of HIV or other secondary infections.~~
3. ~~Systems need to be designed to ensure that all meetings, correspondence, documentation, and discussions are kept highly confidential to protect the privacy of the student, unless the student or the student's parents/guardians agree otherwise in writing.~~
4. ~~If the Superintendent determines that additional information is necessary, a state public health official may be consulted. However, the identity of the infected student shall not be divulged without the express written consent of the infected student and the student's parents/guardians.~~
5. ~~Written consent shall be obtained from the adult (eighteen years or older) student or parents/guardians prior to disclosing to any additional personnel a student's HIV status.~~
6. ~~HIV infection is not transmitted by casual contact and is not, in itself, a reason to exclude a student from school or to alter his/her class assignment. However, if an HIV infected student's illness substantially impairs his/her academic performance, the student may be considered educationally handicapped under the IDEA (P.L. 94-142) and shall be referred for evaluation and placement through the school district's special education process. In addition, Section 504 also should be utilized when appropriate.~~
7. ~~The Superintendent, in collaboration with the student's parent(s) or guardian(s), shall periodically review the health status and educational needs of the HIV positive student to assure that the needs of the student are being met.~~

~~8. Appeal Procedure~~

~~A. If the infected student or the student's parents/guardians do not agree with the decision of the Superintendent's, he/she/they may appeal to the school board.~~

~~B. In the event of an appeal, the student shall comply with the decision of the Superintendent pending final disposition of the appeal.~~

~~C. This procedure does not displace other remedies available under Section 504 or IDEA.~~

HIV Testing and Counseling

~~Students who suspect they may be at risk of HIV infection are encouraged to be tested so the appropriate counseling and treatment can be initiated. Risk factors include engaging in high risk behavior and/or having been subjected to a "high risk exposure" during the past ten years. A "high risk exposure" is defined as an event involving the introduction of blood into the blood stream, mucous membranes, and/or non-intact skin by splash or puncture wound.~~

~~Testing is voluntary and confidential and includes pre and post test counseling. Information about testing may be obtained through the student's health care provider, the local Visiting Nurse Association, or by contacting the New Hampshire Department of Health and Human Services, HIV/AIDS Program.~~

Legal Liability

~~HIV-related information is confidential regardless of the source, including whether the information is obtained intentionally or unintentionally from the student or from another source; or through oral, written, or electronic communication. Disclosure of HIV-related information could result in a loss of privacy, harassment, and discrimination against the student and his/her family. Unauthorized disclosures by staff may lead to individual liability in addition to criminal or civil penalties against school districts and their personnel.~~

Occupational Safety

~~Raymond School District shall follow the most current Centers for Disease Control and Prevention (CDC) *Standard Precautions for Prevention of Transmission of Human Immunodeficiency Virus, Hepatitis B Virus, and Other Blood borne Pathogens in Health Care Settings* and the Federal Occupational Safety and Health Administration (OSHA) standards. Training regarding universal precautions shall be provided for all staff on an annual basis.~~

~~Each school shall provide materials necessary to follow universal precautions. District nurses are the appropriate staff members to assist in the implementation of guidelines for the handling of body fluids based on the recommendations of the New Hampshire Department of Education, New Hampshire Division of Public Health Services, and the U.S. Centers for Disease Control and Prevention. All employees shall be encouraged to comply with these guidelines in handling all blood or body fluids.~~

Transportation

~~The HIV-infected child shall be transported to school without restrictions. Bus drivers and drivers' aides cannot be informed of the identity of HIV-infected students without written consent of the HIV-positive student and/or student's parents or legal guardian. Bus drivers and drivers' aides shall be instructed to follow standard precautions at all times with all students.~~

DISCLOSURE CONSENT FORM

I, _____, the parent

or guardian of _____

(or the name of student in the case of a consenting adolescent minor)

hereby give consent for the disclosure of the following medical information:

(check as many as apply)

_____ HIV antibody test result;

_____ AIDS diagnosis;

_____ summarized medical record;

_____ details of symptoms, signs, and diagnostic test results
(specify _____);

_____ psychiatric, other mental health and/or developmental evaluation records
(specify _____);

_____ names of medical care and/or support service providers
(specify _____);

to name(s) _____,

role(s) _____

for the express purpose of _____.

~~This release is limited to a single disclosure of the above listed information to the above named individuals. Any disclosure of information not listed above or disclosure to individuals not listed above is expressly prohibited. Disclosure to any other persons than those listed above requires my informed, written consent. This release expires on year from the date it is signed.~~

Signature _____

Date _____