

## **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 a victim unable to fight off infections. As a result, persons living with HIV or diagnosed 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 district and infected persons, the district has developed the following policy.~~

### **I. General Principles**

- ~~A. HIV is not spread by casual, everyday contact. The evidence is overwhelming that the risk of transmitting HIV is extremely low in school settings when current guidelines are followed. The presence of a person living with HIV infection or diagnosed with AIDS poses no significant risk to others in school. 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 living with HIV or diagnosed with 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 living with HIV or diagnosed with AIDS shall be made on a case-by-case basis.~~
- ~~B. School authorities will determine the educational placement of a student known to be living with HIV on a case-by-case basis by following established policies and procedures for students with chronic health problems or students with disabilities. Decision makers must consult with the student's physician and parent or guardian; respect the student's and family's privacy rights; and reassess the placement if there is a change in the student's need for accommodations or services.~~
- ~~C. The school district does not discriminate on the basis of HIV or association with another person living with HIV. In accordance with the Americans with Disabilities Act of 1990, an employee living with HIV is welcome to continue working as long as he or she is able to perform the essential functions of the position, with reasonable accommodation if necessary.~~
- ~~D. Pupils or staff members are not required to disclose HIV status to anyone in the education system. HIV antibody testing is not required for any purpose. Every employee has a duty to treat as highly confidential any knowledge or speculation concerning the HIV status of a student or other staff member. Violation of medical privacy is cause for disciplinary action, criminal prosecution, and/or personal liability for a civil suit.~~

**HIV/AIDS POLICY**

~~E. 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.~~

~~All employees are required to consistently follow infection control guidelines in all settings and at all times, including playgrounds and school buses. Schools will operate according to the standards promulgated by the U.S. Occupational Health and Safety Administration for the prevention of blood borne infections. Equipment and supplies needed to apply the infection control guidelines will be maintained and kept reasonably accessible. All staff shall implement the precautions.~~

~~F. If a situation occurs at school in which a person might have been exposed to an infectious agent, such as an instance of blood to blood contact, school authorities shall counsel that person (or, if a minor, alert a parent or guardian) to seek appropriate medical evaluation.~~

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

~~A. HIV or AIDS is not, by itself, sufficient reason to remove a student or staff member from school. When the Superintendent has been notified that a student or staff member is living with HIV or diagnosed with AIDS, the Superintendent shall act appropriately to ensure the safety of persons in the school setting and support the infected person.~~

~~B. When the district learns that a student is living with HIV or diagnosed with 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 living with HIV or diagnosed with AIDS, the Superintendent shall determine whether the person has a significant health problem that will restrict his/her ability to work by consulting with the person's physician and the 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 living with HIV or diagnosed with AIDS.~~

~~(2) In the absence of a secondary infection which creates a medically recognized risk of transmission of disease, or a significant health problem which restricts the person's ability to work, the Superintendent shall not alter the job assignment of the person. However, the Superintendent shall periodically review the case with the person's physician in cooperation with the school nurse.~~

## **HIV/AIDS POLICY**

~~(3) If it is determined 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 person's ability to work, the Superintendent shall consult with the person's physician described in Section C (2). After said consultation, if determined a plan is necessary, any official action will be consistent with State and Federal Law.~~

### **III.—Confidentiality**

- ~~A. The Superintendent or his/her designee shall determine whether additional persons need to know the identity of the person living with HIV or diagnosed with AIDS. The identity of the person living with HIV or diagnosed with AIDS will not be disclosed without the consent of the person living with HIV or diagnosed with AIDS, or the person's parents or guardians.~~
- ~~B. All staff members who know the identity of persons living with HIV or diagnosed with AIDS shall treat said information as confidential. No information regarding a person's HIV status will be divulged to any individual or organization without a court order or the informed, written, signed, and dated consent of the person living with HIV or diagnosed with AIDS (or the parent or guardian of a legal minor). The written consent must specify the name of the recipient of the information and the purpose for disclosure. All medical information and written documentation of discussions, telephone conversations, proceedings, and meetings concerning the person living with HIV or diagnosed with AIDS shall be maintained in a confidential file. Access to said file shall be granted only to those persons who have the written consent of the person living with HIV or diagnosed with AIDS or his/her parents or guardians. The names of the persons living with HIV or diagnosed with AIDS shall not be used in documents, except when essential. Any school staff member who violates confidentiality provisions of Section III shall be subject to discipline.~~

### **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.—HIV/AIDS Prevention 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 following content guidelines prepared by the Centers for Disease Control and Prevention (CDC). The program shall be provided in a sequential manner in all grades, taking into consideration the age and maturity of the pupils~~

**HIV/AIDS POLICY**

~~and the subject matter of the course. Development of the program should take into account the instructional needs of all pupils in the district.~~

~~—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.~~

~~Parents and guardians per policy JRB will have convenient opportunities to preview all HIV prevention curricula and materials. If a parent or guardian submits a written request to a Principal that a child not receive instruction in specific HIV prevention topics at school, and assures that the topics will be discussed at home or elsewhere, the child shall be excused without penalty.~~

*~~Statutory References:~~*

~~*RSA 193:1*~~

~~*RSA 189:1 a*~~

~~*RSA 186-C: 2,1*~~

~~*RSA 193:3*~~

Adopted:	March 5, 2002
Revised:	April 28, 2009
Approved by NHSBA:	August 2011
Reviewed:	October 19, 2020
First Reading:	October 27, 2020 (to Withdraw)
Second Reading:	November 10, 2020
Approved: to withdraw	November 10, 2020 (Withdrawn)

First Reading: February 19, 2002  
Second Reading: March 5, 2002  
Adopted: March 5, 2002  
Reviewed: May 25, 2004  
Adopted: June 8, 2004