

POLICY ON HIV/AIDS

It is the policy of the Board of Education that:

1. A student's education shall not be interrupted or curtailed solely on the basis of his/her HIV status. HIV-infected students shall be afforded the same rights, privileges, and services available to every other student.
2. No student shall be referred to the Committee on Special Education solely on the basis of his/her HIV status. A student who is infected with HIV shall be referred to the Committee on Special Education (CSE) only when the student's disability interferes with his/her ability to benefit from instruction. Such referral shall be made in accordance with Part 200 of Commissioner's Regulations' and shall not disclose a student's HIV status except when necessary to ensure that the student receives appropriate educational and/or health related services.
3. If a student who is HIV infected requires special accommodations to enable him/her to continue to attend school, the student shall be referred to the appropriate multi-disciplinary team as required by §504 of the Rehabilitation Act.
4. No disclosure of HIV related information involving a student shall be made without first obtaining the informed consent of the parent, guardian or students on a Department of Health (DOH) approved form. (See Authorization for Release of Confidential HIV Related Information to the Members of the Committee on Special Education, the Superintendent and Members of the Board of Education [Attachment 1] and the generic Department of Health Authorization for Release of Confidential HIV Related Information [Attachment 2].)

Employees

It is the policy of the Board of Education that:

1. No employee shall be prevented from continuing in his/her employment solely on the basis of his/her HIV status; such employees are entitled to all rights, privileges, and services accorded to other employees and shall be entitled to reasonable accommodations to the extent that such accommodations enable such individuals to perform their duties.
2. No disciplinary action or other adverse action shall be taken against any employee solely on the basis of his/her status as an HIV infected or a person with AIDS. Such action will only be taken where, even with the provision of reasonable accommodations, the individual is unable to perform his/her duties.
3. All employees shall have access to the district's exposure control plan as required by the federal Office of Safety and Health Administration (OSHA).

4. In accordance with OSHA regulations, training in universal precautions and infection control shall be offered to all employees and shall be provided to every employee with potential occupational exposure.

Confidentiality

Any information obtained regarding the HIV status of an individual connected to the school shall not be released to third parties, except to those persons who are:

1. named on an Authorization for Release of Confidential HIV Related Information form;
2. named in a special HIV court order; or
3. as indicated in Public Health Law §2782, for example, when necessary to provide health care to the individual (i.e. to the school physician and the school nurse).

Any individual who breaches the confidentiality of a person who is HIV infected shall be subject to disciplinary action.

To protect the confidentiality of an HIV infected individual, any documents identifying the HIV status of such individuals shall be maintained by the school nurse (or another authorized individual) in a secure file, separate from the individual's regular file. Access to such file shall be granted only to those persons named on the Department of Health approved Authorization for Release of Confidential HIV Related Information form, or on a special HIV court order. When information is disclosed, a statement prohibiting further disclosure, except when in compliance with the law, must accompany the disclosure.

HIV/AIDS Testing

No school official shall require a student or employee to undergo an HIV antibody test or other HIV-related test. However, school officials shall not be precluded from requiring a student or employee to undergo a physical examination pursuant to Education Law §§ 903 and 913, when other illness is suspected (e.g. tuberculosis), as long as no HIV antibody test or other HIV-related test is administered without the individual's informed consent as required by Public Health Law § 27-F.

To implement this policy, the Superintendent of Schools is directed to arrange for staff training, to distribute copies of this policy to all employees of the district, and to include in the district's student handbook.

First Reading: May 22, 1995

Second Reading and Adoption: June 12, 1995