

The Human Immunodeficiency Virus (HIV) is not transmitted through casual contact and, therefore, is not reason in itself to treat individuals having or perceived as having HIV differently from other members of the school community. Accordingly, with respect to HIV disease, including acquired immune deficiency syndrome (AIDS), the school district recognizes:

- the rights of students and employees with HIV,
- the importance of maintaining confidentiality regarding the medical condition of any individual,
- the importance of an educational environment free of significant risks to health, and
- the necessity for HIV education and training for the school community and the community-at-large.

A. General Provisions

1. The school district shall not discriminate against or tolerate discrimination against any individual who has or is perceived as having HIV.
2. A student who has or is perceived as having HIV is entitled to attend school in a regular classroom, unless otherwise provided by law, and shall be afforded opportunities on an equal basis with all students.
3. No applicant shall be denied employment and no employee shall be prevented from continued employment on the basis of having or being perceived as having HIV. Such an employee is entitled to the rights, privileges, and services accorded to employees generally, including benefits provided school employees with long-term diseases or disabling conditions.

B. Confidentiality, Disclosure, and Testing

1. A student or student's parent/guardian, or an applicant/employee, may, but is not required to, report HIV status to any school personnel.
2. Except as otherwise permitted by law, no school personnel shall disclose any HIV-related information, as it relates to prospective or current school personnel or students, to anyone except in accordance with the terms of a written consent. The Superintendent shall develop a written consent form, which details the information the signatory permits to be disclosed, to whom it may be disclosed, its specified time limitation, and the specific purpose for the disclosure. The school district shall not discriminate against any individual who does not provide written consent.
3. No school official shall require any applicant, employee, or prospective or current student to have any HIV-related test.

COMPREHENSIVE HIV & BLOODBORNE PATHOGENS POLICY (cont'd) F11

4. The Superintendent shall develop procedures which ensure confidentiality in the maintenance and, where authorized, dissemination of all medically related documents.

C. Education and Instruction

1. HIV is not, in itself, a disabling condition, but it may result in conditions that are disabling. To the extent that a student who has HIV is determined to meet the criteria for eligibility for accommodations under state and federal non-discrimination laws or for special education services, the school district shall meet all procedural and substantive requirements.
2. The school district shall provide systematic and extensive elementary and secondary comprehensive health education, which includes education on HIV infection, other sexually transmitted diseases, as well as other communicable diseases, and the prevention of disease, as required by state law.
3. The Building Administrator shall create a plan to ensure that all school employees, including newly hired staff, receive training regarding current HIV epidemiology, methods of transmission and prevention, universal precautions, psycho-social aspects of HIV-related school policies and procedures, and where appropriate, teaching strategies.

D. Exposure to Bloodborne Pathogens and Universal Precautions:

1. The school district shall comply with applicable Vermont Occupational Safety and Health Administration (VOSHA) rules in order to protect employees who are reasonably anticipated to be exposed to bloodborne pathogens as part of their regular job duties.
2. The School Nurse shall determine those employees (by job class and possibly by task or procedure) who are reasonably anticipated to have occupational exposure to blood or other potentially infectious materials as part of their duties. These employees will be protected in strict accordance with the provisions of the Bloodborne Pathogens Standard.
3. The Building Administrator shall provide training to all staff and students about: the hazards of bloodborne pathogens; the recommended operating procedures of universal precautions; the existence of the VOSHA required exposure control plan; individuals or job classes to be notified in order to safely handle or clean up a blood or other body fluid spill safely; and the location and use of appropriate protective equipment and first aid devices.

COMPREHENSIVE HIV & BLOODBORNE PATHOGENS POLICY (cont'd) F11

4. The Building Administrator shall provide training on the recommended operating procedures of universal precautions to teaching substitutes and school volunteers.

E. Enforcement

1. A person who violates this policy may be subject to remedial and/or disciplinary action in accordance with applicable laws, collective bargaining agreements, policies, and/or disciplinary codes.

Date Warned: 8/3/01

Date Adopted: 8/17/01

Legal Reference(s): (See Appendix C for Annotated Legal References)

1 VSA § 317(c)(7) and (11)

Section 504 of the Rehabilitation Act of 1973

18 VSA § 1127

Individuals with Disabilities Education Act (IDEA)

Title VI, Civil Rights Act of 1964, and as amended by the Equal

Employment Act of 1972

Americans with Disabilities Act, P.L. 101-335 (1990)

16 VSA § 131 et seq., § 906

Occupational Safety and Health Act of 1970

Occupational Exposure to Bloodborne Pathogens Standard (29 C.F.R. § 1910.1030)

Cross Reference: