

Decatur County Board of Education

Monitoring: Review: Annually, in February	Descriptor Term: Acquired Immune Deficiency Syndrome (AIDS)	Descriptor Code: 5.401	Issued Date: 07/13/17
		Rescinds: 5.401	Issued: 04/13/06

1 **LIABILITY AND NON-DISCRIMINATION**

2 No employee who is diagnosed with HIV infection or AIDS shall be prevented from continuing their
3 employment. No disciplinary action may be taken against an employee solely on the basis of HIV
4 infection or AIDS.

5 Action may be taken against an employee only if the employee is disabled and the disability interferes
6 with their ability to perform their employment duties.

7 The board shall make reasonable accommodation to enable the employee to perform employment duties
8 as may be required by state or federal law.¹

9 **HIV/AIDS TESTING**

10 No school official can require any employee to undergo an HIV antibody test or other HIV-related test.
11 This does not preclude school officials from requiring an employee to undergo an examination when
12 another communicable illness is suspected.²

13 **CONFIDENTIALITY**

14 If information is received regarding an employee's HIV status, the director of schools may consult with
15 the school board attorney on the appropriate course of action to pursue, bearing in mind the school
16 system's potential liability for defamation, employment discrimination, and breach of confidentiality
17 requirements.³

18 Information about an employee's HIV status is not to be documented in the employee's personnel file
19 and shall not be faxed.^{1,3}

20 Information obtained is confidential and may not be released to anyone except:³

- 21 1. Persons named on an Authorization for Release of Confidential HIV-Related Information Form;
- 22 2. Persons listed on a court order, and
- 23 3. Persons authorized to receive such information without a release or court order according to
24 TCA 68-10-113.

25 **Under no circumstances shall information identifying an employee with AIDS be released to the**
26 **public.**

1 INFECTION CONTROL

2 To prevent and manage exposure in the workplace, all school system employees will receive in-service
3 training and education annually regarding HIV/AIDS and OSHA's Blood-borne Pathogens Standard.
4 The board shall follow the most current Centers for Disease Control and Prevention (CDC) Universal
5 Precautions for Prevention of Transmission of Human Immunodeficiency Virus, Hepatitis B Virus, and
6 Other Blood-borne Pathogens in Health Care Settings.¹

7 EDUCATION AND TRAINING

8 Annually, the director of schools shall ensure that all employees, including newly hired staff, receive
9 current HIV training. These programs can utilize the educational/training resources of agencies or private
10 institutions with personnel trained in the areas of HIV/AIDS prevention education.¹

11 The director of schools shall be responsible for developing, revising and implementing the
12 administrative guidelines and procedures for this policy. The director of schools shall be responsible
13 for enforcing this policy by communicating it to all personnel and by providing necessary instruction
14 to all administrators.

Legal References

1. State Board Policy 5.300
2. 29 CFR § 1630.13(b)
3. TCA 68-10-113

Cross References

Section 504 & ADA Grievance Procedures 1.802