

# Lakeland Board of Education

Monitoring: <b>Review: Annually, in March</b>	Descriptor Term: <b>Acquired Immune Deficiency Syndrome (AIDS)</b>	Descriptor Code: <b>5.401</b>	Issued Date: <b>05/11/15</b>
		Rescinds: <b>5.401</b>	Issued: <b>04/13/15</b>

## 1 **LIABILITY AND NON-DISCRIMINATION**

2 No employee who is diagnosed with HIV infection or AIDS shall be prevented from continuing his/her  
3 employment. No disciplinary action may be taken against an employee solely on the basis of HIV in-  
4 fection 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 his/her 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.<sup>1</sup>

## 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.<sup>2</sup>

## 13 **CONFIDENTIALITY**

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

18 Information about an employee's HIV status is not to be documented in the employee's personnel fi le  
19 and shall not be faxed.<sup>1,3</sup>

20 Information obtained is confidential and may not be released to anyone except:<sup>3</sup>

- 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.<sup>1</sup>

7    **EDUCATION AND TRAINING**

8    Annually, the superintendent shall ensure that all employees, including newly hired staff, receive current  
9    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.<sup>1</sup>

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

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Legal References

1. State Board of Education Policy No. 5.300,  
HIV/AIDS Policy for Employees and Students of  
Tennessee Public Schools Revised, August 18, 2005
2. 29 CFR § 1630.13(b)
3. TCA 68-10-113

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Cross References

Section 504 & ADA Grievance Procedures 1.802