

# Van Buren County Board of Education

Monitoring: <b>Review: Annually, in May</b>	Descriptor Term: <b>Acquired Immune Deficiency Syndrome</b>	Descriptor Code: <b>6.404</b>	Issued Date: <b>03/16/06</b>
		Rescinds: <b>6.404</b>	Issued: <b>06/17/99</b>

1     **LIABILITY AND NON-DISCRIMINATION**

2     Students infected with HIV shall not be denied enrollment in school. The Board shall not prevent an HIV  
3     infected student from participating in the continuation of his/her education on the basis of HIV infection.  
4     Further, the student shall be subject to the same rules for class assignment, privileges and participation  
5     in any school-sponsored activities as all other students. The Board shall strive to maintain a respectful  
6     school climate for HIV infected students.

7     Mandatory screening for communicable diseases not spread by casual everyday contact, such as HIV  
8     infection, shall not be a condition for school entry or attendance.<sup>1</sup>

9     **ATHLETICS**

10    A student who is HIV positive may not be denied the opportunity to participate in school athletic  
11    programs based solely on his/her HIV status. All reasonable accommodations shall be made to allow  
12    students with HIV to participate in school-sponsored physical activities.<sup>1</sup>

13    **ADMINISTRATIVE RESPONSIBILITIES FOR CONFIDENTIALITY**

14    If a student's parents/guardians choose to disclose the child's HIV status, all matters pertaining to that  
15    student will be directed by procedures initiated by the director of schools.

16    The director of schools shall be responsible for requesting medical records from the parent/guardian and  
17    a statement from the student's physician regarding health status of the student reported to have  
18    HIV/AIDS. In addition, the director of schools will gather information regarding the student's  
19    cumulative school record.

20    **CONFIDENTIALITY**

21    No information concerning an HIV infected student shall be divulged, directly or indirectly, to any other  
22    individual or group without the written consent of the parent/guardian. All medical information and

1 written documentation of discussions, telephone conversations, proceedings and meetings shall be kept  
2 by the director of schools in a locked file. If the HIV infected student is under the age of eighteen (18),  
3 access to this file will be granted only to those persons who have the written consent of the infected  
4 student's parents/guardians.

5 **Under no circumstances shall information identifying a student with AIDS be released to the**  
6 **public.**<sup>2,3</sup>

## 7 **APPROPRIATE ALTERNATIVE EDUCATION PROGRAMS**

8 In determining the educational placement of a student known to be infected with HIV, school authorities  
9 shall follow established policies and procedures for students with disabilities. School authorities shall  
10 reassess placement if there is a change in the student's need for accommodations or services.

## 11 **HIV PREVENTION EDUCATION/CURRICULUM**

12 The director of schools shall be responsible for developing instructional objectives to address each  
13 terminal objective in the state AIDS curriculum framework and provide each teacher responsible for  
14 teaching AIDS education with these objectives. Students shall further be taught universal precautions  
15 through the K-8 Healthful Living and Lifetime Wellness curricula and through the Board's HIV  
16 prevention education program.

17 The state AIDS curriculum and related instructional objectives will be used in grades K-12. Parents and  
18 guardians shall have convenient opportunities to preview all HIV prevention curricula and materials in  
19 accordance with the provisions of the Family Education Law of 1989.

20 Students shall have access to voluntary and confidential counseling about matters related to HIV.  
21 Administrators shall maintain a list of counseling and testing resources for student use.

## 22 **INFECTION CONTROL**

23 The director of schools shall develop an Occupational Safety and Health Administration (OSHA)-based  
24 infection control plan in which each school will provide for: 1) well-maintained and easily accessible  
25 materials necessary to follow universal precautions, and 2) designate first responders responsible for  
26 implementing infection control guidelines, including investigating, correcting, and reporting on  
27 instances of exposure. All schools shall further follow the most current Centers for Disease Control  
28 and Prevention (CDC) Universal Precautions for Prevention of Transmission of Human  
29 Immunodeficiency Virus, Hepatitis B Virus, and Other Blood borne Pathogens in Health Care Settings  
30 and the OSHA blood borne pathogens standard.<sup>4</sup>  
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Legal References:

1. TRR/MS 0502-1-3-.08(2)(g)
2. TCA 68-10-113
3. 20 USC 1232(g); 34 CFR § 300.571-2
4. TRR/MS 0520-1-3-.05(1)(c)
5. State Board of Education Policy No. 5.300, HIV/AIDS Policy for Employees and Students of Tennessee Public Schools Revised, August 18, 2005

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Cross References:

Section 504 & ADA Grievance Procedures 1.802  
Special Education 4.202  
Special Programs 4.206