

## **10.10 HIV/AIDS**

### **(HUMAN IMMUNODEFICIENCY VIRUS/ACQUIRED IMMUNE DEFICIENCY SYNDROME)**

#### **General Principles**

The Board recognizes that the human immunodeficiency virus (HIV) and the condition of acquired immune deficiency syndrome (AIDS), which is caused by the HIV infection, are significant medical, legal, educational and social issues. The Board desires to protect the rights of all students and employees and does not discriminate against students and employees who are HIV-infected. The Board works cooperatively with State and local health organizations to assess the needs of HIV-infected students or staff and to keep updated on current educational information that could be included in the District's educational plan.

Current medical information available indicates that HIV cannot be transmitted from one individual to another by casual contact, i.e., the type of contact that occurs in the school setting, such as shaking hands, sharing an office or classroom, coughing, sneezing or the use of drinking fountains. Students who are infected with HIV are entitled to all rights, privileges and services accorded to other students. Decisions about any changes in the educational program of an HIV-infected student shall be made on a case-by case basis, relying on the best available scientific evidence and medical advice.

There shall be no discrimination against employees who are HIV-infected. The District provides equal opportunity for employment, retention and advancement for all staff members. Employees who are unable to perform their duties shall retain eligibility for all benefits that are provided for other employees with long-term diseases or disabling conditions, utilizing the information/rights in any negotiated agreement or Board policies as appropriate. A change in employment status or location due to HIV complications are made on a case-by-case basis.

#### **Evaluating Students and Staff Who Are Infected with HIV**

The Superintendent and/or designee is the person to be notified regarding all HIV incidences. When the Superintendent is notified by a parent/guardian, staff member, student and/or any other credible source that an individual in the District is infected with HIV, the Superintendent shall attempt to verify the health status of the individual, (i.e., consultation with parents/guardian, physician, health services personnel, etc.). Upon confirmation, the Superintendent shall discuss with appropriate staff members ways that the District may help anticipate and meet the needs of the student or staff member infected with HIV.

If there is no infectious disease that constitutes a medically recognized risk of transmission in the school setting, the Superintendent shall not alter the education program or job assignment of the

infected person. The Superintendent shall periodically review the case with the infected person (and the parent(s)/guardian(s) of the student) and with appropriate medical advisors.

If there is a secondary infection that constitutes a medically recognized risk of transmission in the school setting, the Superintendent shall consult with the physician, public health official and the infected person (and the parent(s) of the student.) If necessary, they will develop an individually tailored plan for the student or staff member. Additional persons may be consulted, if this is essential for gaining additional information, with the consent of the infected staff member or the student's parent(s). The Superintendent should consult with the school attorney to make sure that any official action is consistent with Ohio and Federal laws. When the Superintendent makes a decision about the case, there shall be a fair and confidential process for appealing the decision.

If an individually tailored plan is necessary, it shall have minimal impact on either education or employment. The plan must be medically, legally, educationally and ethically sound. The Superintendent will periodically review individual cases and oversee implementation of the plan in accordance with local, Ohio and Federal laws.

### **Confidentiality**

Information regarding a student or staff member infected with HIV is classified, by law, as confidential. Those individuals who have access to the proceedings, discussions or documents must treat such information as confidential. Only with the written consent of the staff member or the student's parent(s) shall other school personnel, individuals and agencies be informed of the situation/condition. All information pertaining to the case shall be kept by the Superintendent in a locked file; access to this file is granted only to those people who have written consent of the infected staff member or the infected student's parent(s). **Records Release and Information Transmission** will be administered as stipulated in the Ohio Revised Code.

### Infectious Disease Advisory Committee

The President of the Board will appoint an HIV Advisory Committee. The Committee will consist of one member of the Board, the Superintendent, one principal, one teacher, the District's legal counsel, the school physician and/or nurse and a doctor who specializes in infectious diseases. Other persons who may be considered as members include a guidance counselor, a student and an official of the County/City Board of Health.

The function of the HIV Advisory Committee is:

- A. To keep informed regarding the latest medical developments and information regarding HIV;
- B. To advise the Board regarding policies and regulations and any changes which the Committee recommends in such policies;
- C. To advise the Board regarding the HIV education program;

- D. To develop guidelines for Board consideration on hygienic practices in schools; and
- E. To assist any student, parent or employee who is seeking information about HIV.

### **HIV Education Program**

An educational program will be provided to students as part of the health curriculum.

### **Record Release and Information Transmission Guidelines**

O.R.C. §3701.243 outlines the prohibitions or disclosure of HIV-related information as well as the permissible disclosures.

The law prohibits any person or government agency that acquires the information while providing any health care service or while in the employ of a health care facility or health care provider, from disclosing or compelling another to disclose the identity of any individual on whom an HIV test is performed, the results of a test in a form that would identify the individual tested, or the identity of any individual with a diagnosed case of AIDS or an AIDS-related condition, except as provided in the Law. Disclosure would be permitted to the following:

- A. The individual tested or the individual's legal guardian, and his spouse or any sexual partner;
- B. A person to whom disclosure is authorized by a written release, executed by the individual tested or his legal guardian and specifying to whom disclosure of the test results of diagnosis is authorized and the time period during which release is effective;
- C. The individual's physician;
- D. The Department of Health or a health commissioner to which reports are made under the law's requirements;
- E. A health care facility or provider that procures, processes, distributes, or uses a human body part from a deceased individual donated for a purpose specified in the Uniform Anatomical Gifts Act and that needs medical information about the deceased individual to ensure that the body part is medically acceptable for its intended purpose;
- F. Health care facility staff committees or accreditation or oversight review organizations conducting program monitoring, program evaluation, or service reviews;
- G. A health care provider, emergency medical services worker, or peace officer who sustained a significant exposure to the body fluids of another individual, if that individual was tested pursuant to an order of an infection control committee of a health care facility, except that the identity of the individual tested could not be revealed;

H. To law enforcement authorities pursuant to a search warrant or subpoena issued by or at the request of a grand jury, a prosecuting attorney, city director of law, or village solicitor, in connection with a criminal investigation or prosecution.