

**HIV/AIDS POLICY**

No restriction will be placed on any person with HIV/AIDS in relation to attendance, use of recreational facilities, classrooms, or common areas within the school setting. Strict confidentiality will be followed per federal and state law. Disclosure to any person of the status of an HIV infected person will only happen with written consent from a parent or guardian or student if 18 years or older.

The Conway School District will follow the most current Centers for Disease Control and Prevention (CDC), Universal Precautions for Prevention of Transmission of Human Immunodeficiency Virus, Hepatitis B Virus, and Other Bloodborne Pathogens in Health Care Settings and the Federal Occupational Safety and Health Administration (OSHA) standards.

HIV education will be provided in health classes to both junior high students and high school students. Content will include the definition of HIV/AIDS and how it is transmitted. Details of the curriculum will be based on the approved health curriculum by the School Board.

Adopted by Conway School Board – September 21, 1989  
Revision Adopted – September 13, 1999  
Reviewed with no change – May 6, 2004

## Procedures

### **Attendance**

Access to Facilities – There is no justification (medical or otherwise) to deny or restrict access of persons with HIV infection to classrooms, office buildings, eating and recreational facilities, or other such common areas within the school setting.

Athletic and Recreational Programs – Students with HIV/AIDS who are capable of vigorous sports activity will not be restricted from recreational sports, intramural, or interscholastic athletic participation.

Discrimination – A student shall not be excluded or discriminated against solely based on his/her HIV/AIDS status. They are entitled to all rights, privileges and services accorded to other students.

Discipline for infraction of these rules will be handled in the same way as any other form of discrimination.

### **Confidentiality**

Due to the gravity of the HIV/AIDS epidemic and the potential for discriminatory abuse targeted against those who are or are thought to be HIV positive, maintenance of an individual's right to privacy is of utmost importance.

All matters regarding a student's health and medical information, including HIV related information, are to be managed in a confidential manner. HIV related information means any information that is likely to identify, directly or indirectly, someone suspected of or actually having HIV infection or AIDS. Any written information regarding a student or staff person's HIV/AIDS status will be kept in a secure location separate from the student's academic file or the staff person's personnel file. (See also NH laws regarding HIV/AIDS 141-F.)

### **Legal / Liability**

HIV related information is confidential regardless of the source, including whether the information is obtained intentionally or unintentionally from the student or from another source; or through oral, written, or electronic communication. Disclosure of HIV related information could result in a loss of privacy, harassment, and discrimination against the student or staff person and his/her family. Unauthorized disclosure by staff could lead to individual liability as well as criminal or civil penalties against school districts and their personnel. (See also NH laws regarding HIV/AIDS 141-F.)

The Family Educational Rights and Privacy Act of 1974 and other laws protect individuals from unauthorized disclosure of confidential information. More specifically, this means that no medical information will be released unless there is prior specific written consent. Written consent is defined as a written authorization to disclose of medical information by the

student (if eighteen years of age or older), his/her parents, or his/her legal guardians. It also means that no specific or detailed information concerning complaints or diagnosis will be provided to faculty or administrators without written consent. Further, no information about a student will be entered into non-medical or education records without the knowledge and written consent of the student and/or guardian.

## **Occupational Safety**

Training regarding universal precautions will be provided for all staff, substitute teachers, and new staff on an annual basis. The training will include a demonstration of procedures and an opportunity for hands-on experience to demonstrate proficiency. As described by CDC guidelines, training techniques for preventing the spread of infectious diseases should be comprehensive and should be provided to all staff. Conway School District will follow state guidelines for reporting communicable diseases.

Each school will provide materials necessary to follow universal precautions. School nurses are the appropriate staff members to assist in the development of guidelines for the handling of body fluids based on the recommendations of the New Hampshire Department of Education, New Hampshire Division of Public Health Services, and the U.S. Centers for Disease Control and Prevention. All employees will be encouraged to comply with these guidelines in handling all blood or body fluids. See appendix, Handling Body Fluids in Schools.

In the case of an exposure to blood borne pathogens, a referral to the exposed person's primary health care provider will be recommended.

## **Transportation**

The HIV infected student should be transported to school without restrictions. Bus drivers and drivers' aides do not "need to be informed" of the identity of HIV infected students. Bus drivers and drivers' aides should be instructed to follow universal precautions at all times with all students.

## **Testing and Counseling**

Students who suspect they may be at risk of HIV infection are encouraged to be tested so the appropriate counseling and treatment can be initiated. Risk factors include engaging in high-risk behavior and/or having been subjected to a "high risk exposure" during the past ten years. A "high risk exposure" is defined as an event involving the introduction of blood into the blood stream, mucous membranes, and/or non-intact skin by splash or puncture wound.

Testing is voluntary and confidential and includes pre-test and post-test counseling. Information about testing may be obtained through the student's health care provider, the local Visiting Nurse Association, or by contacting the New Hampshire Department of Health and Human Services, HIV/AIDS Program. School nurses and guidance counselors will have local information concerning HIV testing, counseling and treatment