

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 in assessing the needs of HIV-infected students or staff and keeping updated on current educational information to 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 a 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 opportunities for employment, retention and advancement for all staff members. Employees who are unable to perform their duties due to an illness, such as those related to HIV, 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 agreements or Board policies as appropriate. Changes 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 Chief Executive Officer or his/her designee is the primary official regarding all HIV incidences. When an individual is found to be infected with HIV, the Chief Executive Officer shall attempt to ascertain, in consultation with the infected individual, whether he/she has a secondary infection such as tuberculosis that constitutes a recognized risk of transmission in the school setting. This is a medical question that can only be determined by the infected person's physician. The Chief Executive Officer shall also attempt to determine ways that the District may help anticipate and meet the needs of the student or staff member infected with HIV.

If no secondary infection exists that constitutes a medically recognized risk of transmission in the school setting, the Chief Executive Officer shall not alter the education program or job assignment of the infected person. The Chief Executive Officer shall periodically review the case with the infected person (and the parent(s) of the student) with the medical advisors described above.

If a secondary infection exists that constitutes a medically recognized risk of transmission in the school setting, the Chief Executive Officer 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 Chief Executive Officer should consult with the school attorney to make sure that any official action is consistent with Ohio and Federal laws.

When the Chief Executive Officer 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 a minimal impact on either education or employment. It must be medically, legally, educationally and ethically sound. The Chief Executive Officer periodically reviews individual cases and oversees 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 District personnel or other individuals, agencies or legal authorities be informed of the situation/condition. Any disclosure of HIV information shall be made only as permitted by law. All information pertaining to the case shall be kept by the Chief Executive Officer in a locked file; access to this file is granted only to those people who have the written consent of the infected staff member or the infected student's parent(s).

HIV Advisory Committee

The Board Chairperson shall appoint an HIV Advisory Committee. The Committee shall consist of one member of the Board, the Chief Executive Officer, a representative from the District's Office of Health and Social Services, one principal, one teacher, the District's legal counsel, the school physician and or a doctor who specializes in communicable diseases. Other persons who may be considered as members include a guidance counselor, a student and an official of the City Department of Health. The function of the HIV Advisory Committee is:

1. to keep informed regarding the latest medical developments and information regarding HIV;
2. to advise the Board regarding policies and regulations and any changes which the Committee recommends in such policies to the Board;
3. to advise the Board regarding the HIV education program;
4. to develop guidelines for Board consideration on hygienic practices in schools; and,
5. to assist any student, parent or employee who is seeking information about HIV.

HIV Education Program

The Board shall direct the administration, with the advice of the HIV Advisory Committee, to develop a program for educating persons regarding HIV. The program should provide a plan for making information about HIV available to students as a part of the health curriculum. HIV education should be developmentally appropriate to the grade level.

The Board shall direct the administration to develop an educational plan to inform employees about HIV-related issues and safety. In developing such programs, it is expected that information from sources such as the National Centers for Disease Control, the Ohio Department of Health and the Ohio Department of Education is utilized.

The educational program should ensure that, at a minimum, students and staff are informed in a consistent manner about:

1. the nature of HIV infection, including how it is and is not transmitted according to current scientific evidence;
2. District guidelines related to students and employees with diseases such as HIV infection;
3. resources within the District and the surrounding community for obtaining additional information or assistance; and,
4. procedures to prevent the spread of all communicable diseases at school.

[Adoption date: December 6, 2001]

LEGAL REFERENCES

Americans With Disabilities Act, 42 USC 12112 et seq
Family and Medical Leave Act; 29 USC 2611 et seq.
ORC 124.38; 149.43(a)(3); 1347.01 et seq (Ohio Privacy Act)
3313.67; 3313.68; 3313.71;
3319.13; 3319.141; 3319.321;
3701.13; 3701.14; 3707.06; 3707.08; 3707.20; 3707.21; 3707.26;
3709.20; 3709.21
OAC 3301-35-02

CROSS REFERENCES

AC, Nondiscrimination
EBBC, Bloodborne Pathogens
GBA, Equal Opportunity Employment
GBE, Staff Health and Safety
GBL, Personnel Records
JB, Equal Educational Opportunities
JO, Student Records
Staff and Student Handbooks