

STUDENTS WITH HIV RELATED ILLNESS

The Berlin Central School District Board of Education recognizes the public concern over health issues surrounding acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) infection. Moreover, the Board recognizes that, based on the current state of medical knowledge, HIV is not easily transmitted and cannot be transmitted by casual social contact.

The Board acknowledges the rights both of students diagnosed with HIV infection or AIDS to continue their education, and of non-infected students and employees of the District to attend school or to work in an environment that is free from any significant risk to their health. The Board recognizes that current law and regulations in this matter strictly limit the disclosure of confidential HIV-related information with there being an authorized consent form for such disclosure.

Therefore, the Board establishes that the following shall be its policy regarding students with HIV-related illness.

I. Students Rights

No student's right to an education shall be interrupted or curtailed solely on the basis of information that the student has HIV-infection or HIV-related illness. By "HIV-related illness" shall be understood here any clinical illness that may result from or be associated with HIV infection or HIV-related illness.

II. Discrimination Strictly Prohibited

No student who has been identified as being HIV-infected or as having AIDS shall be discriminated against by any employee of the District, or in any program or activity operated by the District.

III. Modification of Educational Program

- A. At Parental Request. A parental request to modify the educational program of a student who is infected with HIV shall be made to the Superintendent of Schools, her/his designee or through a direct referral from the Section 504 Committee.
- B. At Initiative of School Personnel. If District personnel believe that an HIV-infected student requires special education in order to benefit from instruction, then a referral to the Committee on Special Education (CSE) may be made; except that, if the referral includes HIV or AIDS information about the student, then parental consent or a court order shall be required prior to any such referral.

IV. Confidentiality of Information.

- A. Strict Regulation of Access to Information. Information obtained pursuant to the New York State Health Department Authorization for Release of Confidential HIV Related Information form ("Authorization Form"), or pursuant to a court order, shall be kept confidential, and shall not be released to any person, except to:
1. persons listed on the Authorization Form;
 2. persons listed on the court order pursuant to Sec. 2785 of Article 27-F of the New York Public Health Law; or
 3. persons authorized under Sec. 2782 of Article 27-F of the New York Public Health Law to receive such information without a release or court order.
- B. Internal Controls on Access to Information. All medical information and written documentation of discussions, telephone conversations, proceedings, and meetings related to the medical condition or to medically-related matters regarding a student known to be HIV- infected shall be kept by the school nurse in a securely locked file. Access to this file shall be available only to those persons who are listed on the Authorization Form, or who are otherwise duly authorized to receive HIV information without a release form.
- C. Strict Confidentiality to be Observed by District Personnel. Any employee of the District who is privileged with any HIV-related information, however obtained, shall be bound by the confidentiality requirements stated in Article 27-F of the New York Public Health Law. Any breach of the obligation to keep all such information confidential shall be subject to conditions contained in Article 27-F, and to disciplinary procedures as established by the Board of Education, the Education Law, the Civil Service Law, and collective bargaining agreement, as relevant and appropriate.

V. No HIV Testing without Written Informed Consent

- A. No Mandatory HIV Testing. No official of the Berlin Central School District shall require any student to undergo an HIV antibody or other HIV-related test. No HIV-related testing of any student shall take place without first receiving the written informed consent of the person to be tested on a form approved by the New York State Health Department.
- B. No Preclusion of Sections 903.904 Medical Exams. This policy shall not preclude school officials from requiring a District student to undergo an

examination under Sections 903 and 904 of the Education Law when other illness is suspected, so long as no involuntary HIV-related testing is performed or administered as part of such examination.

- C. Certain Verbal Screening Prohibited. It shall be prohibited for any employee of the District to employ verbal screening that could elicit information about HIV infection or illness in a student or lead the employee administering the screening to reasonably believe that the student is HIV-infected or has HIV-related illness.

VI. Administrative Regulations, Procedures, and Duties

- A. Administrative Procedures. The Superintendent shall ensure that procedures are implemented in the District that accord with this policy. The Superintendent is authorized to develop and disseminate such administrative regulations as may be required to ensure compliance with this policy and its legal bases.
- B. Educational Program. The Superintendent shall further ensure that an on-going educational program about HIV and blood borne pathogens is developed for students and all District employees and that such information is available to families upon request. This educational program shall include:
1. development of an appropriate HIV curriculum and HIV-related resource materials;
 2. provision to all District personnel of mandatory in-service training that shall include review and explanation of the District's policies and procedures related to students with HIV infection; and
 3. provision to all District personnel of mandatory in-service training that reviews HIV infection and measures for its prevention in the workplace.
- C. Universal Precautions to be Observed. The Superintendent shall ensure that standard operating procedures related to universal precautions in the handling of blood and bodily fluid spills in the school setting are instituted and followed.

D. Student Medication. The Superintendent shall further ensure that if a student requires medication during school hours, then the following plan will be utilized:

1. Board of Education policies in this area shall be adhered to;
2. medication shall be stored in a separate, securely locked cabinet;
3. all written documentation concerning medication, including the medication log, shall be kept in a securely locked file; and
4. medication shall be dispensed as required by District policy.

References

29 USC Sec. 794 et seq. (Sec. 504 of Rehabilitation Act of 1973)

34 CFR Part 104

20 USC Sec. 1400 et seq. (Individuals with Disabilities Education Act)

34CFRPart300

Public Health Law Art. 27-F

Education Law Secs. 3020, 3020-a, 4401, 4401-a

Civil service Law Sec. 75