



**CODE: E 9**

## **AIDS OR HIV**

### **Policy**

It is the policy of the Sherburne Elementary School to tolerate no discrimination against students or employees who may be afflicted with AIDS or HIV and to provide appropriate education to students about this disease.

### **Background**

The Human Immunodeficiency Virus (HIV) is not transmitted through casual contact and, therefore, is not reason in itself to treat individuals having or perceived as having HIV differently from other members of the school community. Accordingly, with respect to HIV disease, including acquired immune deficiency syndrome (AIDS), the Sherburne Elementary School recognizes the:

1. rights of students and employees with HIV;
2. importance of maintaining confidentiality regarding the medical condition of any individual;
3. importance of an educational environment free of significant risks to health; and
4. necessity for HIV education and training for the school community and the community-at-large.

### **General Provisions**

The School District shall not discriminate against or tolerate discrimination against any individual who has or is perceived as having HIV.

1. A student who has or is perceived as having HIV is entitled to attend school in a regular classroom, unless otherwise provided by law, and shall be afforded opportunities on an equal basis with all students.
2. No applicant shall be denied employment and no employee shall be prevented from continued employment on the basis of having or being perceived as having HIV. Such an employee is entitled to the rights, privileges, and services accorded to employees generally, including benefits provided school employees with long-term diseases or disabling conditions.

### **Confidentiality, Disclosure, Testing**

1. A student or student's parent/guardian, or an applicant/employee, may, but is not required to, report HIV status to any school personnel
2. Except as otherwise permitted by law, no school personnel shall disclose any HIV-related information, as it relates to prospective or current school personnel or students, to anyone except in accordance with the terms of a written consent. The Superintendent shall develop a written consent form which details the information the signatory permits to be disclosed, to whom it may be disclosed, its specified time limitation, and the specific purpose for the disclosure. The School District

SHERBURNE ELEMENTARY SCHOOL

shall not discriminate against any individual who does not provide written consent.

3. No school official shall require any applicant, employee, or prospective or current student to have any HIV-related test.
4. The Superintendent shall develop procedures which ensure confidentiality in the maintenance and, where authorized, dissemination of all medically-related documents.

**Education and Instruction**

1. HIV is not, in itself, a disabling condition, but it may result in conditions that are disabling. To the extent that a student who has HIV is determined to meet the criteria for eligibility for accommodations under state and federal non-discrimination laws or for special education services, the School District shall meet all procedural and substantive requirements.
2. The School District shall provide systematic and extensive elementary and secondary comprehensive health education which includes education in HIV infection, other sexually transmitted diseases as well as other communicable diseases, and the prevention of disease, as required by law.

**Exposure to Bloodborne Pathogens and Universal Precautions**

1. The School District shall comply with applicable Vermont Occupational Safety and Health Administration (VOSHA) rules in order to protect employees who are reasonably anticipated to be exposed to bloodborne pathogens as part of their regular job duties.
2. The Superintendent or his/her designee shall determine those employees (by job class and possibly by task or procedure) who are reasonably anticipated to have occupational exposure to blood or other potentially infectious materials as part of their duties. These employees will be protected in strict accordance with the provisions of the Bloodborne Pathogens Standard.

*Date Warned:* 01/10/06

*Date Adopted:* 02/14/06

*Legal Reference(s):* 1 V.S.A. §§317(c) (7), (11) (Public records)  
16 V.S.A. §§131 et seq. (Comprehensive health education)  
16 V.S.A. §906 (Course of study)  
18 V.S.A. §1127 (HIV testing)  
21 V.S.A. §201(c) (2) (Occupational safety), §224, (VOSHA standards)  
§495 (Employment practices)  
20 U.S.C. §§1400 et seq. (IDEA)  
42 U.S.C. §§2000d et seq. (Title VI of the Civil Rights Act of 1964)  
42 U.S.C. §§12101 et seq. (Americans with Disabilities Act)  
29 U.S.C. §§651 et seq. (Occupational Safety & Health Act of 1970)  
29 C.F.R. §1910.1030 (Occupational Exposure to Bloodborne Pathogens Standard)  
Vermont State Board of Education Manual of Rules & Practices §2120.8.2.3(c)

*Cross Reference:*