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| Book | BHASD Policies |
| Section | 200 Pupils |
| Title | HIV Infection |
| Code | 203.1 |
| Status | Active |
| Adopted | June 28, 2004 |
| Last Revised | August 12, 2019 |

Purpose

The Board is committed to providing a safe, healthy environment for its students and employees. The purpose of this policy shall be to safeguard the health and well-being of students and staff while protecting the rights of the individual.

This policy is based on current evidence that the HIV virus is not normally transmissible by infected individuals within the school setting, except as noted in this policy.

Definitions

HIV infection - refers to the disease caused by the HIV or human immunodeficiency virus.

AIDS - Acquired Immune Deficiency Syndrome.

CDCP - United States Public Health Service Centers for Disease Control and Prevention.

Infected students - refers to students diagnosed as having the HIV virus, including those who are asymptomatic.

Authority

This policy shall apply to all students in all programs conducted by the school district.

The Board directs that the established school rules relative to illnesses and other diseases among students shall also apply to infected students.

The Board shall not require routine screening tests for HIV infection in the school setting, nor will such tests be a condition for school attendance. [1]

Delegation of Responsibility

The Superintendent or designee shall be responsible for handling and releasing all information concerning infected students.

All district employees shall strive to maintain a respectful school climate and to prohibit physical or verbal harassment of any individual or group, including infected students.

All employees shall be required to consistently follow infection control/universal precautions in all settings and at all times, including playgrounds and school buses. Employees shall notify the building principal or school nurse of all incidents of exposure to bodily fluids and when a student's health condition or behavior presents a reasonable risk of transmitting an infection.

Building administrators shall notify students, parents/guardians and employees about current Board policies concerning HIV infection and shall provide reasonable opportunities to discuss the policy and related concerns.

Guidelines

Attendance

Infected students have the same right to attend school and receive services as other students and shall be subject to the same policies and rules. HIV infection shall not factor into decisions concerning class assignments, privileges or participation in any school-sponsored activity.[2]

School authorities shall determine the educational placement of infected students on a case-by-case basis by following policies and procedures established for students with chronic health problems and students with disabilities.

When an infected student's parent/guardian voluntarily discloses information regarding the student's condition, the district employee who receives the information shall obtain the written consent of the parent/guardian to disclose the information to members of the Screening Team.

A Screening Team comprised of the Superintendent or designee, building principal, school nurse, district physician, student's parent/guardian, and attending physician shall evaluate the infected student's educational placement. Placement decisions shall be based on the student's need for accommodations or services.

First consideration must be given to maintaining the infected student in a regular assignment. Any decision for an alternative placement must be supported by specific facts and data.

An infected student who is unable to attend school, as determined by a medical examination, shall be considered for homebound instruction or an alternative placement.[3][4]

An infected student may be excused from school attendance if the parent/guardian seeks such excusal based on the advice of medical or psychological experts treating the student.[3][5]

An infected student's placement shall be reassessed if there is a change in the student's need for accommodations or services.

Confidentiality

District employees who have knowledge of an infected student's condition shall not disclose any information without prior written consent of the student's parent/ guardian, consistent with the requirements of the Pennsylvania Confidentiality of HIV-Related Information Act.[6]

All health records, notes and other documents referring to an infected student's condition shall be secured and kept confidential.[7]

Infection Control

All employees shall be required to consistently follow infection control/universal precautions in all settings and at all times, including playgrounds and school buses. Employees shall notify the school nurse of all incidents of exposure to bodily fluids and when a student's health condition or behavior presents a reasonable risk of transmitting an infection.

The school district shall maintain reasonably accessible equipment and supplies necessary for infection control.

Staff Development

The district shall provide opportunities for employees to participate in inservice education on HIV Infection.

Designated district employees shall receive additional, specialized training appropriate to their positions and responsibilities.

Prevention Education

The goals of HIV Infection prevention education shall be to promote healthy living and discourage the behaviors that put people at risk of acquiring HIV Infection. Prevention education shall be taught at every grade level as part of the curriculum, be appropriate to students' developmental maturity, and include accurate information about reducing the risk of HIV Infection. [\[12\]](#)

Prior to HIV Infection instruction in the schools, the district shall inform parents/guardians that curriculum outlines and materials used in the instruction shall be available for review. [\[12\]](#)[\[13\]](#)[\[10\]](#)

A student shall be excused from HIV Infection education when the instruction conflicts with the religious beliefs or principles of the student or parents/guardians, upon the written request of the parents/guardians. [\[12\]](#)[\[13\]](#)[\[11\]](#)

References:

School Code – 24 P.S. Sec. 1301, 1329, 1330, 1409

State Board of Education Regulations – 22 PA Code Sec. 4.4, 4.29, 11.25

PA Confidentiality of HIV-Related Information Act – 35 P.S. 7601 et seq

Board Policy – 105.1, 105.2

Legal

1. 35 P.S. 7601 et seq
2. SC 1301
3. SC 1329
4. Title 22 Sec. 11.25
5. SC 1330
6. 35 P.S. 7607
7. SC 1409
8. Title 22 Sec. 4.29
9. Title 22 Sec. 4.4
10. Pol. 105.1
11. Pol. 105.2
12. 22 PA Code 4.29
13. 22 PA Code 4.4