

## **Students with HIV/AIDS**

The following procedures will be followed when determining the proper educational placement of a student known to be infected with human immunodeficiency virus (HIV), including those students diagnosed as having Acquired Immune Deficiency Syndrome (AIDS).

### **Identification of students**

Any student infected with HIV generally will be identified by the school district only when the district receives direct information from the student or his parent/guardian about his medical diagnosis.

To encourage such disclosure, the district will endeavor to treat such students in a fair, nondiscriminatory and confidential manner consistent with the district's legal obligations.

All information about such student will be reported to the superintendent or designee who will be the school official responsible for coordinating the placement decision. For purposes of these procedures, the superintendent or designee will be referred to as the "school officer."

### **Placement decision**

HIV infection is not transmitted casually; therefore, it is not itself a reason to remove a student from school. The school officer will determine whether the student who is infected with HIV has a secondary infection such as active tuberculosis that constitutes a recognized risk of transmission in the school setting. This is a medical question which the school officer will answer by consulting with the infected student's physician, a qualified public health official who is responsible for such determinations and the infected student's parent/guardian.

If there is no secondary infection that constitutes a medically-recognized risk of transmission in the school setting, the infected student's education program will not be altered.

If there is a secondary infection that constitutes a medically-recognized risk of transmission in the school setting, the school officer will consult with the physician, public health official and the infected student's parent/guardian. If necessary, they will develop an individually tailored plan for the student. Additional persons may be consulted if this is essential for gaining additional information, but the infected student's parent/guardian (unless the student is 18 years of age) must approve the notification of any additional persons who would know the identity of the infected student.

If an individually-tailored plan is necessary, it must have minimal impact on the student's education. Utmost confidentiality will be observed throughout this process.

The school officer will review the case periodically with the infected student or the student's parent/guardian and the medical advisors described above.

If the student with HIV qualifies for services as a child with disabilities under state and federal law, those procedures will be used to make a placement decision in lieu of the procedure described above. In the development of an individualized educational program (IEP), school personnel should consider expanding the staffing committee to include the student's physician and a public health official to serve in an advisory capacity.

The fact that a student is infected with HIV will not be disclosed on the student's IEP nor will it be disclosed to members of the staffing committee unless the school officer in consultation with the infected student and parent/guardian, as appropriate, determines that such disclosure is necessary to develop procedures to address the student's medical condition or to provide medical treatment. These precautions also shall be observed in the case of an HIV-infected student who is referred for special education and staffing for reasons unrelated to HIV infection.

### **Confidentiality**

All information gained by the school district through application of the accompanying policy and these procedures including the identity of the student will be treated as confidential. Special precautions will be taken to protect information regarding a student's health condition in order to prevent instances of disclosure that may invade a student's personal privacy.

Persons who may know the identity of a student infected with HIV are those who with the infected students or his parent/guardian will determine whether the student has a secondary infection that constitutes a medically-recognized risk of transmission in the school setting. They are the school officer, the student's personal physician and a public health official who may be able to study the facts of the case sufficiently without needing to know the identity of the student to make a decision.

The decision-makers listed above and the infected student or his parent/guardian will determine whether additional persons such as the school nurse or principal need to know that an infected student attends a specific school. The additional persons will not know the name of the infected student without the consent of the student or parent/guardian.

All medical information and written documentation of discussions, telephone conversations, proceedings and meetings will be kept by the school officer in a locked file. Access to this file will be granted only to those persons who have the written consent of the infected student or his parent/guardian.

To further protect confidentiality, names will not be used in documents except when this is essential. Any document containing the name or any other information that would

reveal the identity of the infected student will not be shared with any person, not even for the purposes of work processing or reproduction.

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