

**SCHOOL BOARD POLICY REGARDING STUDENTS
WITH HIV-RELATED ILLNESS**

It is the policy of the Board of Education that:

- (1) No student's right to education shall be interrupted or curtailed solely on the basis that he/she has been diagnosed with an HIV related illness . As students, they must be afforded the same rights, privileges and services available to other students.
- (2) A parental request to modify the educational program of a student who is infected with HIV must be made to the Superintendent or designee. Alternatively, if school personnel believe, based on the educational performance of a student, that the student requires special education in order to benefit from instruction, a referral to the CSE may be initiated. The referral to the CSE will only contain information specifically regarding the HIV status of a child if parental consent is obtained.
- (3) No student shall be discriminated against on the basis that he or she has been identified as HIV-infected or having AIDS.
- (4) All students in the school district shall receive instruction regarding the nature, transmission, prevention, and treatment of HIV infection from kindergarten through high school, in an age-appropriate manner unless exempted, pursuant to the Commissioner's Regulation Section 135.3.

IMPLEMENTATION PLAN

The Superintendent of Schools is directed to:

- (1) Develop administrative rules that prohibit acts of discrimination against students identified as HIV-positive and that establish and publish a formal complaint procedure for resolution of alleged violations of the rule.
- (2) Administer an on-going educational program about HIV for students, their families and all school employees, to include:
 - (a). development or update of appropriate HIV curriculum and HIV-related resource materials;

- (b). provision of mandatory in-service training to all school district personnel regarding school district policies and procedures related to students with HIV infection;
 - (c). provision of mandatory in-service for **all** school personnel concerning HIV and measures of prevention in the workplace.
- (3) Implement standard operating procedures related to UNIVERSAL PRECAUTIONS regarding the handling of blood/body fluids and blood spills in the school setting.

CONFIDENTIALITY:

Information obtained pursuant to any Authorization for Release of Confidential HIV Related Information or court order is confidential and shall not be released to anyone, except to (1) persons listed on the said form; (2) persons listed on the court order pursuant to Section 2785 of Article 27-F of the New York State Public Health Law; or (3) persons authorized to receive such information without a release or court order under Section 2782 of Article 27-F of the New York State Public Health Law (such as licensed health or social service professionals).

All medical information and written documentation of discussions, telephone conversations, proceedings and meetings will be kept in a locked file. Access to this file will only be granted to those persons who are stated on the Authorization for Release Form.

Any school staff member privileged with any HIV-related information shall be bound by the confidentiality requirements contained in Article 27-F of the Public Health Law. Any breach of such confidentiality shall be subject to conditions contained in Article 27-F of the Public Health Law and in addition to disciplinary action as established by the Board of Education in contractual agreements.

AIDS/HIV TESTING:

No school official shall require any student to undergo an HIV antibody test or other HIV-related test. This policy shall not, however, preclude school officials from requiring a student to undergo an examination under Sections 903 and 904 of the Education Law, when **other** illness is suspected, as long as **no** involuntary HIV antibody test, other HIV-related test, or verbal screening to determine the presence of HIV infection are part of such examination.