
**PEACHAM SCHOOL BOARD POLICY
COMPREHENSIVE HIV POLICY FOR SCHOOLS: PRE K - 12**

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Warned: 10/23/99

Adopted: 11/11/99

Copies to: Principal: ___ School Library: ___ Board Members: ___ CCSU: ___ Town Clerk: ___ Town Library: ___

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 Peacham School District recognizes:

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

A. General Provisions:

1. The school district shall not discriminate against or tolerate discrimination against any individual who has or is perceived as having HIV.
2. 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.
3. 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.

B. Confidentiality, Disclosure, and Testing:

Provisions Reflecting Present Legal Requirements

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 (see Appendix A) 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 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.

C. Education and Instruction:

Provisions Reflecting Present Legal Requirements

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 comprehensive health education which includes education on HIV infection, other sexually transmitted diseases as well as other communicable diseases, and the prevention of disease, as required by state law.

D. Exposure to Bloodborne Pathogens and Universal Precautions:

Provisions Reflecting Present Legal Requirements

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.

E. Enforcement:

Provisions Reflecting Present Legal Requirements

1. A person who violates this policy may be subject to remedial and/or disciplinary action in accordance with applicable laws, collective bargaining agreements, policies, and/or disciplinary codes.

Legal References:

(See Appendix C for Annotated Legal References)

1 V.S.A. § 317(b)(7) and (11)

Section 504 of the Rehabilitation Act of 1973

18 V.S.A. §1127

Individuals with Disabilities Education Act (IDEA)

Title VI, Civil Rights Act of 1964, and as amended by the Equal Employment Act of 1972

American with Disabilities Act, P.L. 101-335 (1990)

16 V.S.A. § 131 et seq., § 906

Occupational Safety and Health Act of 1970

Occupational Exposure to Bloodborne Pathogens Standard (29 C.F.R. §1910.1030)

21 V.S.A. § 201(c)(2) and § 224.

Comprehensive HIV* Policy for Schools: Pre K - 12 Includes:

C Board Policy

A. General Provisions

C B. Confidentiality, Disclosure, and Testing

C C. Education and Instruction

C D. Exposure to Bloodborne Pathogens and Universal Precautions

C E. Enforcement

C Procedures Appendices:

Appendix A - Procedures for Maintaining Confidentiality and Sample Written Consent Form

Appendix B - Universal Precautions

Appendix C - Annotated Legal References

Appendix D - Resources for HIV/AIDS Assistance and Information

Appendix A

Procedures for Maintaining Confidentiality

To maintain an atmosphere of trust with staff members, students, families, and the community, a policy that encourages confidentiality is essential. It is important that people who have the Human Immunodeficiency Virus (HIV) and their families feel certain that their names will not be released against their wishes to others without a need to know. A policy on confidentiality that is strictly enforced will also provide protection to the school district from legal action and from potentially adverse reactions that might result.

To promote confidentiality and to avoid the violation of state and federal laws that protect the confidentiality of medical records, the following procedures are suggested:

1. All medical information in any way relating to the HIV status of any member of the school community, including written documentation of discussions, telephone conversations, proceedings, and meetings shall be kept in a locked file. Access to this file shall be granted only to those persons identified in writing by the student or student's parent/guardian, or the employee, as having a direct need to know. Filing and photocopying of related documents may be performed only by persons named in the written consent.
2. No medical information in any way relating to one's HIV status shall ever be faxed.
3. Medically-related documents that are to be mailed shall be marked "Confidential." Names of persons mailing documents and those receiving the documents shall be identified on the written consent form by the student or student's parent/guardian, or the applicant/employee.
4. A written consent form shall be completed prior to each disclosure and release of HIV-related information. (Sample attached.)
5. Each disclosure made shall be noted in the student or employee's personal file. The list of such disclosures shall be made available to the student, parent/guardian, or employee upon request.
6. Schools shall comply with Vermont Occupational Safety and Health Administration (VOSHA) rule §1910.20 which concerns maintenance of and access to employee medical records. [Note: §1910.20 is incorporated by reference into §1910.1030 (h).]

Appendix A

Sample Written Consent Form for Each Release of Confidential HIV*-Related Information

Confidential HIV-Related Information is any information that a person had an HIV-related test, has HIV infection, HIV-related illness or AIDS,* or has been potentially exposed to HIV. If you sign this form, HIV-related information can be given to the people listed and for the reasons listed below.

Name and address of person whose HIV-related information can be released:

Name and address of person signing this form (if other than above):

Relationship to person whose HIV-related information may be released:

Name, title or role, and address of each person who may be given HIV-related information (include names of persons responsible for photocopying and filing confidential information):

- 1.
- 2.
- 3.
- 4.
- 5.

(Additional names and addresses can be attached or listed on back.)

Information to be provided: (Check as many as apply.)

- HIV antibody test result
- AIDS diagnosis
- summarized medical record
- details of symptoms, signs, and/or diagnostic results
(specify: _____)
- psychiatric, other mental health, and/or developmental evaluation records
(specify: _____)
- names of medical care and/or support service providers (specify: _____)
- infection status of other family members [Requires written consent.]
- student's instructional program
- other (specify: _____)

Specific purpose(s) for release of HIV related information:

Time during which release of information is authorized: (A specific time must be noted for each single incidence of release of HIV-related information. Use a new form for each incident.)

From: To:

Any disclosure of information not meeting the conditions listed above is expressly prohibited. Disclosure to any other persons than those listed above requires my informed, written consent.

Signature _____ Date _____

*Human Immunodeficiency Virus (HIV) that causes Acquired Immune Deficiency Syndrome (AIDS)

Universal Precautions for School Staff and Independent Contractors

Bloodborne Pathogens é Significant Contagious Disease

Research shows that the risk of getting a significant contagious disease in a school setting is extremely small. However, school staff and contracted personnel in the school need to *decrease* the possibility of exposure to bloodborne pathogens.

Significant contagious disease (SCD) includes cytomegalovirus (CMV), hepatitis B virus (HBV) and human immunodeficiency virus (HIV) infections. The local board of health or the state health officer may determine that other diseases are significant contagious diseases.

“Universal precautions” means protecting oneself from exposure to blood or body fluids through the use of latex gloves, masks, or eye goggles; cleaning blood and body fluid spills with soap and bleach solution and water; and disinfecting and incinerating or decontaminating infected waste before disposing in a sanitary landfill.¹

North Dakota Administrative Rules, Sections 33-06-05.1-01,33-06-05.1-02, 33-06-05.1-03

Modes of Transmission

“The two common methods of spreading HIV are having sex with an infected individual and using contaminated needles to inject drugs.” (Surgeon General’s Report to the American Public on HIV Infection and AIDS).

None of These are Modes of Transmission of Bloodborne Pathogens

- C Sharing Restrooms
- C Bathroom Fixtures
- C Drinking Fountains
- C Hugging
- C Eating with Carriers
- C Mosquitoes
- C Working & Studying with Carriers
- C Playing with Carriers
- C Swimming Pools
- C Shaking Hands
- C Eating Food Prepared by Carriers

Universal Precautions in the School Setting

*Reduce risk of exposure to bloodborne pathogens by using universal precautions to prevent contact with blood and body fluids.**

Begin by attending to the injured person:

- C Whenever blood and body fluids are present, a barrier (latex rubber gloves, thick layer of paper towels, or cloth) should be used to minimize exposure of the attending person while the injury is cleansed and/or dressed.
- C Soiled clothes of the injured person must be bagged to be sent home.
- C Place waste in a plastic bag for disposal.
- C Remove gloves and dispose in plastic bag.
- C Thoroughly wash hands with soap.

Clean and disinfect environmental surfaces:

- C Whenever cleaning and disinfecting environmental surfaces in which blood and body fluids are present, a barrier (rubber utility gloves durable enough to withstand environmental cleaning and disinfecting, thick layer of paper towels, or cloth) should be placed between the blood and the attending person.
- C Use disposable paper towels or other disposable materials to remove blood and body fluids.
- C Disinfect the affected area(s) and cleaning tools with a commercial tuberculocidal disinfectant (mixed according to manufacturer's specifications) or 1:10 bleach solution (approximately 1/4 cup common household bleach per gallon of tap water, mixed fresh daily.) The affected surface being disinfected should remain wet for ten minutes.
- C Secure all waste in plastic bag for disposal.

Clean up for attending person:

- C Remove gloves and dispose and secure in a plastic bag.
- C Immediately apply soap. Thoroughly wash hands with soap by rubbing hands together (avoid scrubbing hands). Pay particular attention to finger tips, nails and jewelry. Rinse with fingers pointing downward.
- C If running water and soap are not immediately available, a waterless antiseptic cleaner or moist towelette may be used until hands can be thoroughly washed (use of antiseptic cleaner or towelette is NOT a substitute for handwashing). **WASH HANDS AS SOON AS POSSIBLE.**

North Dakota Department of Public Instruction
North Dakota State Department of Health and Consolidated Laboratories
Sponsored by the Centers for Disease Control:
Cooperative Agreement U87/CCU808975-01-02
5/94

Centers for Disease Control Guideline for Prevention of Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Health-care and Public Safety Workers.
MMWR Vol. 38/No. S-6:1-37, 1989.

*Body fluids that contain blood.

Annotated Legal References

- 1.1 V.S.A. §317(7) and (11) - Subsections (7) and (11) are two exceptions to the Vermont law requiring disclosure of public records. Subsection (7) deals with medical records of employees and subsection (11) deals with student records at public schools.
2. Section 504 of the Rehabilitation Act (29 U.S.C. §794) - This federal law (popularly known as “Section 504”) prohibits discrimination against persons with disabilities by entities receiving federal funds.
3. 18 V.S.A. §1127 - This Vermont public health law prohibits school districts from requiring HIV testing of any applicant, or prospective or current student and prohibits discrimination against an applicant, or prospective or current student on the ground that the person has tested HIV positive.
4. 21 V.S.A. §495 (a) (6) and (7) - These provisions prohibit employers, employment agencies, labor organizations and persons seeking employees from discriminating against persons who have a positive test result on an HIV-related blood test and from requiring employees or prospective employees to take an HIV-related blood test as a condition of employment, membership, classification, placement or referral.
5. Individuals with Disabilities Education Act (20 U.S.C. §1400, et seq.) - This federal law (popularly known as “IDEA” or “P.L. 94-142”) requires states and school districts to provide special education and related services to eligible students with disabilities.
6. Title VI, Civil Rights Act of 1964 as amended by the Equal Employment Act of 1972 (42 U.S.C. §§2000d and 2000e) - These federal provisions authorize enforcement of Section 504 through the federal courts by clarifying that 11th Amendment immunity is unavailable in such cases and makes available administrative remedies to aggrieved parties. Further, these provisions provide the enforcement mechanisms for violations of the Americans with Disabilities Act.
7. Americans with Disabilities Act (42 U.S.C. §12101, et seq.) - This federal law (popularly known as the “ADA”) prohibits discrimination in, among other areas, employment and education on the basis of disability.
8. 16 V.S.A. §131, et seq. and 16 V.S.A. §906 - These Vermont laws require each public and independent school to provide students with a minimum course of study in “comprehensive health education,” including education on “HIV infection, other sexually transmitted diseases, as well as other communicable diseases, and the prevention of disease.” Additionally, these laws permit the appointment of a community advisory council to assist school boards in developing and implementing comprehensive health education programs.
9. Occupational Safety and Health Act of 1970 - This federal law (popularly known nationally as “OSHA” and in Vermont as “VOSHA”) requires safe working conditions in places of employment. In particular, 29 U.S.C. §§653, 655, and 657 form the basis for the issuance of OSHA regulations on dealing with bloodborne pathogens in the workplace.
10. Occupational Exposure to Bloodborne Pathogens Standard (29 C.F.R. §1910.1030) - This federal regulation requires employers to develop and maintain a written Exposure Control Plan concerning bloodborne pathogens and requires the taking of “universal precautions.
11. 21 V.S.A. §§201 and 224 - These state statutes make Vermont law on occupational safety and health consistent with the federal Occupational Safety and Health Act of 1970 (see paragraph #9 above).

Resources for HIV/AIDS Assistance and Information

State Resources

Vermont Department of Education
802-828-5151

For local assistance, contact the Health Education Resource Center nearest you:

Brattleboro - 802-254-4511

Colchester - 802-854-4789

St. Johnsbury - 802-748-8640

Vermont Department of Health (Hotline)
800-882-AIDS

The Hotline provides information and referral about all HIV-related issues.

Vermont Occupational Safety and Health Administration (VOSHA)
800-640-0601

A division of the State Health Department that supports and regulates workplace safety.

American Red Cross Vermont Chapters

Serves all groups. Wide variety of informational resources available at low or no cost, including videos, curricula, and public health materials. Speakers and trainings also available. Subjects covered include: HIV transmission and prevention, AIDS in the workplace, confidentiality, universal precautions, bloodborne pathogens and exposure control planning, and first aid.

C Green Mountain - **802-442-9458** (Bennington)

C Northern Vermont - **800-660-9130**

C Central Vermont - **802-223-3701**

C Orleans Upper Essex - **802-334-8065**

C Windham Area - **802-254-2377**

AIDS Service Organizations

These organizations may provide some of the following services: Educational programs and trainings, speaker's bureaus, support and services for people affected by HIV/AIDS, and/or community advocacy. Contact the organization closest to you.

AIDS Community Resource Network (ACORN)
serving Windsor & Orange Counties
603-448-2220

AIDS Community Awareness Project (ACAP)
serving Caledonia, Essex & Orleans Counties
802-748-1149 (St. Johnsbury)

Bennington Area AIDS Project
serving Bennington County
800-845-AIDS

Brattleboro Area AIDS Project
serving Windham & Southern Windsor Counties

802-254-4444

Vermont C.A.R.E.S.
serving Chittenden, Addison, Rutland, Lamoille,
Washington, Franklin, & Grand Isles Counties
802-863-AIDS (Office & general hotline)

Vermont PWA (People With AIDS) Coalition
800-698-8792 or **802-222-5123**

The Coalition is a statewide organization of and for people living with HIV. The Coalition frequently provides HIV+ speakers for schools.

Additional Provisions for Consideration

1. The superintendent shall develop procedures which ensure confidentiality in the maintenance and, where authorized, dissemination of all medically-related documents. (See Appendix A.)

Additional Provisions for Consideration

1. The school district shall provide age-appropriate, ongoing HIV instruction, in accordance with the Vermont Department of Education *Guidelines for the Development of an HIV/AIDS Education Program in Vermont Schools*. This instruction shall include current HIV epidemiology, methods of transmission and prevention, universal precautions, and psycho-social aspects of HIV as part of a skills-based comprehensive health education program and through its integration into other subject areas.
2. The superintendent shall designate a coordinator to oversee the district's HIV education plans and programs.
3. The school board shall establish a comprehensive health education community advisory council to assist the school board in developing and implementing comprehensive health education including HIV education. The school board shall provide public notice to the community to allow all interested parties to apply for appointment. The school board shall endeavor to appoint members who represent various points of view within the community regarding comprehensive health education.
4. The superintendent or his/her designee shall create a plan to ensure that all school employees, including newly hired staff, receive training regarding current HIV epidemiology, methods of transmission and prevention, universal precautions, psycho-social aspects of HIV, related school policies and procedures, and where appropriate, teaching strategies. The superintendent shall report annually to the school board regarding implementation of this plan.
5. The school district shall provide for parents, families, students and the community, opportunities for education, discussion, and the development of recommendations about a systematic and comprehensive HIV prevention plan (including the promotion of abstinence, condom availability, and compassion for people living with the disease). Educators, administrators, and health professionals shall be involved in such activities.

Additional Provisions for Consideration

1. Students and all staff not covered by the Bloodborne Pathogens Standard shall be instructed to avoid contact with potentially infectious materials and blood and shall immediately contact a member of the staff who is covered by the exposure control plan. When this is not possible, any person providing assistance shall follow universal precautions. (See Appendix B.)
2. The superintendent or his/her designee shall provide training to all staff and students about: the hazards of bloodborne pathogens; the recommended operating procedures of universal precautions; the existence of the VOSHA required exposure control plan; individuals or job classes to be notified in order to safely handle or clean up a blood or other body fluid spill safely; and the location and use of appropriate protective equipment and first aid devices.
3. The superintendent or his/her designee shall provide training on the recommended operating procedures of universal precautions to teaching substitutes and school volunteers.