

## **STUDENTS WITH HIV RELATED ILLNESS**

### **PREAMBLE:**

The Board of Education recognizes the public concern over the health issues surrounding acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) infection. The Board also recognizes, based upon the current state of medical knowledge, there is no evidence that HIV can be transmitted by casual social contact in the school setting.

The Board acknowledges both the rights and interests of students diagnosed with HIV infection or AIDS to continue their education, and of non-infected students and employees to be in an environment free of any significant risks to their health. The Board also recognizes that current law and regulations strictly limit the disclosure of confidential HIV-related information without an authorized consent form.

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 of such information. 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 that the student requires special education in order to benefit from instruction, a referral to the CSE must be initiated.
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.

### **CONFIDENTIALITY:**

Information obtained pursuant to the Authorization for Release of Confidential HIV Related Information to the Superintendent of Schools and the Board of Education, (see Administrative Procedure 5504.6), 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.

All medical information and written documentation of discussion, telephone conversations, proceedings and meetings will be kept by the Superintendent 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 procedures as established by the Board of Education.

### **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 or other HIV-related test is administered as a part of such examination.

APPROVED: September 21, 1993

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November 4, 2003