

HIV INFECTED EMPLOYEES AND STUDENTS IN SCHOOL

I. PURPOSE

The purpose for establishing a school policy concerning Human Immunodeficiency Virus (HIV) infected employees and/or students in school is to:

- A. Protect against the transmission of HIV from infected employees and/or students to other employees or students;
- B. Protect the health and well-being of the infected person as well as to enable that person to take part in normal school activities with a minimum of disruption;
- C. Inform students, parents, teachers, school employees, and members of the community about safe practices regarding HIV transmission and the district's HIV policy; and
- D. Provide a basis for the school committee, the superintendent, building administrators, nurses, physicians, classroom teachers, other school employees, and students in establishing necessary preventive health measures and informing the public about these measures while still maintaining the rights of confidentiality of an infected individual, should any exist in the Chariho School District.

This policy should be implemented along with the OSHA Bloodborne Pathogens Policy and "Guidelines for Prevention of Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Health-Care and Public Safety Workers" (better known as the "Universal Precautions" Policy). One version of Universal Precautions, adapted from Taking Action on AIDS, is detailed in Section X of this policy.

II. DEFINITION OF HIV INFECTION

The acronym HIV stands for Human Immunodeficiency Virus. HIV is the virus that causes AIDS (Acquired Immune Deficiency Syndrome). An individual is HIV infected if he/she tests positive on an ELISA test for the presence of HIV antibodies in the blood and is confirmed by a Western Blot (or other medically recognized) test, performed in a qualified medical laboratory. Infected people are described as being HIV positive.

A person may be affected but show no symptoms of illness. People at this early stage of the disease are described as "asymptomatic". Asymptomatic people feel well and are able to work or attend school without limitation.

At a later stage of the disease, the person may exhibit symptoms of AIDS. Persons with symptoms are described as "symptomatic". Symptomatic people may have health limitations, not unlike any other disease, which periodically affect their ability to work, to attend class, or to participate in other school-related activities.

Both asymptomatic and symptomatic persons carry the virus; however, they cannot transmit HIV through classroom or workplace contact with other students or school employees. (See Section III for Routes of Transmission.)

III. ROUTES OF TRANSMISSION

HIV is transmitted from an HIV infected person to a non-HIV infected person in the following ways:

- A. Sexual activity;
- B. Needle sharing for tattooing, ear or body piercing or to inject drugs, including steroids;
- C. Direct infusion from blood or blood products; or
- D. During pregnancy, in the birth process, or after birth from breast milk.

HIV cannot be spread by casual contact, e.g. sitting together, sneezing or coughing on each other or eating together. Both Rhode Island law (G.L. 23-6-22) and the Americans with Disabilities Act of 1990 (P.L. 101-336) expressly prohibit discrimination against individuals who are infected with, or who are perceived to be infected with HIV. Being HIV positive is not grounds for dismissal from employment or enrollment in school. However, if an HIV infected person demonstrates behavior which puts another at risk of becoming infected with HIV (see Routes of Transmission listed above) then that behavior might lead to an alternative educational placement outside of the school setting. In the case of an employee, behaviors that pose a risk to others would be handled through the regular disciplinary process. The school physician shall participate in this risk assistance.

IV. REPORTING OF HIV STATUS

When an employee or student has tested HIV positive, it is optional for that person to notify the superintendent of schools.

Notification of an individual's positive HIV status alone does not justify limiting that person's involvement in the school. Informed individuals will be subject to the requirements of the Rhode Island General Laws 23-6-17 and 5-37.3-7 in the Confidentiality of Health Care Information Act, as well as any and all other relevant federal and state laws and regulations relating to the confidentiality of health care information. HIV related information cannot be transferred or released except as allowed by Rhode Island General Laws (23-6-17).

V. CONFIDENTIALITY OF EMPLOYEE AND/OR STUDENT HIV STATUS

Information concerning the identity of HIV positive employees/students must be kept confidential in accordance with Rhode Island General Laws 23-6-17 and 23-6-18. Any written or electronic records containing this information shall be kept in a locked file in the superintendent's office and accessible only to those who have received written permission from the infected person. All school department employees and/or students who receive this information are bound by state and federal confidentiality laws.

VI. PERSONS WHO MAY NEED TO KNOW

Other than the superintendent, persons in the school system who may need to know the identity of an HIV positive employee or student may include:

- A. The certified school nurse teacher and school physician, especially as liaison with the infected person's personal physician (in order to monitor the employee's/student's health status and to help coordinate medical care);
- B. Certain other employees of the school district, and
- C. The supervisor(s)/principal of the employee/student.

The decision to inform personnel should be made by the superintendent of schools along with the infected employee/student and parent or guardian and, with a signed release of information, in consultation with the infected person's physician.

VII. DISSEMINATION

This policy shall be distributed annually through a minimum of the following methods:

- A. Dissemination to students and parents at the beginning of each year in connection with scheduled in-service opportunities to provide both groups with relevant information regarding prevention and transmission of HIV/AIDS;
- B. Posting in a conspicuous place in each school, school administration building and on website;
- C. Inclusion in school committee, parent and student handbooks;
- D. Posting in all faculty rooms;
- E. Dissemination to officials of collective bargaining units;
- F. Dissemination and in-service to meet the needs of those parents whose language is other than English; and
- G. Inclusion in a staff in-service training program for all members of the school community, including professionals and support staff, coaches, bus personnel, building maintenance, and all others.

VIII. RIGHT OF APPEAL

This policy shall provide a student, parent/guardian or an employee with the opportunity to seek amendment to any records, written or electronic, regarding his/her own HIV status. This does not foreclose the use of any other remedy such as grievances under a collective bargaining unit.

IX. SCHOOL DECISION AUTHORITY

The superintendent of schools, as chief personnel officer, is responsible for ensuring that the purposes of this policy are implemented fully within the guidelines provided by both Rhode Island and federal laws.

The superintendent of schools, as the leader of the school district, is expected to demonstrate respect for the infected person and to support that person's regular employment or attendance.

X. IMPLEMENTATION

This policy shall be implemented in conjunction with an annual review, upon request, of Universal Precautions and frequent opportunities for students, staff, and parents to participate in HIV/AIDS education.

A. UNIVERSAL PRECAUTIONS

Universal Precautions and the provision of supplies necessary for implementing them.

Universal Precautions represent a commitment to safety and prevention. This policy can only work if Universal Precautions are reviewed annually to all staff and the supplies necessary for implementing them are available and current. Adherence to Universal Precautions should be considered for addition to all staff job descriptions and performance evaluations.

The key to understanding and implementing Universal Precautions is to treat all blood and body fluids from all students and staff, as potentially infected. Seven procedures are necessary for the implementation of Universal Precautions.

1. Disposable gloves should be worn whenever you find yourself in a position where you could be touching any other person's blood.
2. Washing hands and skin is the single most effective health precaution for all viral and bacterial exposures.
3. Properly cover all wounds, cuts, oozing sores, or rashes.
4. Use bleach, or other appropriate disinfectant, to clean up body fluid spills.
5. Clothes soiled with blood, vomitus, urine, or fecal matter should be handled while wearing gloves, placed in leak-proof bags, and washed in water that is at least 160° in temperature.
6. Avoid accidental needle sticks. (Nurses who administer injections should not recap needles).
7. Needles and other sharp items should be thrown away in puncture-resistant containers.

B. AIDS EDUCATION

A comprehensive ongoing AIDS education program should be available for all students, parents and staff. School nurse teachers and health educators should be involved in the planning and implementation of all components of AIDS education programs for parents and staff.

C. TECHNICAL ASSISTANCE

Staff from the Department of Health, AIDS Office and Department of Education, Office of School Improvement and Support Services is available to assist school administrators and health personnel in planning sessions for and with parents and staff.

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