



# **ELKHART INDEPENDENT SCHOOL DISTRICT**

## **HUMAN IMMUNODEFICIENCY VIRUS (HIV)/ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) POLICY**

**UPDATED 4-1-2017**

### **E.I.S.D. HUMAN IMMUNODEFICIENCY VIRUS (HIV)/ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) POLICY**

**STUDENTS:**

Unless otherwise provided below, a student with Human Immunodeficiency Virus (HIV) or Acquired Immune Deficiency Syndrome (AIDS) shall be allowed to attend school in his or her usual instructional setting with the approval of his or her doctor. The major criterion for exclusion from attendance is the condition's probability of spread from person-to-person.

Students with AIDS or HIV infection shall be excluded when the child's physician determines that a severe or chronic skin eruption or lesion that cannot be covered poses a threat to others. (The child's parents and physician should be advised in the case of measles, rubella, or chickenpox outbreaks in the school that may pose a health threat to the immunosuppressed child.)

A student may have a nonexcludable disease, yet require care at home or in a hospital. The school may require a note from a parent or physician for readmission (as with any other communicable disease) regardless of the reason for the absence.

The District employee responsible for the school health program shall function as the liaison with the student's doctor and be the coordinator of services provided by other staff.

The only District employees who shall have access to medical records that indicate whether a student has or has not been tested for, or does or does not have AIDS or HIV infection, are professional personnel who meet both of the following criteria:

1. Have received HIV staff development training that complies with Education Code 11.208.
2. Have a legitimate need to know in order to provide for their own protection or to provide for the student's health and welfare.

However, the parents of a minor student or an adult student may give written authorization specifying other professional persons or persons in non-professional positions to whom such information may be released. District personnel who have such knowledge shall be provided with information concerning any precautions that may be necessary and shall be advised of confidentiality requirements.

The District medical advisor and the local health authority, in consultation with the person responsible for the school health program and the student's doctor, shall determine whether a significant risk of transmitting a chronic reportable disease (listed below) exists. If it is determined that a significant risk of transmission exists, the student may be temporarily removed from the classroom until one of the following events occurs:

1. An appropriate school program adjustment is made.

2. An appropriate alternative or special education program is established.
3. The local health authority determines that the significant risk has abated and the student can return to class.

Each removal of a student from school attendance under this circumstance shall be reviewed by the District medical advisor in consultation with the student's doctor at least once a month to determine whether the condition precipitating the removal has changed.

A decision to remove a student from the classroom for his or her own protection when cases of communicable diseases are occurring in the school population shall be made in accordance with Texas Department of Health guidelines; however, the placement of a special education student can be changed only by an ARD committee.

A student removed from the classroom under this policy may be referred to the ARD committee for assessment and a determination of eligibility for special education. A student determined to be ineligible for special education services may nevertheless be eligible for other special services as a student who is handicapped under Section 504 of the Rehabilitation Act of 1973.

Any decisions regarding restrictions on school attendance, participation in school activities, and hygiene procedures shall be made by the ARD committee (in the case of a special education student) or a group of professionals who are knowledgeable about the student (in the case of a student who is handicapped under Section 504). These committees shall consult the local health authority and the student's physician and parents in making such decisions. They shall also consider the significant health risk posed to and by the student in determining an appropriate individual education plan or other services to be provided.

## **EMPLOYEES:**

Employees with HIV, whether acute or chronic, shall be subject to the following provisions:

Confirmation: Knowledge or reasonable belief that an employee has HIV (or any other communicable disease), shall be confirmed in one of the following ways:

1. The employee brings the matter to the District's attention.
2. The employee confirms the knowledge or reasonable belief when asked.
3. The Superintendent or designee requires the employee to submit to a medical examination to determine the employee's ability to perform job-related functions and to determine whether the employee poses a direct threat to the health or safety of the individual or others according to standards for making such a determination and

honoring limits on use of results of the examination in Board policy. (Information obtained regarding the medical condition or history of the employee or a job applicant shall be collected and maintained on separate forms and in separate medical files and shall be treated as confidential medical records. However, supervisors and managers may be informed regarding necessary restrictions on the employee's work or duties and necessary accommodation; first aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment.)

If it is determined that the employee poses a direct threat to the health or safety of the individual or others, or that the employee's ability to perform job-related functions is affected, the Superintendent or designee shall determine what reasonable accommodations are available to reduce or eliminate the direct threat or enable the employee to perform job-related functions.

If reasonable accommodations cannot reduce or eliminate the direct threat to the individual or others or enable the employee to perform job-related functions, the Superintendent or designee may exclude the employee from work. However, before being excluded from work, the employee shall be permitted to present evidence to the Superintendent or designee relevant to his or her fitness to continue regular duties.

Employees who are excluded from work because of HIV (or any communicable disease) may use sick leave or be placed on any temporary disability leave to which they are entitled.

Employees who are excluded from work because of HIV (or any communicable disease) may have their employment terminated when all leave to which they are entitled has expired, in accordance with appropriate policies.

#### **EMPLOYEE PROCEDURES FOR DEALING WITH STUDENT INJURY WHICH COULD RESULT IN BLOOD OR BODY FLUID CONTACT:**

1. Do not care for a child with an open wound without gloves. Have the child hold pressure on the bleeding site until he or she can get to the nurses office.
2. Do not attempt to clean up blood spills or bodily fluid spills without gloves. Call the maintenance staff who have training and appropriate chemicals and equipment for safe cleanup of spills.
3. If a child has a severe accident with massive blood loss, get a coat, sweater, towel or other large absorbent item to hold pressure on the wound. Avoid contact with blood or other body fluids until gloves or assistance arrive.
4. If you must clean up a spill, use 1 part bleach to 9 parts water. Use gloves.
5. Do not pull teeth for students. Send them to the nurse.

6. Maintenance employees be sure to follow training directions for safe cleanup of all bodily fluid spills.

#### **HIV/AIDS PREVENTION EDUCATION:**

Opportunities to learn about the prevention of HIV/AIDS will be made available in appropriate classes at the Middle School and High School levels which may include but are not limited to: Health, Science, Physical Education, and Vocational Classes. THIS IS NOT TO BE INTERPRETED AS A HUMAN SEXUALITY INSTRUCTION CLASS OR UNIT OF INSTRUCTION. These educational opportunities will emphasize:

1. Abstinence is the only method that is 100% effective in preventing infection with HIV/AIDS.
2. Intravenous drug use may result in contraction of HIV/AIDS.
3. Unsafe blood supplies have in the past transmitted HIV to transfusion patients.

The School Health Advisory Committee will be consulted regarding materials, instruction, levels of introduction, and amount of time spent on HIV/AIDS Prevention studies.