

STUDENT/EMPLOYEE WELFARE PROTECTION - HIV INFECTION

PURPOSE:

This policy is established by the North Kingstown School Committee for the purpose of setting forth general expectations and procedures governing the presence in the school environment of students and/or employees who have been diagnosed as infected with AIDS or other contagious diseases.

PHILOSOPHY:

The North Kingstown School Committee is committed to the provision of a healthful environment for its students and employees and to ensure the establishment and maintenance of standards and expectations which will fulfill this commitment.

The School Committee's policy concerning Human Immunodeficiency Virus (HIV) infected students or employees is established to ensure the following:

1. Protect against the transmission of HIV from infected employees and/or students to other employees or students.
2. Protect the health and well being of the infected person as well as to enable that person to take part in normal school activities or work duties with a minimum of disruption.
3. Inform students, parents, teachers, staff and members of the community about safe practices regarding HIV transmission and the school's HIV policy.
4. Provide a basis for the School Committee, Superintendent, Principals, Teachers, Nurses, staff and students to establish necessary preventive health measures.
5. Inform the public and staff about these measures while still maintaining the rights of confidentiality of the infected individual.

DEFINITION OF HIV INFECTION:

HIV is an acronym for the Human Immunodeficiency Virus which is the virus which causes AIDS, Acquired Immune Deficiency Syndrome. Infected individuals are described as being HIV positive.

A person may be infected 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.

In a later stage of the disease, the person may exhibit symptoms of AIDS. People with symptoms are described as symptomatic. Symptomatic people may have health limitations, which like any other disease may periodically affect one's ability to work or attend school. Both as asymptomatic and symptomatic people carry the virus; however, the HIV virus cannot be transmitted through classroom or workplace contact with other students or staff. Both asymptomatic and symptomatic people must deport themselves in a manner sufficient to protect themselves and others from other infections.

ROUTES OF TRANSMISSION:

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

1. Sexual activity.
2. Needle sharing for drug injection including steroids, tattooing, or ear or body piercing.
3. Direct infusion from blood or blood products.
4. 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.

PROTECTION OF LAW:

Rhode Laws (G.L. 23-6-22) and the Americans with Disabilities Act of 1990 (ADA), expressly prohibit discrimination against individuals who are infected with or who perceived to be infected with, HIV.

An individual who is HIV positive cannot be dismissed from employment or refused enrollment in school because of his/her HIV positive status. If an HIV infected student demonstrates behavior which puts another person at risk of becoming infected with HIV, 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 normal disciplinary process.

REPORTING HIV STATUS:

Once an employee or student has tested HIV positive, it is optional for the individual to notify the Superintendent of Schools. Notification of an individual's positive HIV status alone does not justify limiting that individual's involvement in the school or work. Those individuals who have been informed of a student's or employee's HIV positive status will be subject to the requirements of the Rhode Island General Laws (G.L. 23-6-17 and 5-37.3-7), the Confidentiality of Health Care Information Act, as well as any relevant Federal regulations relating to the confidentiality of health care information. HIV related information can not be transferred or released except as allowed by Rhode Island General Laws (23 –6-17).

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 5-37.3-7. Any written records containing this information should 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. No electronic maintenance or transmission of these records will be approved at any time.

PERSONS WHO MAY NEED TO KNOW:

Persons in the school system who may need to know the identity of an HIV positive employee or student may include:

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.

The decision to inform any other personnel should be made by the Superintendent of Schools in coordination with the school nurse teacher and the school physician, along with the infected employee or student's parent or guardian and the infected person's physician. Such action to inform must be accompanied by a signed release of information.

DISSEMINATION:

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

1. Dissemination to students and parents at the beginning of each year to provide both groups with relevant information regarding prevention and transmission of HIV/AIDS.
2. Posting in a conspicuous place in each school and school administration building.
3. Inclusion in the School Committee Policy Manual and parent/student handbooks.
4. Posting in all faculty rooms.
5. Inclusion in staff in-service training for all members of the school community.

RIGHT OF APPEAL:

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

SCHOOL DECISION AUTHORITY:

The Superintendent of Schools is responsible for ensuring that the purposes of this policy are implemented fully within the guidelines provided by both Rhode Island and Federal Laws.

IMPLEMENTATION:

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

Adopted: 11/2/87
Amended: 8/5/97
Revised: 10/9/12