

Milton Town School District

Policy

E9: AIDS OR HIV

Policy

It is the policy of the Milton Town School District to tolerate no discrimination against students or employees who may be afflicted with AIDS or HIV and to provide appropriate education to students about this disease.

Background

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 Milton Town School District recognizes the:

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

General Provisions

The School District shall not discriminate against or tolerate discrimination against any individual who has or is perceived as having HIV.

1. 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.
2. 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.

Confidentiality, Disclosure, Testing

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 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.

4. The Superintendent shall develop procedures which ensure confidentiality in the maintenance and, where authorized, dissemination of all medically-related documents.

Education and Instruction

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

OPTIONS:

- The School District shall provide age-appropriate, ongoing HIV instruction, in accordance with the Vermont Department of Education guidelines. 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.
- The Superintendent shall designate a coordinator to oversee the District's HIV education plans and programs.
- 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.
- 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.
- 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.

Exposure to Bloodborne Pathogens and Universal Precautions

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.

OPTIONS:

- 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.
- 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 blood or other body fluid spills, and the location and use of appropriate protective equipment and first aid devices.
- The Superintendent or his/her designee shall provide training on the recommended operative procedures of universal precautions to teaching substitutes and school volunteers.

Enforcement

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.

Date Warned: 05/12/06
Date Adopted: 6/01/06
Legal Reference(s): 1 V.S.A. §§317(c) (7), (11) (Public records)
16 V.S.A. §§131 et seq. (Comprehensive health education)
16 V.S.A. §906 (Course of study)
18 V.S.A. §1127 (HIV testing)
21 V.S.A. §201(c) (2) (Occupational safety), §224, (VOSHA standards)
§495 (Employment practices)
20 U.S.C. §§1400 et seq. (IDEA)
42 U.S.C. §§2000d et seq. (Title VI of the Civil Rights Act of 1964)
42 U.S.C. §§12101 et seq. (Americans with Disabilities Act)
29 U.S.C. §§651 et seq. (Occupational Safety & Health Act of 1970)
1030 (Occupational Exposure to Bloodborne Pathogens Standard)
Vermont State Board of Education Manual of Rules & Practices §2120.8.2.3(c)

Cross Reference: