

**Preamble**

The evidence is clear that the risk of transmitting Human Immunodeficiency Virus (HIV) is extremely low in school settings when proper guidelines are followed. The presence of a person living with HIV infection or diagnosed with acquired immunodeficiency syndrome (AIDS) poses no significant risk to others in school, daycare, or school athletic settings. 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 community. HIV is a bloodborne pathogen and is treated as such in the same manner as any other bloodborne pathogen.

The Brattleboro Union High School District #6 shall strive to protect the safety and health of children and youth in its care, and its employees, recognizing:

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

**Rights of Faculty/Staff**

I. Equal Employment

The Brattleboro Union High School District #6 does not discriminate on the basis of an employee's HIV infection or association with another person with HIV infection. 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. In accordance with the Americans with Disabilities Act of 1990, an employee with HIV infection is welcome to continue working as long as he or she is able to perform the necessary functions of the position, with reasonable accommodations if necessary.

**Rights of Students**

II. School Attendance

- A. A student with HIV Infection has the same right to attend school and receive services as any other student and will be subject to the same rules and policies as any student without HIV. Except as deemed appropriate to accommodate students with disabilities, HIV infection shall not factor into decisions concerning class assignments, privileges, or participation in any school sponsored activity.
  
- B. The Director of Special Education, Section 504 coordinator or other designated school authorities will follow established policies and procedures for students with chronic health problems or students with disabilities to determine on a case-by-case basis the educational placement of a student known to be infected with HIV. Respecting students'

and families' privacy rights school authorities may consult with the student's parent or guardian, seek waiver from parent/guardian to consult with the student's physician, and reassess the placement if there is a change in the student's need for accommodations or services.

## **Rights for Students and Staff**

### **III. Non-discrimination**

- A. The Brattleboro Union High School District #6 is committed to providing a learning environment and workplace free of discrimination. School staff members will strive to maintain a respectful school climate and not allow physical or verbal harassment against a student or staff member based on their HIV positive status. This includes conduct directed against a person living with HIV infection, a person perceived as having HIV infection or a student or employee's family member's actual or perceived status as HIV positive.
- B. This school district shall not discriminate against an applicant, prospective or current student on the basis of a person's having a positive test result from an HIV-related diagnostic test.

### **IV. Confidentiality of HIV-related Information and Testing**

- A. The Brattleboro Union High School District #6 will protect the student's and family's privacy rights consistent with state and federal law pursuant to the Brattleboro Union High School District #6's Student Records policy and Employment Records policy.
- B. No school official shall require HIV-related testing of any employee applicant, current employee or prospective or current student for any purpose.
- C. Students, students' parents/guardians, or applicants/employees are not required to disclose HIV status to any school personnel.
- D. Service providers, including those dispensing medication, will maintain student confidentiality. Unless for the limited purpose of an exception of state law, federal law, the Student Records policy, or the Employee Records policy that applies, school personnel shall not disclose any HIV-related information about a 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 (see Appendix A) which provides for a description of information 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.

- E. All health records, notes, and other documents that reference a person's HIV status will be kept confidential. Access to these confidential records is limited to those named in written permission from the person or parent/guardian and to emergency medical personnel.

### **Health Protections and Universal Precautions**

#### **V. Infection Control**

HIV is a bloodborne pathogen. Therefore, infection control for HIV is to be addressed in the same manner as any other bloodborne pathogen.

- A. The Brattleboro Union High School District #6 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.
- B. 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 Standards.
- C. A written Exposure Control Plan concerning bloodborne pathogens, which includes the use of universal precautions, shall be developed, maintained, and followed.

### **Curriculum, Instruction, and Extra-Curricular Activities**

#### **VI. HIV/AIDS Prevention Education**

The school district shall provide systematic and extensive elementary and secondary comprehensive health education, including education on HIV infection, other sexually transmitted diseases, as well as other communicable diseases, and the prevention of the disease.

#### **VII. Athletics**

Participation in physical education classes, athletic programs, competitive sports, and recess is not conditioned on a person's HIV status. School authorities will make reasonable accommodations to allow students living with HIV infection to participate in school-sponsored physical activities.

**TITLE: Comprehensive HIV Policy for Schools: PreK-12**

**CODE E9**

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Date Warned: September 3, 2013  
Date Adopted: September 16, 2013  
Legal Reference(s): See Attached Appendix D  
Cross Reference: Policy D5 Personnel Files  
Policy D12 Policy on Prevention of Harassment of Employees  
Policy D14 Health Insurance Portability and Accountability Act Compliance  
(HIPAA)  
Policy F1 Student Conduct and Discipline  
Policy F6 Education Records  
Policy F23 Policy on Prevention of Harassment of Students  
Policy G7 Education Support System  
Policy G10 Special Education  
Bloodborne Pathogens Exposure Control Plan  
Applicable Collective Bargaining Agreements

### **Recommended Best Practice Procedures for Maintaining Confidentiality**

To maintain an atmosphere of trust with staff members, students, families, and the community, a policy that encourages confidentiality is essential. It is important that people who have the Human Immunodeficiency Virus (HIV) and their families feel certain that their names will not be released against their wishes to others without a need to know. A policy on confidentiality that is strictly enforced will also provide protection to the school district from potentially adverse reactions that might result, including legal action.

To protect the confidentiality of student and/or employee medical records, the school district/supervisory union will comply with federal and state law and follow its Student Records Policy or Employment Records Policy. In addition to compliance with the applicable laws and policies, the following procedures are suggested:

1. All medical information in any way relating to the HIV status of any member of the school community, including written documentation of discussions, telephone conversations, proceedings, and meetings shall be kept in a locked file. Unless an exception applies under federal law, state law, the Student Records Policy or the Employment Records Policy, access to this file shall be granted only to those persons identified in writing by the student or student's parent/guardian. Filing and photocopying of related documents may be performed only by persons named in the written consent.
2. Because of the potential for breach of confidentiality, no medical information shall ever be faxed or e-mailed.
3. Medically-related documents that are to be mailed shall be marked "Confidential." Names of persons mailing documents and those receiving the documents shall be identified on the written consent form by the student or student's parent/guardian, or the applicant/employee.
4. A written consent form shall be completed prior to each disclosure and release of HIV-related information (sample attached).
5. Each disclosure made shall be noted in the student or employee's personal file. The list of such disclosures shall be made available to the student, parent/guardian, or employee upon request.
6. Schools shall comply with Vermont Occupational Safety and Health Administration (VOSHA) rule §1910.20 which concerns maintenance of and access to employee medical records. [Note: §1910.20 is incorporated by reference into §1910.1030 (h).]

**Sample Written Consent Form for Each Release of Confidential HIV\*Related Information**

Confidential HIV-Related Information is any information that a person had an HIV-related test, has HIV infection, HIV-related illness or AIDS\*, or has been potentially exposed to HIV. If you sign this form, HIV-related information can be given to the people listed and for the reasons listed below.

Name and address of person whose HIV-related information can be released:
Name and address of person signing this form (if other than above):
Relationship to person whose HIV-related information may be released:
Name, title or role, and the address of each person who may be given HIV-related information (include names of persons responsible for photocopying and filing confidential information):
1.  2.  3.  4.
Additional names and addresses can be attached or listed on back.)
Information to be provided: (Check as many as apply.)  <input type="checkbox"/> HIV antibody test result <input type="checkbox"/> AIDS diagnosis <input type="checkbox"/> summarized medical record <input type="checkbox"/> details of symptoms, signs, and/or diagnostic results (specify: _____) <input type="checkbox"/> psychiatric, other mental health, and/or developmental evaluation records (specify: _____) <input type="checkbox"/> names of medical care and/or support service providers (specify: _____) <input type="checkbox"/> infection status of other family members [Requires written consent] <input type="checkbox"/> student's instructional program <input type="checkbox"/> other (specify: _____)
Specific purpose(s) for release of HIV-related information
Time during which release of information is authorized: (A specific time must be noted for each single incidence of release of HIV-related information. Use a new form for each incident.)
From: _____ To: _____

Any disclosure of information not meeting the conditions listed above is expressly prohibited. Disclosure to any other persons than those listed above requires my informed, written consent.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\*Human Immunodeficiency Virus (HIV) that causes Acquired Immune Deficiency Syndrome (AIDS)

Sample Authorization for Release of Medical Information

Date: \_\_\_\_\_

To: Primary Care Provider \_\_\_\_\_  
(name & address)

\_\_\_\_\_  
\_\_\_\_\_

From: Parent/Guardian \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Please send information about my child \_\_\_\_\_ whose date  
of birth is \_\_\_\_\_ to:

Health Services Office  
Anywhere Elementary School  
123 School Street  
Anywhere, US 12345

Please send all pertinent information regarding \_\_\_\_\_  
\_\_\_\_\_

Signature of  
Parent/Guardian: \_\_\_\_\_

# Universal Precautions for School Staff and Independent Contractors

Bloodborne Pathogens • Significant Contagious Disease

## Bloodborne Pathogens

Research shows that the risk of getting a significant contagious disease in a school setting is extremely small. However, school staff and contracted personnel in the school need to decrease the possibility of exposure to bloodborne pathogens.

Significant contagious disease (SCD) includes cytomegalovirus (CMV), hepatitis B virus (HBV) and human immunodeficiency virus (HIV) infections. The local board of health or the state health officer may determine that other diseases are significant contagious diseases.<sup>1</sup>

“Universal Precautions” means protecting oneself from exposure to blood or body fluids through the use of latex gloves\*\*, masks or eye goggles; cleaning blood and body fluid spills with soap and bleach solution and water; and disinfecting and incinerating or decontaminating infected waste before disposing in a sanitary landfill.<sup>1</sup>

<sup>1</sup> North Dakota Administrative Rules,  
Sections 33-06-05.1-01, 33-06-05-02, 33-06-05.1-03

## None of these are Modes of Transmission of Bloodborne Pathogens

Sharing Restrooms

Bathroom Fixtures

Drinking Fountains

Hugging

Eating with Carriers

Mosquitoes

Working & Studying with Carriers

Playing with Carriers

Swimming Pools

Shaking Hands

Eating Food Prepared by Carriers

## Modes of Transmission

"The two common methods of spreading HIV are having sex with an infected individual and using contaminated needles to inject drugs." (Surgeon General's Report to the American Public on HIV Infection and AIDS)

### Universal Precautions in the School Setting

Reduce the risk of exposure to bloodborne pathogens by using universal precautions to prevent contact with blood and body fluids.\*

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#### BEGIN BY ATTENDING TO THE INJURED PERSON:

- Whenever blood and body fluids are present, a barrier (latex rubber gloves\*\*, thick layer of paper towels, or cloth) should be used to minimize exposure of the attending person while the injury is cleansed and/or dressed.
- Soiled clothes of the injured person must be bagged to be sent home.
- Place waste in a plastic bag for disposal.
- Remove gloves and dispose in plastic bag.
- Thoroughly wash hands with soap.

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#### CLEAN AND DISINFECT ENVIRONMENTAL SURFACES:

- Whenever cleaning and disinfecting environmental surfaces in which blood and body fluids are present, a barrier (rubber utility gloves durable enough to withstand environmental cleaning and disinfecting, thick layer of paper towels, or cloth) should be placed between the blood and attending person.
- Use disposable paper towels or other disposable materials to remove blood and body fluids.
- Disinfect the affected area(s) and cleaning tools with a commercial tuberculocidal disinfectant (mixed according to manufacturer's specifications) or bleach solution (approximately 1/4 cup common household bleach per gallon of tap water, mixed fresh daily).<sup>2</sup> The affected surface being disinfected should remain wet for several minutes.
- Secure all waste in plastic bag for disposal.

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#### CLEAN UP FOR ATTENDING PERSON:

- Remove gloves and dispose and secure in a plastic bag.
- Immediately apply soap. Thoroughly wash hands with soap by rubbing hands together (avoiding scrubbing hands). Pay particular attention to finger tips, nails and jewelry. Rinse with fingers pointing downward.
- If running water and soap are not immediately available, a waterless antiseptic cleaner or moist towelette may be used until hands can be thoroughly washed (use of antiseptic cleaner or towelette is NOT a substitute for hand washing.) **WASH HANDS AS SOON AS POSSIBLE.**

\* **Body fluids that contain blood.**

\*\* **Non-latex gloves should be available for any staff member who has a known latex allergy.**

**Annotated Legal References**

1. 1 V.S.A §317 (7) and (11) - Subsections (7) and (11) are two exceptions to the Vermont law requiring disclosure of public records. Subsection (7) deals with medical records of employees and subsection (11) deals with student records at public schools.
2. Section 504 of the Rehabilitation Act (29 U.S.C. §794) - This federal law (popularly known as "Section 504") prohibits discrimination against persons with disabilities by entities receiving federal funds.
3. 18 V.S.A. §112 (7) - This Vermont public health law prohibits school districts from requiring HIV testing of any applicant, or prospective or current students and prohibits discrimination against an applicant, or prospective or current student on the ground that the person has tested HIV positive.
4. 21 V.S.A. §495(a)(6) and (7) - These provisions prohibit employers, employment agencies, labor organizations and persons seeking employees from discriminating against persons who have a positive test result on an HIV-related blood test and from requiring employees or prospective employees to take an HIV-related blood test as a condition of employment, membership, classification, placement or referral.
5. Individuals with Disabilities Education Act (20 U.S.C. §1400, et seq.) - This federal law (popularly known as "IDEA" or "P.L. 94-142") requires states and school districts to provide special education and related services to eligible students with disabilities.
6. Title VI, Civil Rights Act of 1964 as amended by the Equal Employment Act of 1972 (42 U.S.C. §§2000d and 2000e) - These federal provisions authorize enforcement of Section 504 through the federal courts by clarifying that 11<sup>th</sup> Amendment immunity is unavailable in such cases and makes available administrative remedies to aggrieved parties. Further, these provisions provide the enforcement mechanisms for violations of the Americans with Disabilities Act.
7. Americans with Disabilities Act (42 U.S.C. §12101, et seq.) - This federal law (popularly known as the "ADA") prohibits discrimination in, among other areas, employment and education on the basis of a disability.
8. 16 V.S.A. §131, et seq. and 16 V.S.A. §906 - These Vermont laws require each public and independent school to provide students with a minimum course of study in "comprehensive health education," including education on "HIV infection, other sexually transmitted diseases, as well as other communicable diseases, and the prevention of disease." Additionally, these laws permit the appointment of a community advisory council to assist school boards in developing and implementing comprehensive health education programs.
9. Occupational Safety and Health Act of 1970 - This federal law (popularly known nationally as "OSHA" and in Vermont as "VOSHA") requires safe working conditions in places of employment. In particular, 29 U.S.C. §§653, 655, and 657 form the basis for the issuance of OSHA regulations on dealing with bloodborne pathogens in the workplace.
10. Occupational Exposure to Bloodborne Pathogens Standard (29 C.F.R. §1910.1030) - This federal regulation requires employers to develop and maintain a written Exposure Control Plan concerning bloodborne pathogens and requires the taking of "universal precautions."
11. 21 V.S.A. §§201 and 224 - These state statutes make Vermont law on Occupational Safety and Health consistent with the federal Occupational Safety and Health Act of 1970 (see paragraph #9 above).
12. 20 U.S.C. §1232(g) The Family Education Rights and Privacy Act, 1974 (FERPA) protects the privacy of students and parents.

<b>State Resources</b>
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### Resources for HIV/AIDS Assistance and Information

Vermont Department of Education  
**(802) 828-5151**

For local assistance, contact the Health Education Resource Center nearest you:  
Brattleboro **(802) 254-4511**  
South Burlington **(802) 864-4789**  
St. Johnsbury **(802) 748-8912**  
Rutland **(802) 775-4314**

Vermont Department of Health (Hotline)  
**(800)-882-AIDS**

The Hotline provides information and referral about all HIV-related issues.

Vermont Occupational Safety and Health  
**Administration (VOSHA)**  
**(800) 640-0601**

A division of the VT Department of Health that Supports and regulates workplace safety.

<b>American Red Cross Vermont Chapters</b>
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Serves all groups with a wide variety of informational resources available at low or no cost, including videos, curricula, and public health materials. Speakers and trainings on the following subjects are also available. Subjects covered include: HIV transmission and prevention, AIDS in the workplace, confidentiality, universal precautions, bloodborne pathogens and exposure control planning, and first aid.

- Green Mountain – **800-288-3554** (serving Southern Vermont)
- Northern Vermont - **800-660-9130**
- Central Vermont - **(802) 773-9159**

<b>AIDS Service Organizations</b>
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These organizations may provide some of the following services: educational programs and training, speaker's bureaus, support and services for people affected by HIV/AIDS; and/or community advocacy. Contact the organization closest to you.

A Community Resource Network (ACORN)  
serving Windsor and Orange Counties  
**(603) 448-8887 or 800-816-2220**

Comprehensive Care Clinic  
Northeast Vermont Regional Medical Center  
serving Caledonia, Essex and Orleans Counties  
**(802) 751-7603** (St. Johnsbury)

Bennington Area AIDS Project  
serving Bennington County  
**800-845-AIDS (2437)**

AIDS Project of Southern Vermont  
serving Windham and Southern Counties  
**(802) 254-4444**

Vermont C.A.R.E.S. serving Chittenden,  
Addison, Rutland, Lamoille,  
Washington, Franklin, and Grand Isle Counties  
**(802) 863-AIDS (2437)** (office and general  
hotline)

Vermont People With AIDS (PWA) Coalition  
**800-698-8792 or (802) 229-5754**  
The Coalition is a statewide organization of and for people living with HIV. The Coalition frequently provides HIV+ speakers for schools.