

**BURLINGTON SCHOOL DISTRICT  
F 26: HIV/AIDS POLICY FOR STUDENTS AND STAFF**

**Former Policy JLCCA**

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 Burlington School District recognizes:

- 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.

**A. General Provisions**

1. The District shall not discriminate against or tolerate discrimination against any individual who has or is perceived as having HIV.
2. 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.
3. 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.

**B. Confidentiality, Disclosure, and 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. 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, except a school health official who is required by law to report the information to the Department of Health. The superintendent shall develop a written consent form (see Appendix A) 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 superintendent shall develop procedures which ensure confidentiality in the maintenance and, where authorized, dissemination of all medically-related documents (See Procedures).

3. The District shall not discriminate against any individual who does not provide written consent.
4. No school official shall require any applicant, employee, or prospective or current student to have any HIV-related test.

#### C. 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 District shall provide systematic and extensive elementary and secondary comprehensive health education which includes education on HIV infection, other sexually transmitted diseases as well as other communicable diseases, and the prevention of disease, as required by state law. This comprehensive education health program will be subject to curriculum review periodically.
3. The superintendent shall designate a coordinator to oversee the district's HIV education plans and programs.

#### D. 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.
3. 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; and the location and use of appropriate protective equipment and first aid devices.
4. The superintendent or his/her designee shall offer information on the recommended operating procedures of universal precautions to teaching substitutes and school volunteers.

#### E. Enforcement

1. 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.

Legal References: Title VI, Civil Rights Act of 1964, and as amended by the Equal Employment Act of 1972  
20 U.S.C. §1400 et seq. Individuals with Disabilities Education Act (IDEA),  
29 U.S.C. §653 et seq. Occupational Safety and Health Act of 1970  
29 U.S.C. §794 et seq. Section 504 of the Rehabilitation Act of 1973  
42 U.S. C. §12101 (1990) et seq. American with Disabilities Act  
29 C.F.R. §1910.1030 Requirement of Plan and Universal Precaution Procedures. Occupational Exposure to Bloodborne Pathogens Standard  
1 V.S.A. §317(b)(7) and (11) Exceptions to Public Records Statute  
16 V.S.A. §131 et seq., §906 Required Educational Programs  
18 V.S.A. §1001, Duty of School Health Official to Report  
18 V.S.A. §1127 Prohibiting Mandatory HIV Testing and Discrimination of Positive Tests - Students,  
21 V.S.A. §201(c)(2) and §224, Federal OSHA and State VOSHA provisions in Vermont  
21 V.S.A. SubChapter 6, Fair Employment Practices, including  
Prohibition of employee testing re HIV or discrimination on basis of positive test  
Communicable Disease Regulations, Part IV, §4-101-4-206, Vermont Department of Health

Cross References: Communicable Diseases/School Personnel D 9  
Communicable Diseases/ Students F 25

**POLICY REVIEWED:** August 6, 1997  
**FIRST READING:** March 10, 1998  
**SECOND READING:** April 14, 1998

APPENDIX A

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. Notwithstanding the foregoing, a school health official is required by law to report information regarding a diagnosis of AIDS to the Vermont Department of Health.

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 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.
5.
(Additional names and addresses can be attached or listed on back.)

Information to be provided: (Check as many as apply.)
\_\_\_ HIV antibody test result
\_\_\_ AIDS diagnosis
\_\_\_ summarized medical record
\_\_\_ details of symptoms, signs, and/or diagnostic results (specify: \_\_\_\_\_)
\_\_\_ psychiatric, other mental health, and/or developmental evaluation records (specify: \_\_\_\_\_)
\_\_\_ infection status of other family members [Requires written consent.]
\_\_\_ student's instructional program
\_\_\_ 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)