



Students Infected with AIDS, HIV, or ARC Policy Series: 3000

Policy No. 3414

Purpose:

The Board recognizes the need to educate residents, patrons, and students concerning communicable diseases including AIDS and to develop policies for attendance and employment of victims cooperate with and follow the guidelines and recommendations provided by the Board of Health for students and employees that may have Acquired Immunodeficiency Syndrome (AIDS), Human Immunodeficiency Virus (HIV infection), and Arthrogryposis-Renal Dysfunction-Cholestasis Syndrome (ARC).

The Administration will cooperate fully in assisting the Utah County Health Department in the detection, prevention, and control of all communicable diseases, including AIDS and HIV infection. The following guidelines shall apply:

Guidelines

1. When it is reported that a student of the Provo School District has been infected with HIV, a review committee shall be organized consisting of the school administrator, a representative from the local health department, the student's physician, and the student's parent(s) or guardian(s). In the event that the student's physician is unable to serve on the committee, a licensed physician should be appointed by the local health officer. The committee is to be appointed and chaired by the school administrator. The committee review shall be based on the following considerations:
 - The nature of the risk of transmission of HIV relevant to the activities of the subject in the school setting;
 - The probability of risk of HIV transmission to others by the subject in the school setting;
 - The probability of any health related risks to the subject; and
 - If restrictions are necessary, what accommodations could be made by the school to avoid excessive limitations?
2. Pending recommendation of the evaluation team, a student who exhibits behavior which increases the likelihood of transmission or is too ill to attend school shall have an appropriate alternative education program provided by the District.
3. If the decision to leave a student with AIDS and/or HIV infection in a regular school environment is recommended by the evaluation team, the designated chairman of the review committee shall work closely with the team to ensure the protection and benefit of all parties. Guidelines which have been set for such enrollment by the State Health Department, U.S.

Public Health Services and the American Academy of Pediatrics will be utilized. Special in-service activities will be provided for all teachers and staff.

4. Appeals Process

- Any member of the review committee may appeal the recommendation of the committee by submitting a written appeal within ten (10) school days for students or ten (10) working days for employees, after receiving notice of the committee's recommendations. If the appellant's concerns relate to medical issues, the appeal shall be submitted to the director, and the director or designee may order restrictions on the school-related activities or associations of the subject or may stay implementation of the committee's recommendations. If the concerns relate to the school's ability to provide an accommodation, the appeal shall be directed to the school board.
- The appellant shall submit copies of any appeal to the director of the Utah County Health Department and all other members of the review committee.
- A member from the Utah Department of Health or the school board shall review the findings and recommendations of the committee and any additional information that the director or board finds to be pertinent to the question raised in the appeal, and shall render a final decision in writing within ten (10) school days for students or ten (10) working days for employees.
- Copies of the decision shall be sent to the appellant and members of the review committee.
- Provo City School District shall implement the decision without delay.
- Judicial review of any decision rendered under this section by the school board may be secured by persons adversely affected thereby by filing an action for review in the appropriate court of law.

5. Confidentiality shall be respected, and the identities or other case details of HIV infected persons shall not be disclosed to any person other than members of the review committee and the superintendent. Anyone entitled to receive confidential information about the HIV infected subject other than the individual identified in the information, who violates this section by releasing or making public confidential information is guilty of a class A misdemeanor.

6. In the event an employee of the District is diagnosed as being infected with AIDS and/or HIV infection, a committee made up of the employee, the school or department administrator, a representative from the local health department, and the employee's physician shall be formed. In the event that the employee's physician is unable to serve on the committee, a licensed physician should be appointed by the local health officer. The committee is to be appointed and chaired by the school or department administrator. The committee will review the medical/job placement status of the employee. In the event that staying on the job is precluded, the employee will receive any existing benefits to which he/she is entitled, but may not accrue additional benefits. Part-time hourly employees will be granted medical leave without pay and benefits. Guidelines developed by the Utah Department of Health, U.S. Public Health Service, and the American Academy of Pediatrics regarding the transmission of AIDS and HIV infection in the work place and the school will be utilized to ensure the protection and safety of all involved.

7. In the school setting, no person shall be discriminated against, or denied activities or associations based solely upon a diagnosis of HIV and/or AIDS infection, except as permitted under these guidelines. Each school shall adopt routine procedures for handling blood or body fluids, including sanitary napkins, regardless of whether students or employees with HIV and/or AIDS infections are known to be present. The procedures shall be consistent with

94 ~~recommendations of the United States Public Health Service, the American Academy of~~
95 ~~Pediatrics, and the Utah Department of Health.~~

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100 associations, based solely upon a diagnosis of HIV infection.

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102 Most students with AIDS can attend school in the regular classroom without restrictions. If a
103 parent or school official believes that a child with AIDS needs related services or placement
104 outside the regular classroom, Section 504 requires an evaluation and placement process to
105 determine the appropriate educational setting for a child with AIDS. However, a full educational
106 evaluation is not required when neither the school officials nor parents believe that a child is in
107 need of special education or related services.

108
109 A student with AIDS has a right to confidentiality under FERPA and Section 504. However, such
110 confidentiality would not affect state and local public health rules regarding the duty of schools
111 to report specified diseases to public health departments. However, when reporting any cases
112 of AIDS to public health authorities, schools should convey such information in the same way
113 that information about other diseases is treated.

114
115 The Occupational Safety and Health Administration (OSHA) has issued regulations whose
116 purpose is to reduce or eliminate the possibility of an employee or students contracting any of a
117 series of diseases that are spread through blood contact contained in 29 CFR Part 1910. All
118 school employees should be following OSHA blood-borne pathogen standards when dealing
119 with body fluids. All employees receive bloodborne pathogen training annually.

121 **Legal References**

122 [Utah Code 26B-7-2](#)

123 [Americans with Disabilities Act](#)

124 [Section 504 of the Rehabilitation Act of 1973](#)

125 [Utah Office of Administrative Rules 386-702](#)

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127 **Board Approved:** March 1990
128 Revised: March 12, 2013