

Communicable Diseases

A Guide For the Development of HIV Policies and Procedures for Local Education Agencies

**Mississippi Board of Education
Office of Healthy Schools**

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TABLE OF CONTENTS

INTRODUCTION **4**

HIV Guidelines Review Panel **5**

Guidelines for the Development of HIV Policies and Procedures **6**

Preamble **6**

 1. School Attendance 6

 2. Employment..... 6

 3. Privacy..... 7

 4. Infection Control..... 7

 5. HIV and Athletics..... 7

 6. HIV Prevention Education 8

 7. Related Services..... 9

 8. Staff Development 9

 9. General Provisions 9

INTRODUCTION

The idea or presence of persons with HIV infection or AIDS in school is sometimes perceived as presenting a threat to the health and well being of others and may become quite controversial. The fear and risks of conflict can be minimized or negated, if a local school board has adopted comprehensive policies and procedures in relation to HIV/AIDS. Sound policies provide essential guidance to educators; reassurance and support to families, students, and school staff members; and legal protection for schools.

The State Board of Education Policy (JGCC) does not mandate that every school district adopt an HIV/AIDS policy; however it does require the Mississippi Department of Education (MDE) to develop model guidelines. The MDE upholds that the implementation of effective infection control procedures is vital to the welfare of a school community. In this document, the MDE provides guidance for school districts as they create or revise their HIV/AIDS policies. In preparing these guidelines, the MDE was assisted by a review committee of highly qualified individuals in health and education-related fields who provided input, recommendations and final approval of the document. The guidelines are based on the sample policy developed by the National Association of State Boards of Education (NASBE) 2001, *Someone at School has AIDS: A Complete Guide to Education Policies Concerning HIV Infection, 2nd Edition*. Copies of this book may be obtained from NASBE at 1-800-220-5183 or www.nasbe.org.

Finally, local school districts must be careful that existing policies are continually reviewed and updated to keep pace with the changing nature of HIV-related issues such as emerging new laws, scientific data, and lessons based on experience. Furthermore, local school districts can be assured that the Office of Healthy Schools is committed to providing them the most current and up-to-date information regarding HIV infection and AIDS to assist in making informed decisions about health issues affecting the academic achievement and healthy development of students and the effective operation of schools.

HIV Guidelines Review Panel

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Guidelines for the Development of HIV Policies and Procedures

Preamble

The (District/School) shall strive to protect the safety and health of children and youth in our care, as well as their families, our employees, and the general public. Staff members shall cooperate with public health authorities to promote these goals.

The evidence is overwhelming that the risk of transmitting Human Immunodeficiency Virus (HIV) is extremely low in school settings when current guidelines are followed. The presence of a person living with HIV infection or diagnosed with Acquired Immuno-Deficiency Syndrome (AIDS) poses no significant risk to others in school, day care, or school athletic settings.

1. School Attendance

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. HIV infection shall not factor into decisions concerning class assignments, privileges, or participation in any school-sponsored activity.

School authorities will determine the educational placement of a student known to be infected with HIV on a case-by-case basis by following established policies and procedures for students with chronic health problems or students with disabilities. Decision makers must consult with the student's physician and parent or guardian; respect the student's and family's privacy rights; and reassess the placement if there is a change in the student's need for accommodations or services.

School staff members will always strive to maintain a respectful school climate and not allow physical or verbal harassment of any individual or group by another individual or group. This includes taunts directed against a person living with HIV infection, a person perceived as having HIV infection or a person associated with someone with HIV infection.

2. Employment

The (District/School) does not discriminate on the basis of HIV infection or association with another person with HIV infection. 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 essential functions of the position, with reasonable accommodation if necessary.

3. Privacy

Pupils or staff members are not required to disclose HIV infection status to anyone in the education system. HIV antibody testing is not required for any purpose.

Every employee has a duty to treat as highly confidential any knowledge or speculation concerning the HIV status of a student or other staff member. Violation of medical privacy is cause for disciplinary action, criminal prosecution, and/or personal liability for a civil suit.

No information regarding a person's HIV status will be divulged to any individual or organization without a court order or the informed, written, signed, and dated consent of the person with HIV infection (or the parent or guardian of a legal minor). The written consent must specify the name of the recipient of the information and the purpose for disclosure.

All health records, notes, and other documents that reference a person's HIV status will be kept under lock and key. Access to these confidential records is limited to those named in written permission from the person (or parent or guardian) and to emergency medical personnel. Information regarding HIV status will not be added to a student's permanent educational or health record without written consent.

4. Infection Control

Schools will operate according to the standards promulgated by the U.S. Occupational Safety and Health Administration (OSHA) for the prevention of blood-borne infections. All employees are required to consistently follow these infection control guidelines in all settings and at all times, including playgrounds and school buses. Equipment and supplies needed to apply the infection control guidelines will be maintained and kept reasonably accessible. (Designee) shall implement the precautions and investigate, correct, and report on instances of lapse.

A school staff member is expected to alert the person responsible for health and safety issues if a student's health condition or behavior presents a reasonable risk of transmitting an infection.

If a situation occurs at school in which a person might have been exposed to an infectious agent, such as an instance of blood-to-blood contact, school authorities shall counsel that person (or, if a minor, alert a parent or guardian) to seek appropriate medical evaluation.

5. HIV and Athletics

The privilege of participating in physical education classes, athletic programs, competitive sports, and recess is not conditional 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.

In locker rooms and all play and athletic settings, employees must consistently adhere to the rulebooks and policies regarding communicable disease and skin infection procedures provided by the National Federation of State High School Associations (NFHS) and the Mississippi High School Activities Association (MHSAA). First aid kits must be on hand at every athletic event.

It is suggested that physical education teachers and athletic program staff complete an approved first aid and injury prevention course that includes implementation of infection control guidelines. Student orientation about safety on the playing field will include guidelines for avoiding HIV infection.

6. HIV Prevention Education

Effective K-12 HIV prevention education continues to be the best way to prevent the spread of HIV infection. The goals of HIV prevention education are to promote healthful living and discourage the behaviors that put people at risk of acquiring HIV. The HIV prevention education program will:

- Provide age-appropriate instruction at every level, kindergarten through grade twelve, in accordance with the *Mississippi Department of Education's 2006 Comprehensive Health Framework*;
- Use methods demonstrated by sound research to be effective;
- Be consistent with community standards;
- Be appropriate to students' developmental levels, behaviors, and cultural backgrounds;
- Build knowledge and skills from year to year;
- Stress the benefits of abstinence from sexual activity, alcohol, and other drug use;
- Include accurate information on reducing risk of HIV infection;
- Address students' own concerns;
- Include means for evaluation;
- Be an integral part of a coordinated school health program;
- Be taught by well-prepared instructors with adequate support; and
- Involve parents and families as partners in education.

Parents and guardians will have convenient opportunities to preview all HIV prevention curricula and materials. School staff members shall assist parents or guardians who ask for help in discussing HIV infection with their children. If a parent or guardian submits a written request to a principal that a child not receive instruction in specific HIV prevention topics at school, the child shall be excused without penalty.

The education system will endeavor to cooperate with HIV prevention efforts in the community that address out-of-school youth and youth in situations that put them at high risk of acquiring HIV.

7. Related Services

Students will have access to voluntary, confidential, age and developmentally appropriate counseling about matters related to HIV infection. School administrators will maintain confidential linkage and referral mechanisms to facilitate voluntary student access to appropriate HIV counseling and testing programs, and to other HIV-related services as needed. Public information about resources in the community will be kept available for voluntary student use.

8. Staff Development

It is recommended that all school staff members participate in a planned HIV education program that conveys factual and current information; provides guidance on infection control procedures; informs about current law and state, district, and school policies concerning HIV; assists staff to maintain productive parent and community relations; and includes annual review sessions. Certain employees will also receive additional specialized training as appropriate to their positions and responsibilities.

9. General Provisions

On an annual basis, school administrators will notify students, their family members, and school personnel about current policies concerning HIV infection, and provide convenient opportunities to discuss them. Information will be provided in major primary languages of students' families.

This policy is effective immediately upon adoption. In accordance with the established policy review process, or at least every three years, (Designee) shall report on the accuracy, relevance, and effectiveness of this policy and, when appropriate, provide recommendations for improving and/or updating the policy.

District/School Authority

Date