



Department: Human Resources
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ADMINISTRATIVE POLICY

The online version of this policy is official.
Therefore, all printed versions of this
document are unofficial copies.

ACQUIRED IMMUNE DEFICIENCY SYNDROME & HUMAN IMMUNODEFICIENCY VIRUS (AIDS & HIV)

STUDENTS

Liability and Non-Discrimination

Students infected with HIV or AIDS shall not be denied enrollment in school solely on the basis of such condition. Clarksville-Montgomery County School System ("CMCSS") will not prevent an HIV infected student from participating in the continuation of his/her education on the sole basis of HIV infection. HIV or AIDS status will not factor into decisions concerning class assignment, privileges and participation in any school-sponsored activity. CMCSS will determine the educational placement of a student known to be infected with HIV or AIDS on a case-by-case basis by following established policies and procedures for students with disabilities. CMCSS will strive to maintain a respectful school climate for HIV or AIDS infected students.

Mandatory screening for communicable diseases not spread by casual everyday contact, such as HIV infection, shall not be a condition for school entry or attendance.

Administrative Responsibilities and Appropriate Alternative Education Programs

If a student or student's parent chooses to disclose the student's HIV or AIDS status to CMCSS personnel, the Director of Schools or his/her designee will be responsible for requesting medical records from the parent/guardian and a statement from the student's physician regarding health status of the student reported to have HIV/ AIDS. In addition, the Director of Schools or his/her designee will gather information regarding the student's cumulative school record. These records will be reviewed by an evaluation team designated by the Director of Schools or his/her designee as they relate to a student's health status and attending school.

In determining the educational placement of a student known to be infected with HIV or AIDS, school authorities shall follow established policies and procedures for students with disabilities. School authorities shall reassess placement if there is a change in the student's need for accommodations or services.

Confidentiality

No information concerning an HIV infected student shall be divulged, directly or indirectly, to any other individual or group without the written consent of the parent/guardian. All medical information and written documentation of discussions,

telephone conversations, proceedings and meetings shall be kept by the Director of Schools or his/her designee in a locked file. If the HIV infected student is under the age of eighteen (18), access to this file shall be granted only to those persons who have the written consent of the infected student's parents/guardians, as well as emergency medical personnel. Information regarding a student's HIV status is confidential and may not be documented in the student's permanent educational record or health record without prior written consent.

Under no circumstances shall information identifying a student with AIDS be released to the public.

HIV Prevention Education/ Curriculum

CMCSS will provide age-appropriate, ongoing HIV/AIDS prevention education instruction in accordance with the state's Health Education and Lifetime Wellness standards. Students will have access to voluntary, age and developmentally appropriate counseling about matters related to HIV/AIDS.

Infection Control

CMCSS shall maintain an Occupational Safety and Health Administration (OSHA)-based infection control procedure in which each school will have access to well-maintained and easily accessible materials necessary to follow universal precautions, and infection control guidelines, including investigating, correcting, and reporting on instances of exposure. All schools shall further follow the most current Centers for Disease Control and Prevention (CDC) Universal Precautions for Prevention of Transmission of Human Immunodeficiency Virus, Hepatitis B Virus, and Other Blood borne Pathogens in Health Care Settings and the OSHA blood borne pathogens standard.

EMPLOYEES

Liability and Non-Discrimination

No employee who is diagnosed with HIV infection or AIDS shall be prevented from continuing his/her employment. No disciplinary action may be taken against an employee solely on the basis of HIV infection or AIDS. Action may be taken against an employee only if the employee is disabled and the disability interferes with his/her ability to perform his/her employment duties. Clarksville-Montgomery County School System ("CMCSS") shall make reasonable accommodations to enable the employee to perform employment duties as may be required by state or federal law.

HIV/Aids Testing

No school official can require any employee to undergo an HIV antibody test or other HIV-related test. This does not preclude school officials from requiring an employee to undergo an examination when another communicable illness is suspected.

Confidentiality

If information is received regarding an employee's HIV or AIDS status, the Director of Schools or designee will initiate procedures to ensure the privacy of any health records or documents which reference HIV or AIDS status. Information about an employee's HIV status is not to be documented in the employee's personnel file.

Information obtained is confidential and may not be released to anyone except:

- a. Persons named on an Authorization for Release of Confidential HIV-Related Information Form;
- b. Persons listed on a court order, and
- c. Persons authorized to receive such information without a release or court order pursuant to T.C.A. §68-10-113.

Under no circumstances shall information identifying an employee with AIDS be released to the public.

Education and Training

To prevent and manage exposure in the workplace, all CMCSS employees shall receive in-service training and education annually regarding HIV/AIDS and OSHA's Blood-borne Pathogens Standard. CMCSS shall follow the most current Centers for Disease Control and Prevention (CDC) Universal Precautions for Prevention of Transmission of Human Immunodeficiency Virus, Hepatitis B Virus, and Other Blood-borne Pathogens in Health Care.

Implementing Procedures: None.

Associated Documents: T.C.A. §68-10-113

T.C.A. §49-2-203(b)(2)

Tenn. BOE R. & Reg. 0520-01-03-.08(2)(g) (2019)

Tenn. BOE R. & Reg. 0520-01-03-.05(1)(c) (2019)

29 CFR §1630.13(b)

42 USC §12101

20 USC §1232(g)

34 CFR §300.571-2

State Board of Education Policy No. 5.300, Revised January 26, 2018

[RSK-PRO1](#) Bloodborne Pathogens Exposure Control

[SAF-F006](#) Bloodborne Pathogen Exposure

[SAF-P004](#) Bloodborne Pathogens

[HEA-A001](#) Communicable Diseases

[HUM-M001](#) Employee Handbook

Revision History:

<u>Date:</u>	<u>Rev.</u>	<u>Description of Revision:</u>
10/28/2019	IR	Initial release.

*****End of Policy*****