

STUDENTS WITH HIV/AIDS

The purpose of this policy is to establish what actions shall be taken in the event that RSU 56 is made aware that a student being enrolled or attending school is infected with Human Immunodeficiency Virus (HIV).

This policy has been adopted to assure that the rights and safety of all involved parties are preserved.

- A. In general, the Board shall provide educational opportunities for students infected with HIV just as it does for other students.
- B. In the event that a public health threat is perceived by the student's private physician, the Bureau of Health must be notified and will then conduct an evaluation. If the school is notified of a student infected with HIV by the parents/guardians and becomes concerned about the safety of that student, other students or staff, a similar evaluation may be requested. At any time that there is a concern that a particular student poses a public health threat to others, advice may be requested by the Superintendent from the Bureau of Health. The Superintendent may also consult on a strictly confidential basis with the RSU 56 attorney.
- C. If the Bureau of Health determines that conditions exist which suggest that a student with a Human Immunodeficiency Virus infection is a health threat to the school community, the Bureau of Health and/or the Superintendent shall remove the student from the usual classroom setting until other arrangements can be made or until the Bureau of Health determines that the risks have abated. The health status of a student temporarily removed from the usual school setting in order to protect the health of the student or others will be reevaluated at least quarterly by the Bureau of Health.
- D. Maine law protects the confidentiality of HIV test results with certain statutory exceptions. Test results may not be disclosed to anyone other than the Bureau of Health without written consent of parents/guardians. Records containing information about HIV test results and consent forms relating to test results shall be kept separate from other school records. Only those persons given written consent by the student's parents/guardians shall have access.
- E. With written consent of the parents/guardians, the school shall designate an individual or team to:
 - 1. Serve as the liaison between the school and the student's parents, the student's physician and, if necessary, the Bureau of Health; and/or
 - 2. Serve as the supervisor of the medical component of the student's educational experience.

POLICY: JLCCA

Any team member or individual entrusted with the knowledge of a student infected with HIV must, by law, keep his/her knowledge of that child's status confidential and access to information shall be limited only to those persons authorized in writing by the student's parents/guardians.

- F. At the parents'/guardians' written request, a designated team member, usually the school nurse, will to the extent practicable notify the student's parents/guardians and/or the student's physician in the event that the designated team member becomes aware that infections occur in the school population that may place an immunodeficient student at increased risk as defined by the student's physician or Bureau of Health. The decision whether or not to remove the student from school will be made by the parents/guardians and the student's physician.
- G. Because of the inability to identify individuals who may be infected with HIV or other agents transmissible through blood and other body fluids, standard procedures shall be followed for cleaning and disinfecting all body fluid spills. The procedures for cleaning bodily fluid spills shall be reviewed annually by all school staff members.
- H. RSU 56 will seek to provide educational programs to inform parents/guardians, students and staff regarding AIDS and all other communicable diseases even though there may not be students with infection currently enrolled.
- I. In any instance where this policy requires the consent of the parents/guardians of an HIV-infected student, consent must be obtained directly from the student if the student is 18 years of age or older.

Legal Reference: 5 MRSA § 19201 et seq.

Cross Reference: GBGAA - Bloodborne Pathogens
JLCC- Communicable/Infectious Diseases

Adopted: July 11, 2017

APPENDICES

Appendix A

Procedures for Maintaining Confidentiality and Written Consent Form

Appendix B

Consent for Release of Medical Information

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Appendix A

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, RSU 56 will comply with federal and state law and follow Policy JRA- Student Educational Records and Information. In addition to compliance with the applicable laws and policy, 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 or the Student Educational 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 emailed.
3. Medically related documents that are to be mailed shall be marked "Confidential". Name 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.
4. A written consent form shall be completed prior to each disclosure and release of HIV related information.
5. Each disclosure made shall be noted in the student file. The list of such disclosures shall be made available to the student or parent/guardian.
6. Schools shall comply with Maine Occupational Safety and Health Administration (MOSHA) rule § which concerns maintenance of and access to employee medical records.

Appendix B
Consent for 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 (including names of persons responsible and filing confidential information):

- 1.
- 2.
- 3.
- 4.

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

Appendix C

Universal Precautions For School Staff

Bloodborne Pathogens

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

“Universal Precautions” means protecting oneself from exposure to blood or body fluids through the use of non-latex gloves, masks or eye goggles; and cleaning blood and body fluid spills with commercial disinfectant or bleach solution.

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)

NONE of these are Modes of Transmission of Bloodborne Pathogens

- Sharing restrooms
- Bathroom fixtures
- Drinking fountains
- Hugging
- Eating with carriers
- Mosquitoes
- Working and studying with carriers
- Playing with carriers
- Swimming pools
- Shaking hands
- Eating food prepared by carriers

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.*

BEGIN BY ATTENDING TO THE INJURED PERSON:

- Whenever blood and body fluids are present, a barrier (non-latex 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 clothing of the injured person must be bagged and sent home.
- Place waste in a plastic bag for disposal.
- Remove gloves and dispose in plastic bag.

- Thoroughly wash hands with soap.

CLEAN AND DISINFECT ENVIRONMENTAL SURFACES:

- Whenever cleaning and disinfecting environmental surfaces in which blood and body fluids are present, a barrier (rubber utility gloves, non-latex gloves, 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 bloods and body fluids.
- Disinfect the affected area(s) and cleaning tools with a commercial disinfectant (mixed according to manufacturer's specifications) or bleach solution (approximately ¼ cup common household bleach per gallon of tap water, mixed fresh daily)¹. The affected surface being disinfected should remain wet for several minutes.
- Secure all waste in plastic bag for disposal

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 (avoid scrubbing hands). Pay particular attention to fingertips, 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.**

¹ Centers for Disease Control and Prevention Guideline for Prevention of Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Health-care and Public Safety Workers. MMWR Vol. 38/No. S-6: 1-37, 1989

Appendix D
Resources for HIV/AIDS Assistance Information

State Resources

HIV Prevention Education
Department of Education
207-624-6692
www.maine.gov/education/hiv

AIDS Service Organization

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.

Augusta

Dayspring AIDS Support Services
207-621-3785

Maine Community AIDS Partnership
207-622-7566 x225

Bangor

Eastern Maine AIDS Network
207-990-3626

Brunswick

Merrymeeting AIDS Support Services
207-725-4955

Ellsworth and Machias

Down East AIDS Network
207-667-3506

Lewiston

St. Mary's Regional Medical Center
207-777-8507

Portland

Frannie Peabody Center Client Services
207-774-6877

Frannie Peabody Center HIV Prevention
Services
207-749-6818 HIV Testing
207-807-4586 Men's Health

Maine AIDS Alliance
207-899-9983

Health 2000
207-828-2001

Portland Public Health
207-874-8003

Presque Isle

ACAP-Health 1st
207-768-3062