

**Monroe 2-Orleans BOCES Policy****Series 6000 – Students****Policy #6451 – HUMAN IMMUNODEFICIENCY VIRUS (HIV) AND ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)**

The BOCES recognizes the public concern over the spread of acquired immune deficiency syndrome (AIDS) and the admission of students and employment of staff who suffer from this disease or who have Human Immunodeficiency Virus (HIV) infection. The BOCES also recognizes the rights of those individuals so afflicted, be they students or staff, to continue education or employment where possible, their right to privacy, their right to a Free and Appropriate Public Education (FAPE), their right to be afforded the same rights and privileges offered other staff and students, and the rights of those non-affected to a safe environment.

The BOCES recognizes medical science which indicates that most individuals infected with AIDS or who have HIV infection pose no risk of transmission of the virus to others in the school setting. The BOCES further recognizes medical science which indicates that the virus associated with AIDS is not easily transmitted and there is no evidence that AIDS can be transmitted by casual contact.

No individual shall be denied access to any program or activity on the basis of HIV/AIDS status. When restrictions are required, the BOCES will use only those restrictions deemed necessary to protect the safety or health of students and employees, including the infected individual, and the BOCES shall assist the individual by making reasonable accommodations. To the extent permitted by law, any restrictions shall be discussed with the student's or employee's physician and with the BOCES legal counsel.

If the individual is a student, such evaluation will involve, to the extent permitted by law, consultation with the student's home school district, parents/legal guardians, and the appropriate medical authorities. If the student's medical condition interferes with their ability to benefit from instruction, the evaluation will involve a referral to the Committee on Special Education if the student is classified as disabled or to the multi-disciplinary team (required by Section 504 of the Rehabilitation Act) if the student is not classified as disabled.

Any information obtained pursuant to a release form or by court order is confidential and shall not be released to a third party, except to:

- a) Those persons listed on the form;
- b) Those persons listed on a court order; or
- c) Those persons authorized to receive such information without a release or court order under Public Health Law Section 2782, where it is necessary to provide health care to the individual.

To assure confidentiality, any documents identifying the HIV status of a protected individual shall be maintained in a locked file, separate from the student's regular file. Access to this file will only be granted to the nurse and those persons named on the release form or court order.

Any staff member who receives HIV-related information, pursuant to a release form or court order, shall be bound by the confidentiality provisions in Public Health Law Article 27-F. Any breach of such confidentiality shall be subject to conditions contained therein and which may include criminal penalties of a misdemeanor or a \$5,000 penalty or both, in addition to disciplinary procedures as established by the BOCES.

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Any staff member who acquires HIV/AIDS information through means other than an authorized release form or a court order is not legally bound by the confidentiality requirements in Article 27-F. However, such information should be treated as confidential. If the disclosure is made by the HIV infected individual or their parent or legal guardian, the staff person may encourage (but not require) that a consent form be completed. Such action should be based on the health and/or educational needs of the infected individual only.

The BOCES is also committed to an educational program designed to inform students, parents/legal guardians and personnel regarding health generally, which will include AIDS, its communicability and the limited danger it poses to the general public and those who have only casual contact with AIDS victims.

Staff members will be informed of and have access to the Exposure Control Plan and receive training in infection control procedures. (See Policy #4560).

Confidentiality: Public Health Law, Article 27-F

**NOTE:** This Policy is also found at #5141.

**Policy References:**

See Policy #4560

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