

**ADOPTED: November 19, 1987**  
**REVIEWED: October 6, 1988, June 17, 1993**

## **HIV (AIDS) ATTENDANCE POLICY**

### **Purpose**

MSAD #54 has as its primary goal the provision of quality education in a safe environment for all students.

Public law in Maine guarantees all children the right to an education. The purpose of this policy is to establish what actions shall be taken in the event that MSAD #54 is made aware that a student attending school is infected with HIV.

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

### **Policy Elements\***

- A. In general, MSAD #54 shall provide educational opportunities for students infected with HIV just as it does for other students. This shall include attendance in regular class settings. Students infected with HIV shall be entitled to all the rights, privileges, and services provided by Maine law and MSAD #54 policies.
- 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 MSAD #54 is concerned that a particular student poses a public health threat to others, advice may be requested from the Bureau of Health. The Superintendent may also consult on a strictly confidential basis with the school unit's attorney.

\*For explanation, See Addendum

- C. In the rare event that 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 re-evaluated at least quarterly by the Bureau of Health.
- D. Current 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 Human Immunodeficiency Virus 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.

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

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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 Human Immunodeficiency Virus or other agents transmissible through blood and other body fluids, MSAD #54 shall follow standard procedures 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. MSAD #54 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.

**ADOPTED: June 17, 1993**

**SCHOOL ATTENDANCE POLICY FOR STUDENTS  
INFECTED WITH HIV**

**Addendum**

This section provides background for the policy statements cited in Policy JHCCA.

- A. The right of students infected with HIV to attend regular classes is based on the medical fact that there is no known risk of transmission as a result of casual contact. It is the position of the Department of Human Services, Bureau of Health, that students infected with Human Immunodeficiency Virus should be allowed to attend school with local medical input. In the rare situation that a threat to others is perceived, the extent of that threat can be determined by the Bureau of Health.

This case by case analysis is consistent with a 1987 case decided by the U.S. Supreme Court that designated public health officials as having the primary responsibility for determining medical risks in a public setting when determining whether an individual suffering from a contagious disease is otherwise qualified to continue in his employment. (School Board of Nassau County v. Arline). The reasonable medical judgments of public health officials should be given great weight in determining the nature of the risk, the duration of the risk, the severity of the risk, and the possibilities that the disease will be transmitted and will cause varying degrees of harm.

- B. The responsibility for informing anyone of a student's HIV status, including the school, rests with the parents/guardians of the student. Under current law, the Maine Bureau of Health may not necessarily receive reports of students infected with HIV, and even if notified, will not be in a position to determine public health threats without input from the private medical community. If a public health threat is perceived by a student's physician, the responsibility to inform the school administrative unit and/or the Bureau of Health of an HIV infection in a student rests with the private physician. This is consistent, both with current Maine law and public health practices. Neither the school system or the

Bureau of Health would know of communicable diseases unless the private medical community, as well as parents, accepted public health responsibility. The Bureau of Health requires immediate participation by public health professionals when a disease is transmitted through casual contact by aerosol (through air). When a disease, such as HIV infection, is transmitted only by contact with certain body fluids (blood and semen primarily, breast milk rarely; no recorded cases of transmission by saliva, urine or feces), the private medical community needs no early assistance in prevention of spread. With appropriate education, opportunities for transmission can be understood by parents. Students who are infected with HIV would be monitored by their physicians and parents.

- C. If any changes in condition or behavior exist, the student's physician and the Maine Bureau of Health must determine whether a risk of transmission exists. If it is determined that a risk exists, the student should be removed by the Superintendent, in conjunction with the Bureau of Health, from the regular school program or from the school setting entirely.
- D./E. It is likely that the greatest risk for illness will be to the student infected with HIV, not his/her classmates or teachers. In the event parents/guardians have given written consent to school authorities, a designated team or individual should function both to protect the student infected with HIV from any medical risks which may arise at school, and watch for any possible public health risk posed to classmates or staff by the student infected by HIV. The school nurse is a logical person to serve as a member of the designated team and can best serve as the supervisor of the medical component of the student's care in the school. A student with HIV, as with any other immunodeficient student, may need to be removed from the classroom for his/her protection when cases of measles, chicken pox, or selected infectious diseases occur in the school population. This decision should be made by the student's physician and parent/guardian in consultation with the school nurse, and/or the school physician and the director of the Maine Bureau of Health or his/her designee.
- F. Routine and standard procedures should be used by all school personnel to clean up after an individual has an accident or injury. Blood or other body fluids emanating from any individual should

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consistently be treated with caution. Gloves should be worn when cleaning up bodily fluid spills. These spills should be cleaned with soap and water and disinfected with either household bleach

(diluted one part bleach with ten parts water) or intermediate disinfectant. Persons coming in contact with these spills should thoroughly wash their hands with soap and water. Disposable towels or tissues should be used and mops should be rinsed in the disinfectant. Those who are cleaning should avoid exposure of open skin lesions or mucous membranes to the blood or body fluids.

- G. Items soaked with bodily fluids should be placed in leak proof bags for washing or further disposition. Similar procedures are recommended for dealing with vomitus and fecal or urinary incontinence in any individual. Hand washing after contact with any individual is routinely recommended, if physical contact has been made with the individual's body fluids, including saliva. (These procedures are summarized in CDC Guidelines For Isolation Precautions in Hospitals. Generally, good hand washing provides the best defense against most infectious diseases. A glossary of terminology and a list of references is attached. The latter can be used for additional information about infection control practices.)