

Students with HIV

The purpose of this policy is to establish what actions shall be taken in the event that M.S.A.D. #3 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 parties are preserved.

Policy Elements

1. In general, the Board shall provide educational opportunities for students infected with HIV just as it does for other students.
2. 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 attorney for M.S.A.D. #3.
3. If the Bureau of Health determines that conditions exist which suggest that a student with 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.
4. 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 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.
5. 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/guardians, 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.

6. 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 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.
7. 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.
8. M.S.A.D. #3 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.
9. 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: JLCC — Communicable Diseases

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