

Students	Knox County Board of Education		
	HIV, HIV-Related Illness and Acquired Immune Deficiency Syndrome (AIDS)	Descriptor Code:	Issued:
		J-353	7/95
		Reviewed:	Revised:
11/21	1/22		

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

The Knox County School System shall strive to protect the safety and health of children and youth in our care, as well as their families, our employees, and the general public. Staff members shall cooperate with public health authorities to promote these goals.

The risk of transmitting human immunodeficiency virus (HIV) is extremely low in school settings when current guidelines are followed. The presence of a person living with HIV infection or diagnosed with acquired immune-deficiency syndrome (AIDS) poses no significant risk to others in school, day care, or school athletic settings.

1. School Attendance

A student with HIV infection has the same right to attend school and receive services as any other student and will be subject to the same rules and policies. HIV infection shall not factor into decisions concerning class assignments, privileges, or participation in any school-sponsored activity.

School authorities will determine the educational placement of a student known to be infected with HIV on a case-by-case basis by following established policies and procedures for students with chronic health problems or students with disabilities. Decision makers must consult with the student's physician and parent or guardian; respect the student's and family's privacy rights; and reassess the placement if there is a change in the student's need for accommodations or services.

School staff members will always strive to maintain a respectful school climate and not allow physical or verbal harassment of any individual or group by another individual or group. This includes taunts directed against a person living with HIV infection, a person perceived as having HIV infection, or a person associated with someone with HIV infection.

2. Confidentiality

Students are not required to disclose HIV infection to anyone in the education system. In accordance with Health Insurance Portability and Accountability Act (HIPAA) and Family Educational Rights and Privacy Act (FERPA) and all other applicable state and federal laws, no information regarding a student's HIV status shall ever be disclosed to any individual or organization without a court order or the informed, written, signed, and dated consent of the person with HIV infection (or the parent or guardian of a legal minor). The written consent must specify the recipient of the information and the purpose of the disclosure. Information pertaining to a person's HIV status shall not be faxed. HIV-related information is confidential regardless of the source, including whether the information is obtained intentionally or unintentionally from the person with HIV/AIDS or through oral, written, or electronic communication from another source. Disclosure of HIV-related information could result in a loss of privacy, harassment, and

1 discrimination. Unauthorized disclosure by employees is cause for disciplinary action, up to and
2 including dismissal, and could lead to individual liability in addition to criminal or civil penalties
3 against LEAs and their personnel.
4

5 Under no circumstance shall information identifying a student with HIV/AIDS be released to the
6 public.
7

8 Every employee has a duty to treat as highly confidential any knowledge or speculation concerning
9 the HIV status of a student or other staff member. Violation of medical privacy is cause for
10 disciplinary action, criminal prosecution, and/or personal liability for a civil suit.
11

12 No information regarding a person's HIV status will be divulged to any individual or organization
13 without a court order or the informed, written, signed, and dated, consent of the person with HIV
14 infection (or the parent or guardian of a legal minor). The written consent must specify the name
15 of the recipient of the information and the purpose for disclosure.
16

17 All health records, notes, and other documents that reference a person's HIV status will be kept
18 under lock and key. Access to these confidential records is limited to those named in written
19 permission from the person (or parent or guardian) and to emergency medical personnel.
20 Information regarding HIV status will not be added to a student's permanent educational or health
21 record without written consent.
22

23 **3. Infection Control**

24 All employees are required to consistently follow infection control guidelines in all settings and
25 at all times, including playgrounds and school buses. Schools will operate according to the
26 standards promulgated by the U. S. Occupational Health and Safety Administration for the
27 prevention of blood borne infections. Equipment and supplies needed to apply the infection
28 control guidelines will be maintained and kept reasonably accessible. Designee shall implement
29 the precautions and investigate, correct, and report on instances of lapse.
30

31 A school staff member is expected to alert the person responsible for health and safety issues if a
32 student's health condition or behavior presents a reasonable risk of transmitting an infection.
33

34 If a situation occurs at school in which a person might have been exposed to an infectious agent,
35 such as an instance of blood-to-blood contact, school authorities shall counsel that person (or, if a
36 minor, alert a parent or guardian) to seek appropriate medical evaluation.
37

38 School nursing staff and any other school personnel, including transportation personnel, who
39 perform or assist with health care procedures which may involve blood borne pathogens must be
40 offered the Hepatitis B vaccine, have appropriate cleaning supplies, and be supplied gloves. This
41 includes other personnel whose work requires contact with potential infectious agents.
42

43 **4. HIV and Athletics**

44 The privilege of participating in physical education classes, athletic programs, competitive sports,
45 and recess is not conditional on a person's HIV status. School authorities will make reasonable
46 accommodations to allow students living with HIV infection to participate in school-sponsored
47 physical activities.
48
49
50

1 All employees must consistently adhere to infection control guidelines in locker rooms and all
 2 plan and athletic settings. Rule books will reflect these guidelines. First aid kits must be on hand
 3 at every athletic event.
 4

5 All physical education teachers and athletic program staff will complete an approved first aid and
 6 injury prevention course that includes implementation of infection control guidelines. Student
 7 orientation about safety on the playing field will include guidelines for avoiding HIV infection.
 8

9 **5. HIV Prevention Education**

10
 11 The goals of HIV prevention education are to promote healthful living and discourage the
 12 behaviors that put people at risk of acquiring HIV. The educational program will:
 13

- 14 • Be taught at every level, kindergarten through grade twelve (12);
- 15 • Use methods demonstrated by sound research to be effective;
- 16 • Be consistent with community standards;
- 17 • Follow content guidelines prepared by the Centers for Disease;
- 18 • Control and Prevention (CDC);
- 19 • Be appropriate to students' developmental levels, behaviors, and cultural backgrounds;
- 20 • Build knowledge and skills from year to year;
- 21 • Stress the benefits of abstinence from sexual activity, alcohol, and other drug use;
- 22 • Include accurate information on reducing risk of HIV infection;
- 23 • Address students' own concerns;
- 24 • Include means for evaluation;
- 25 • Be an integral part of a coordinated school health program;
- 26 • Be taught by well-prepared instructors with adequate support; and
- 27 • Involve parents and families as partners in education.
 28

29 **6. Education and Universal Precautions**

30
 31 Education on Universal Precautions (Blood Borne Pathogens) and handling blood and other body
 32 fluids shall be provided to all school personnel or volunteers who may be in a position to need.
 33 This training addresses HIV education.
 34

35 **7. Related Services**

36
 37 Students will have access to voluntary, confidential, age and developmentally appropriate
 38 counseling about matters related to HIV infection. School administrators will maintain
 39 confidential linkage and referral mechanisms to facilitate voluntary student access to appropriate
 40 HIV counseling and testing programs, and to other HIV-related services as needed. Public
 41 information about resources in the community will be kept available for voluntary student use.
 42

43 Legal References:

44 TN SBE Policy 5.300
 45 TRR 0520-01-13-.02
 46 TRR 0520-01-13-.03
 47 T.C.A. § 49-6-1305

48 Approved as to Legal Form
 49 By Knox County Law Director 11/17/2021
 /Gary T Dupler/Deputy Law Director