

TENNESSEE PUBLIC CHARTER SCHOOL COMMISSION		
STUDENTS LIVING WITH HUMAN IMMUNODEFICIENCY VIRUS (HIV) OR ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS)		6404
ADOPTED: April 9, 2021	REVISED:	MONITORING: Review: Annually

Liability and Non-Discrimination. Students living with human immunodeficiency virus (HIV) shall not be denied enrollment in an authorized charter school. The school shall not prevent a student from participating in the continuation of his/her education on the sole basis of HIV status. To the extent practical with medical and educational needs, the student shall be subject to the same rules for class assignment, privileges, and participation in any school-sponsored activities (including school athletic programs) as all other students. The school shall strive to maintain a respectful school climate for students living with HIV. Mandatory screening for communicable diseases not spread by casual everyday contact, such as HIV, shall not be a condition for school entry or attendance.¹

Administrative Responsibilities for Confidentiality. If a student's parents/guardians choose to disclose the child's HIV status, the school leader shall initiate procedures developed by the school which will ensure privacy and maintenance of all medically-related documents.² The school shall be responsible for requesting medical records from the parent/guardian and a statement from the student's physician regarding the health status of the student reported to be HIV-positive.

Confidentiality. No information concerning a student living with HIV shall be divulged, directly or indirectly, to any other individual or group without the written consent of the parent/guardian. All medical information and written documentation of discussions, telephone conversations, proceedings, and meetings shall be kept by the school in a locked file. Information regarding HIV or AIDS status shall not be added to a student's permanent educational or health records without prior written consent. If the HIV-positive student is under the age of eighteen (18), access to this file shall be granted only to those persons who have the written consent of the student's parents/guardians. Under no circumstances shall information identifying a student living with HIV be released to the public.³

Appropriate Alternative Education Programs. In determining the educational placement of a student living with HIV, school authorities shall follow established policies and procedures for students with disabilities. School authorities shall reassess placement if there is a change in the student's need for accommodations or services.

HIV Prevention Education. HIV prevention education and training is valuable to the school community and the community-at-large. The school shall be responsible for developing instructional objectives to address the state standards and provide each teacher responsible for teaching HIV prevention education with these objectives. Students shall further be taught universal precautions through the Tennessee Health Education and Lifetime Wellness Standards for Grades

K-12 and through the school's HIV prevention education program. Parents/guardians shall have the opportunity to preview all HIV-prevention curricula and materials in accordance with state law. Students shall have access to voluntary and confidential counseling about matters related to HIV. Administrators shall maintain a list of counseling and testing resources for student use.

Infection Control. The school shall develop Occupational Safety and Health Administration (OSHA)-based infection control procedures in which the school will:

- (1) Provide well-maintained and easily accessible materials necessary to follow universal precautions; and
- (2) Designate first responders responsible for implementing infection control guidelines, including investigating, correcting, and reporting on instances of exposure.

These procedures shall provide simple and effective precautions against transmission of diseases to persons potentially exposed to the blood or bodily fluids of another. These procedures shall be standard health and safety practices. No distinction shall be made between bodily fluids from individuals with a known disease and individuals without symptoms or with an undiagnosed disease. All schools shall further follow the most current Centers for Disease Control and Prevention (CDC) *Universal Precautions for Prevention of Transmission of Bloodborne Infections* and the *OSHA Bloodborne Pathogens Standard*.⁴

Training. Student orientation about safety on the playing field shall include guidelines for infection control. First-aid kits should be on hand at every athletic event.

Legal References:

¹ TRR/MS 0502-01-03-.08(2)(g)

² State Board Policy 5.300

³T.C.A. § 68-10-113; 20 U.S.C. § 1232(g);

34 C.F.R. §§ 3622 - 3623

⁴ TRR/MS 0520-01-03-.05(1)(c)

Cross References:

LEA Policy 1801 Special Education

LEA Policy 1802 ADA and Section 504

LEA Policy 5400 Employee Health

LEA Policy 6403 Communicable Diseases