

Emery County School District



Policy: JLCCA—Students with Acquired Immune Deficiency Syndrome

Date Adopted: 5 December 1989
Current Review / Revision: 17 June 1998

The Board of Education acknowledges the importance of developing guidelines for the enrollment and placement status of students infected with the Acquired Immune Deficiency Syndrome (HIV) virus.

The Board shall cooperate with other agencies in educating its residents, patrons, employees, and students about the disease and risks of transmission.

The Board shall also cooperate with the Utah State Department of Health and the Southeastern Utah Health District with detection, prevention, and control of communicable diseases.

Students having been tested positive with the HIV infection, and reported to school officials by the parents, legal guardian, or the student's physician on behalf of the parent or legal guardian, shall continue in the regular education program and participate in activities available to other students while the case is under study. They shall be subject to placement review and evaluation by a team made up of the School Principal, a representative from the local health department, the student's physician, and the student's parents or guardian. The team is appointed and chaired by the School Principal. The student shall be placed in the least restrictive environment as recommended by the evaluation team. The School Principal shall immediately advise the student's parents or guardian, in writing, of the decision of the evaluation team.

If the evaluation team determines that school attendance for the student is appropriate, the parents or guardian shall be advised that continued participation in the school setting may result in exposure to other communicable diseases and that responsibility for continued participation shall be left to the discretion of the parents or guardian.

If the evaluation team, on a case-by-case basis, finds that a student is medically unable to attend school (likelihood of transmission is increased, exhibits clinical evidence of infection, or is too ill to attend school) an appropriate alternative education program will be provided by the District.

Confidentiality

The identities or other case details of HIV infected students shall not be disclosed to any person other than the members of the evaluation team and the superintendent.

Special Procedures

The Principal may suspend a student from school for a period not to exceed ten (10) school days prior to receiving the recommendation of the evaluation team, provided the superintendent determines that there are emergency conditions which present a reasonable likelihood that suspension is medically necessary to protect the student or other persons.

Appeal Process

The Superintendent, or any member of the evaluation team, may appeal a recommendation by submitting a written

appeal within ten (10) school days after receiving notice of the team's recommendation. If the appellant's concerns relate to medical issues, the appeal shall be submitted to the Executive Director of the Utah Department of Health in accordance with the Utah Administrative Code. The appellant shall submit copies of the appeal to the Executive Director of the Utah State Health Department, the superintendent, and all members of the evaluation team.

If the appeal is related to the school's ability to provide an accommodation, the appeal shall be directed to the School Board. The appellant shall submit copies of the appeal to the Board of Education, the Superintendent, and all members of the evaluation team.

The final decision to any appeal shall be given in writing within ten (10) school days. Copies shall be given to the appellant, members of the evaluation team, and the superintendent.

Testing

Under no circumstances will the Board of Education utilize mandatory testing of students for the HIV virus.

Reference

This policy is established in accordance with Utah Administrative Code, Utah State Department of Health, HIV Positive Student or School Employee Rules.