

# JLCCA HIV and other Bloodborne Pathogens

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

RSU #1 shall strive to protect the safety and health of children and youth in its care, and its employees, recognizing:

- the rights of students and employees with HIV or any other bloodborne pathogen (BBP);
- the importance of maintaining confidentiality regarding the medical condition of any individual;
- the importance of an educational environment free of significant risks to health; and
- the necessity for BBP education and training for the school community and the community at large.

## Rights of Faculty/Staff

I. Equal Employment RSU #1 does not discriminate on the basis of an employee's HIV or other BBP infection or association with another person with HIV or other BBP infection. No applicant shall be denied employment and no employee shall be prevented from continued employment on the basis of having or being perceived as having HIV or other BBP. An employee with HIV or other BBP infection is welcome to continue working as long as he or she is able to perform the essential functions of the position, with reasonable accommodations if necessary.

## Rights of Students

II. School Attendance A. A student with HIV or other BBP 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 as any student without HIV/BBP. Except as deemed appropriate to accommodate students with disabilities, HIV/BBP infection shall not factor into decisions concerning class assignments, privileges, or participation in any school-sponsored activity. B. The special education coordinator, Section 504 coordinator or other designated school authorities will follow established policies and procedures for students with chronic health problems or students with disabilities to determine on a case-by-case basis the educational placement of a student known to be infected with HIV/BBP. Respecting students' and families' privacy rights, school authorities may consult with the student's parent or guardian, seek waiver from parent/guardian to consult with the student's physician, and

reassess the placement if there is a change in the student's need for accommodations or services.

## Rights for Students and Staff

III. Nondiscrimination A. RSU #1 is committed to providing a learning environment and workplace free of discrimination. School staff members will strive to maintain a respectful school climate and not allow physical or verbal harassment against a student or staff member based on their HIV/BBP status. For example, this includes conduct directed against a person living with HIV infection, a person perceived as having HIV infection or a student or employee's family member's actual or perceived status as HIV positive. B. This school district shall not discriminate against an applicant, prospective or current student on the basis of a person's having a positive test result from an HIV/BBP related diagnostic test.

## IV. Confidentiality of HIV/BBP Related Information and Testing

A. RSU #1 will protect the student's and family's privacy rights consistent with state and federal law pursuant to the RSU #1 Student Education Record and Information policy and Personnel Records policy. B. No school official shall require HIV/BBP related testing of any employee applicant, current employee or prospective or current student for any purpose. C. Students, students' parents/guardians, or applicants/employees are not required to disclose HIV/BBP status to any school personnel. D. Service providers, including those dispensing medication, will maintain student confidentiality. Unless for the limited purpose of an exception of state law, federal law, the Student Education Record and Information policy, or the Personnel Records policy that applies, school personnel shall not disclose any HIV/BBP related information about a prospective or current school personnel or student to anyone except in accordance with the terms of a written consent. A written consent form provides a description of information to be disclosed, to whom it may be disclosed, its specified time limitation, and the specific purpose for the disclosure. The school district shall not discriminate against any individual who does not provide written consent. E. All health records, notes, and other documents that reference a person's HIV/BBP status will be kept confidential. Access to these confidential records is limited to those named in written permission from the person or parent/guardian.

## Health Protections and Universal Precautions

V. Infection Control A. RSU #1 shall comply with applicable Maine Occupational Safety and Health Administration rules in order to protect employees who are reasonably anticipated to be exposed to bloodborne pathogens as part of their regular job duties. B. The superintendent or his/her

designee shall determine those employees (by job class and possibly by task or procedure) who are reasonably anticipated to have occupational exposure to blood or other potentially infectious materials as part of their duties. These employees will be protected in strict accordance with the provisions of the Bloodborne Pathogens Standards. C. The written Exposure Control Plan concerning bloodborne pathogens includes the use of universal precautions and will be maintained and followed per policy.

# Extra-Curricular Activities

## VI. Athletics

A. Participation in physical education classes, athletic programs, competitive sports, and recess is not conditioned on a person's HIV/BBP status. School authorities will make reasonable accommodations to allow students living with HIV/BBP infection to participate in school-sponsored physical activities.

### Cross References:

- GBJ Personnel Records
- JLCC Communicable Disease
- GBJAA Confidentiality in the Hiring Process
- JRA Student Education Records and Information
- JRA-E Annual Notice of Student Education Records and Information Rights
- GBGAA Bloodborne Pathogens Exposure Control policy
- JB Equal Educational Opportunities
- JICK Bullying
- Bloodborne Pathogens Exposure Control Plan

Legal References: 5 MRSA section 19201 et seq., Confidentiality of Information 29 U.S.C. section 794, 34 C.F.R. section 104.1 et seq., The Rehabilitation Act of 1973 (Section 504) 42 U.S.C. section 12101 et seq., American with Disabilities Act 20 U.S.C. section 1400 et seq., 34 C.F.R. section 300, Individuals with Disabilities Education Act 20 U.S.C. section 1232g The Family Education Rights and Privacy Act, 1974 (FERPA) 29 U.S.C. section 653, 655, and 657 Occupational Safety and Health Act of 1970 29 C.F.R section 1910.1030 Occupational Exposure to Bloodborne Pathogens Standard

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