

**STUDENT
GUIDELINES AND PROCEDURES CONCERNING HIV/AIDS**
(Human Immunodeficiency Virus)
(Acquired Immune Deficiency Syndrome)

I. Student Guidelines and Procedures

All children under 21 years of age have a statutory right to a free, suitable program of public education in accordance with RSA 193:1 and RSA 189:1-a.

All children diagnosed as having AIDS or with clinical evidence of infection with the AIDS-associated virus (HIV) and receiving medical attention are able to attend regular classes.

However:

1. Children diagnosed as having AIDS or with clinical evidence of infection with AIDS-associated virus (HIV), who are too ill to attend school, should have an appropriate alternative education plan.
2. Siblings of children diagnosed as having AIDS or with clinical evidence of infection with the AIDS-associated virus (HIV) may attend school without any restrictions.
3. If a child has cutaneous (skin) eruptions or weeping lesions that cannot be covered, he/she shall not attend school.
4. If the child exhibits inappropriate behavior which increases the likelihood of transmission or demonstrates irresponsible behavior which might pose a risk of transmission he/she should not be in school. The student shall be removed from school by the Superintendent of Schools. Such a decision will take into account the potential risks to the other students in that class and in that school, as well as the rights of the individual.
5. A child diagnosed as having AIDS or with clinical evidence of infection with the AIDS-associated virus (HIV) has a somewhat greater risk of acquiring infections in the school setting (and may be temporarily excluded from school for his/her own protection) when there is an outbreak of a threatening communicable disease such as chicken pox or measles, until the outbreak is no longer a threat to the child.

II. Confidentiality:

The school shall respect the right of privacy. A student's health condition is personal and confidential. Thus, special precautions should be taken to protect such information regarding a student's health condition in order to prevent instances of disclosure that may invade the personal privacy of the student. Only those (staff members) with a clear need to know should be informed of a student's health condition. Further disclosure on the part of the Superintendent of Schools, School Nurse or Principal to other personnel requires the specific, informed, written consent of the student or student's parent(s)/guardian(s). Staff with a direct need to know of student's health will be provided with information and training concerning precautions as may be necessary.

In addition, the student or the student's parent(s)/guardian(s) (with the student's permission, when appropriate) are the gatekeepers of information relating to the student's HIV status. They are not legally obligated to disclose this information to school personnel. In consultation with the student's personal attending physician, the student or student's parent(s)/guardian(s) may decide that certain school staff members (such as Superintendent of

Schools/School Nurse/School Principal) should be informed of the HIV status.

Disclosure to these individuals may be made directly by the student or student's parent(s)/guardian(s), with student's permission when appropriate. The student's personal attending physician may make this disclosure, but in this case only with specific, informed, written consent of the student or student's parents)/guardian(s).

Legal References:

RSA 189:1-a

RSA 193:1

American Disability Act of 1990 (ADA)

Section 504 of the Rehabilitation Act of 1973

Individuals with Disabilities Education Act (IDEA)

Civil Rights Act of 1991

Family Educational Rights and Privacy Act (FERPA)

LONDONDERRY SCHOOL BOARD

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