

Oneida Special Board of Education

Monitoring: Review: Annually, in February	Descriptor Term: Acquired Immune Deficiency Syndrome (AIDS)	Descriptor Code: 5.401	Issued Date:
		Rescinds: 5.401	Issued: 09/07/06

LIABILITY AND NON-DISCRIMINATION

An employee who is diagnosed with HIV infection or AIDS shall not be prevented from continuing his/her employment. Disciplinary action may not be taken against an employee solely on the basis of HIV infection or AIDS.

The Director of Schools shall make reasonable accommodation to enable the employee with HIV infection or AIDS to perform employment duties as may be required by state or federal law.¹

HIV/AIDS TESTING

A school official cannot require any employee to undergo an HIV antibody test or other HIV-related test. This does not preclude school officials from requiring an employee to undergo an examination when another communicable illness is suspected.²

CONFIDENTIALITY

If information is received regarding an employee's HIV status, the Director of Schools may consult with the school board attorney on the appropriate course of action to pursue, bearing in mind the school district's potential liability for defamation, employment discrimination, and breach of confidentiality requirements.³

Information about an employee's HIV status is not to be documented in the employee's personnel file and shall not be faxed.^{1,3}

Information obtained is confidential and may not be released to anyone except:³

1. Persons named on an Authorization for Release of Confidential HIV-Related Information Form;
2. Persons listed on a court order, and
3. Persons authorized to receive such information without a release or court order according to state law.

Under no circumstances shall information identifying an employee with AIDS be released to the public.

INFECTION CONTROL

To prevent and manage exposure in the workplace, all school district employees will receive in-service training and education annually regarding HIV/AIDS and OSHA's Blood-borne Pathogens Standard. The Board shall follow the most current Centers for Disease Control and Prevention (CDC) *Universal Precautions for Preventing Transmission of Blood-borne Infections*.¹

EDUCATION AND TRAINING

Annually, the Director of Schools shall ensure that all employees, including newly hired staff, receive current HIV training. These programs can utilize the educational/training resources of agencies or private institutions with personnel trained in the areas of HIV/AIDS prevention education.¹

The Director of Schools shall be responsible for developing, revising, and implementing the administrative procedures for this policy. The Director of Schools shall be responsible for enforcing this policy by communicating it to all personnel and by providing necessary instruction to all administrators.

Legal References

1. State Board of Education Policy 5.300
2. 29 CFR § 1630.13(b); TCA 49-2-203(b)(2); TCA 49-5-710(a)(7); TCA 49-5-404
3. TCA 68-10-113

Cross References

Section 504 and ADA Grievance Procedures 1.802
Promoting Student Welfare 6.400