

THE SCHOOL DISTRICT OF PHILADELPHIA

No. 203.1

SECTION: 200 Pupils

TITLE:

HIV Infection ADOPTED:

November 18, 1985

REVISED: December 14, 2017

203.1 HIV INFECTION & STUDENTS

Purpose

The School Reform Commission (SRC) is committed to providing a safe, healthy environment for its students and employees. The purpose of this policy shall be to safeguard the health and well-being of students while protecting the rights of the individual. In fulfillment of that commitment, the SRC has and shall continue to seek guidance from appropriate medical, educational, legal and government authorities.

This policy is based on current evidence that HIV infection is not normally transmissible by infected individuals within the school setting.

Definitions

HIV Infection/Diagnosis - refers to the disease caused by the HIV or human immunodeficiency virus. HIV is the virus that causes Acquired Immune Deficiency Syndrome (AIDS).

HIV Status - refers to a positive, negative or undetectable result in a lab test to detect HIV presence in the body.

HIV positive students - refers to individuals medically diagnosed as having HIV Infection.

Health condition - the noted level of wellness in a person as it relates to their physical state and ability to participate in their routine and expected daily activities.

Bodily fluid - a fluid or fluid secretion (such as blood, lymph, saliva, semen, rectal fluid, drainage from cuts, vomitus, respiratory secretions or urine) of the body.

Authority

This policy shall apply to all students in all programs conducted by the school district. Other provisions specific to HIV positive staff shall also be addressed in accordance with SRC Policy 314.1 HIV Infection.[12]

The SRC directs that the established SRC policies and administrative procedures governing attendance and school rules relative to illnesses and other diseases among students shall also apply to HIV positive students.[1][2]

The SRC shall not require routine HIV screening tests in the school setting, nor will such tests be a condition for school attendance, or to participate in any school district-sponsored programs.

Delegation of Responsibility

The Superintendent or designee shall be responsible for developing and releasing all procedures concerning HIV Infection and HIV positive students.

All district employees shall strive to maintain a respectful school climate and to prohibit physical or verbal harassment of any individual or group, including HIV positive (or perceived to be positive) students. The school district is committed to a policy of nondiscrimination based on actual or perceived HIV status.[3][4]

Building principals shall notify students, parents/guardians and employees about current SRC policies concerning HIV Infection and shall provide reasonable opportunities to discuss the policy and related concerns.

Mandatory Regulatory Procedures

Attendance

HIV positive students have the same right to attend school and receive services as other students and shall be subject to the same policies and administrative procedures. HIV status shall not factor into decisions concerning educational programs, privileges or participation in any school-sponsored activity.[3][5][6]

An infected student may be excused from school attendance if the parent/guardian seeks such excusal based on the advice of medical or psychological experts treating the student.

An infected student's placement shall be reassessed if there is a change in the student's need for accommodations or services.

Confidentiality

When any staff member becomes aware, by any means, that a student is or is rumored to be HIV positive, no discussions shall take place and no other person shall be contacted.

Every employee must treat as highly confidential any knowledge or speculation concerning the HIV status of a student. Violation of medical privacy shall be cause for disciplinary action, criminal prosecution, and/or personal liability for a civil suit. [7]

Infection Control

All employees shall be required to consistently follow infection control/universal precautions in all settings and at all times, including playgrounds and school buses. Employees shall notify the school nurse of all incidents of exposure to bodily fluids that presents a reasonable risk of transmitting an infection.

The school district shall maintain reasonably accessible equipment and supplies necessary for infection control.

Designated district employees may receive additional, specialized training appropriate to their positions and responsibilities.

Staff Development

The district shall provide opportunities for employees to participate in inservice education on HIV infection.

Designated district employees may receive additional, specialized training appropriate to their positions and responsibilities.

Prevention Education

The goals of HIV infection prevention education shall be to promote healthy living and discourage the behaviors that put people at risk of acquiring HIV Infection. Prevention education shall be taught for primary, intermediate, middle school and high school students. Educational materials and instruction shall be determined by the local school district and be appropriate to the age group being taught. The school district may omit instruction in the elementary grades on transmission of disease through sexual activity.[\[10\]](#)

Prior to HIV Infection instruction in the schools, the district shall publicize that curriculum outlines and materials used in the instruction shall be available for review.[\[10\]](#)[\[11\]](#)

A student shall be excused from HIV Infection education when the instruction conflicts with the religious beliefs or principles of the student or parents/guardians, upon the written request of the parents/guardians.[\[10\]](#)[\[11\]](#)

Legal References:

1. Pol. 203
2. Pol. 204
3. Pol. 103
4. Pol. 248
5. Pol. 103.1
6. 24 P.S. 1327
7. Pol. 317
8. 24 P.S. 1409

9. Pol. 216
10. 22 PA Code 4.29
11. 22 PA Code 4.4
12. Pol. 314.1

Related Information:

24 P.S. 1301
24 P.S. 1329
24 P.S. 1330
22 PA Code 11.25
55 PA Code 3270.138
35 P.S. 7601 et seq.
Pol. 105.1
Pol. 105.2
Pol. 117
Pol. 122
Pol. 123