

*POLICY FOR STUDENTS WITH HUMAN IMMUNODEFICIENCY VIRUS (HIV)*

Current research on HIV indicates that student with this infection do not pose a significant health risk to other students or employees in the school setting. As such, they should be allowed to attend and fully participate in school activities, unless otherwise directed by a competent health authority.

Nevada Revised Statutes, Chapter 441 A. 190 directs health authorities who become aware of the presence of HIV in any school to notify the superintendent of this fact and direct what action, if any, must be taken to prevent the spread of the disease. Likewise, any principal who becomes aware of the presence of HIV in a school in the district shall notify the superintendent. Upon receiving this information, the superintendent shall report the pertinent facts to the state health officer. The Nevada Revised Statutes require the state health officer to investigate whether HIV is present and direct what action, if any, must be taken to prevent the spread of the disease. Unless the state health officer otherwise directs, the student shall be allowed to stay in his or her current educational placement.

A parent, guardian, or person having custody of a child who has a communicable disease shall not knowingly permit the child to attend school or a child care facility if the board (referring to the state board of health), by regulation, has determined that the disease requires exclusion from school or a child care facility. (NRS 441 A. 190.3)

Students with HIV are protected by provisions of *Section 504 of the Rehabilitation Act of 1973* (29 U.S.C. Sees 706(8), 794, 794a, 794b). Under this federal statute, discrimination is prohibited and the school must make reasonable accommodations to allow these students to participate in academic and nonacademic programs with other students.

Unless otherwise directed by the state health officer, schools in the district shall afford such opportunities to affected students who are otherwise qualified to participate. Schools shall develop a written individualized plan to determine what supplementary aids and services are necessary, if any, to accommodate the student in academic and nonacademic settings.

The medical condition and other personal information regarding any student who is infected with HIV shall remain confidential and must not be disclosed to any person under any circumstances, except as provided in the Nevada Revised Statutes, Chapter 441 A. Such permissible disclosures include:

1. Statistical reports, provided that the identity of the person is not discernible from the information disclosed.
2. In a prosecution or injunction proceeding brought under state law.
3. In reporting the abuse or neglect of a child or elderly person.

4. To any person who has a medical need to know the information for his own protection or for the well-being of a patient or dependent person, as determined by the health authority in accordance with regulations of the state board of health.
5. Disclosure granted by the written consent of the parents or guardian or a minor child releasing confidential information.
6. Disclosure that is necessary for application or continued receipt of benefits from a government agency.
7. Disclosure to a fireman, police officer, or other person providing emergency medical services to the infected student [when the health authority has determined that the person has been exposed, in a manner likely to cause transmission of a communicable disease].

If directed by the state health officer, the superintendent shall remove the student from school if this becomes necessary to protect other students' or employees' health or safety or the health or safety of the infected students. If removed, the student shall be eligible for homebound instruction unless, in the opinion of the state health officer, this would present a danger to the homebound teacher. In such cases, the school shall consider other practical means of continuing the student's educational opportunity.