

**ADMINISTRATIVE POLICIES OF THE  
MILWAUKEE PUBLIC SCHOOLS**

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**ADMINISTRATIVE POLICY 6.09  
HUMAN IMMUNODEFICIENCY VIRUS (HIV) INFECTION**

**(1) GENERAL**

(a) Milwaukee Public Schools (MPS) shall strive to protect the health and safety of children and youth in our care, as well as that of their families, our employees, and the community. MPS shall cooperate with public health authorities to promote these goals.

(b) The evidence is overwhelming that the risk of transmitting Human Immunodeficiency Virus (HIV) is extremely low in school settings when current guidelines are followed. The presence of persons (students or adults) living with HIV infection or diagnosed with Acquired Immunodeficiency Syndrome (AIDS) poses no significant risk in school settings.

**(2) STUDENTS**

(a) A student with HIV infection has the same right to attend school, to receive services, and to participate in athletic activities as does any other student and shall be subject to the same rules and policies. HIV infection shall not factor into decisions concerning class assignments, privileges, or participation in all school-related activities or any other activities conducted on school property.

(b) School authorities shall determine the educational placement of students known to be infected with HIV on a case-by-case basis by following established policies and procedures for students with chronic health problems or students with disabilities when applicable. Decision makers must consult with the student's healthcare provider and parent or guardian, respect the student's and family's privacy rights, and reassess the placement if there is a change in the student's needs for accommodations or services.

(c) On an annual basis, school administrators shall notify all students, parents/legal guardians, and school personnel about current policy and procedures concerning HIV infection and shall provide convenient opportunities to discuss them.

(d) Information concerning the HIV policy and procedures shall be included in district communications to parents/guardians.

**(3) ADULTS**

(a) "Adult" means a teacher, administrator, food service employee, other school staff members, and other persons having school duties, whether compensated or uncompensated.

(b) Adults with HIV infection in all MPS settings shall not be restricted from their normal employment or duties by reason of HIV infection.

(c) Adults with HIV infection in all MPS settings are expected to continue to carry out their responsibilities and duties as long as they are willing and able to do so. They are expected to manage their own medical care. Should adults with HIV infection in any MPS setting choose to disclose their HIV status to MPS administration, such information shall be treated confidentially and may not be disclosed further or used as cause for dismissal or other prejudicial treatment.

(d) If MPS administration has concerns about safety, performance of jobs, or other duties related to adults with HIV infection, MPS administration may contact the Milwaukee Health Department Medical Director or the MPS Department of Human Resources Director for advice or formal consultation. No identifying information regarding the adult with HIV infection shall be disclosed.

**(4) CONFIDENTIALITY**

(a) Students, families, and employees are not required by law to disclose HIV infection status to anyone in the education system.

(b) Every MPS employee shall treat as highly confidential any information concerning the HIV status of a student. Violation of this confidentiality is cause for disciplinary action, criminal prosecution, and/or personal liability for a civil suit.

(c) No information regarding a student's HIV status shall be disclosed to any individual or organization without a court order or the informed, written, signed, and dated consent of the person 14 years of age or older, or the parent or legal guardian of a person under age 14 years. The written consent must specify the name of the recipient of the information and the purpose for the disclosure.

(d) All health records, including prescription authorization forms, notes of meetings, proceedings, telephone calls, copies of written consents, and all other documents that reference a student's HIV status, shall be kept separate from school education records in a folder in a secured, locked file in the principal's office.

(e) Any verbal communication about individual students with HIV infection must be restricted to persons who have consent from the student's parent/legal guardian or the student 14 years of age or older. The conversation must occur in a private area, away from other adults and students.

(f) Administration of medication to the student with HIV infection must ensure the confidentiality of the student's HIV diagnosis and status.

#### **(5) INFECTION CONTROL**

(a) The MPS Blood-Borne-Pathogen Plan is to be followed by all staff as a standard approach in every case of exposure to blood and body fluids (universal precautions).

(b) The principal shall arrange for review of the Blood-Borne Pathogen Plan on an annual basis with all school staff. The principal/MPS administrator shall be responsible for providing staff and classrooms, including playground, field trip, food service and gym personnel, with the necessary equipment for universal precautions (e.g., gloves, bags, or containers). The Milwaukee Health Department's public health nurses are available for consultation in implementing these procedures.

#### **(6) HIV AND ATHLETICS**

(a) The privilege of participating in physical education classes, athletic programs, competitive sports, and recess is not conditional on a person's HIV status. School authorities will make reasonable accommodations to allow students living with chronic conditions, including HIV infection, to participate in school-sponsored physical activities.

(b) All employees must consistently adhere to infection-control guidelines in locker rooms and all play and athletic settings. Rulebooks will reflect these guidelines. First-aid kits must be on hand at every athletic event.

(c) All physical education teachers and athletic program staff will be encouraged to complete an approved first-aid injury-prevention course that includes implementation of infection-control guidelines. Student orientation about safety on the playing field will include guidelines for avoiding HIV infection.

#### **(7) HIV PREVENTION EDUCATION**

(a) The goals of HIV prevention education are to promote healthful living and to discourage the behaviors that put people at risk of acquiring HIV. The educational program will:

1. be taught in kindergarten through grade twelve, build knowledge and skills, and be appropriate to students' developmental, behavioral, and cultural backgrounds;
2. be taught by individuals who are trained in and knowledgeable of the material, with adequate support;
3. use methods demonstrated by sound research to be effective;
4. be consistent with guidelines prepared by the Centers for Disease Control and Prevention (CDC);

5. stress the benefits of abstinence from sexual activity, alcohol, and other drug use;
6. include accurate information on reducing risk of HIV infection and on blood-borne pathogen education;
7. include means for evaluation;
8. address students' own concerns; and
9. involve parents and families as partners in education.

(b) Parents and guardians will have opportunities to preview all HIV-prevention curricula and materials. School staff members shall assist parents or guardians who ask for help in discussing HIV infection with their children. If a parent or guardian submits a written request to a principal that a child not receive instruction in specific HIV-prevention topics at school, and assures that the topics will be discussed at home or elsewhere, the child shall be excused without penalty.

(c) The education system will endeavor to collaborate with HIV-prevention efforts in the community that address out-of-school youth and youth in situations that put them at high risk of acquiring HIV.

#### **(8) RELATED SERVICES**

School administrators will maintain confidential linkage and referral mechanisms to facilitate voluntary student access to appropriate HIV counseling and testing programs and to other HIV-related services as needed. Public information about resources in the community will be kept available or posted in the main office or in the guidance office for voluntary student use.

#### **(9) STAFF DEVELOPMENT**

All school staff members will participate in annual Blood-borne pathogens/HIV education in-services, at their school sites, that will convey factual and current information; provide guidance on infection-control procedures; supply information about current law and state, district, and school policies concerning HIV; assess staff to maintain productive parent and community relations; and include annual review sessions.

#### **(10) POLICY REVIEW**

MPS Administration shall review this policy at least every three (3) years in consultation with the Milwaukee Health Department, the Wisconsin HIV Primary Care Support Network, and the MPS HIV Advisory Committee.

**History:** Adopted 3-27-91; modified 8-14-91; reaffirmed 3-29-95; revised 6-30-99, 6-23-05

**Previous Coding:** Admin. Policy GBEA, prior to May 1995; Admin. Policy 7.07, May 1995-August 1996

**Legal Ref.:** W.S. 146.025; Section 504 Rehabilitation Act; Title II of the Americans with Disabilities Act; Individuals with Disabilities Education Act (IDEA)

**Cross Ref.:** Admin. Proc. 6.09 Human Immunodeficiency Virus (HIV) Infection

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