

**ADMINISTRATIVE PROCEDURES OF THE  
MILWAUKEE PUBLIC SCHOOLS**

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

**(1) GENERAL**

(a) The Milwaukee Public Schools (MPS) will strive to protect the health and safety of children and youth in our care, as well as their families, our employees, and the community. MPS will 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) pose no significant risk in school settings.

**(2) STUDENTS**

(a) A student with HIV infection has the same right to attend school and receive services as any other student and will be subject to the same rules and policies. A student with HIV infection cannot be discriminated against because of his/her medical condition. HIV infection cannot factor into decisions regarding student class assignments, privileges, or participation in all school-related activities.

(b) If the student's parent/legal guardian, or the student 14 years of age or older, wishes to disclose the student's HIV infection to school personnel, that party may request a meeting, provide written consent for the meeting, and identify those persons allowed to be present. Such a meeting can be used to disclose the student's HIV infection to school personnel and to educate school staff members about issues related to HIV infection/transmission, psycho-social issues of families, and the issues of confidentiality pertinent to HIV infection.

(c) If the parent/legal guardian, primary care physician, school staff member, Milwaukee Health Department personnel, public health nurse, or the student (14 years of age or older) has reasonable cause to believe that the student's HIV infection is substantially limiting one or more major life activities (e.g., walking, seeing, hearing, speaking, breathing, learning, caring for self, performing manual tasks) and that the student needs specialized accommodations in order to participate in school activities, the student should be referred for an evaluation according to the school district procedures under Section 504 of the Rehabilitation Act and Title II of the Americans With Disabilities Act. The referral should be made to the school principal or designee (the school §504/ADA coordinator.) The school principal/designee must contact the MPS §504/ADA nurse for assistance with the evaluation process.

(d) If the parent/legal guardian, primary care physician, school staff member, Milwaukee Health Department personnel, public health nurse, or the student (14 years of age or older) has reasonable cause to believe that the student's HIV infection is significantly affecting school performance and that the student may need special education services in order to benefit from education, the student should be referred for an evaluation according to the school district procedures under the Individuals With Disabilities Education Act (IDEA). The referral should be made to the school's special education building coordinator. The building coordinator must contact a Special Services Nursing Supervisor for assistance with the evaluation process.

**(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 will 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 will 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 will be disclosed.

#### **(4) CONFIDENTIALITY**

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

(b) No information regarding a student's HIV status will be disclosed to any individual or organization without a court order or the informed, written, signed, and dated consent of the student's parent or legal guardian or the student 14 years of age or older.

1. The written consent must specify the name of the recipient of the information and the purpose for the disclosure.
2. HIV infection must be identified on the consent form, or any consent provided by the parent/legal guardian or the student 14 years of age or older is not valid.
3. The consent form itself is a confidential document and must be treated in the same manner as any confidential document.
4. The written consent is valid for one (1) year and must be renewed annually to continue sharing information.

(c) If an MPS staff member is told by a parent or legal guardian or student about a student's HIV infection, that staff member must obtain a signed, written consent from the parent or legal guardian or the student, if 14 years of age or older, before the staff member can disclose the student's HIV infection to anyone, including another staff member. The parent or legal guardian, or the student if 14 years of age or older, must sign a separate consent form for each person to be informed about the student's HIV infection.

(d) Violation of this confidentiality is cause for disciplinary action, criminal prosecution and/or personal liability for a civil suit.

(e) 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 infection status, will be kept separate from school education records in a folder in a secured, locked file in the principal's office.

1. Any MPS or school report with the student's HIV infection diagnosis and status, including Multi-disciplinary Team (M-Team) reports and Individual Education Plans (IEP), will be kept with the health records separate from education records in a secured, locked file in the principal's office.
2. Access to these confidential records is to be supervised by the principal and is to be limited to those named in written consent from the parent/legal guardian or the student 14 years of age or older.
  - a. The names of these authorized persons will be listed by the principal on the outside of the record folder, along with the expiration date for the respective consent.
  - b. Written permission for someone to access these confidential records should specify the person's name, not position, so that a later person in the same position does not automatically have access. The principal is to ensure that only those with permission have access to the files.

- c. All MPS staff keeping personal notes must keep them separate from education records and in a secured, locked file in the principal's office. When writing personal notes, staff should not write or indicate HIV infection on any document with a student's name.
  - d. Persons who have not been authorized to know about a student's HIV infection should not be given records which reveal such status for duplicating or filing.
- (f) 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.
- (g) Administration of medication to the student with HIV infection must ensure the confidentiality of the student's HIV infection diagnosis and status.
- 1. Medications must be stored in such a manner that will preserve the student's confidentiality:
    - a. The cabinet or drawer in which medications are stored must have a door/drawer that does not allow the contents to be viewed by passersby.
    - b. The medication cabinet/drawer must be kept locked.
    - c. Only the principal and the medication administrative persons are authorized to have access to the key.
  - 2. Administration of medication must be done in such a way as to preserve the student's confidentiality. This means that the child must be given medications in a location where other individuals cannot see the medication the child is taking.
  - 3. Medication bottles or packages that are empty must have their labels removed and shredded before discarding the bottle or package so that no one is able to identify the student with HIV infection.

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

## (6) POLICY REVIEW

This policy will be reviewed by MPS administration at least every three (3) years in consultation with the Milwaukee Health Department and the HIV Care Program of Children's Hospital of Wisconsin, Inc.

**History:** Adopted 6-30-99

**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. Policy 6.09 Human Immunodeficiency Virus (HIV) Infection

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