

Superintendent's Regulation 0150-R

HIV-Related Illness


Approved Upon Superintendent's Initials

6/24/26
Date

I. Purpose

This regulation establishes the District's commitment to protecting the rights, privacy, and educational and employment opportunities of students and staff with HIV-related illness, in accordance with state and federal law. The District recognizes that the HIV virus is not transmitted by casual social contact in the open school setting.

II. Definitions

- **HIV-related illness:** Any clinical illness resulting from or associated with HIV infection, including AIDS.
- **Protected individual:** A person who is the subject of an HIV-related test or has been diagnosed with HIV-related illness.
- **Capacity to consent:** The ability, determined without regard to age, to understand and appreciate the nature and consequences of a proposed health care service, treatment, or procedure, and to make an informed decision.

III. Privacy and Confidentiality

- **Voluntary Disclosure:** No pupil or staff member is required to disclose their HIV infection status to anyone in the education system.
- **Testing:** HIV antibody testing is not required for any enrollment or employment purpose. Written informed consent must be obtained before any student testing occurs.
- **Duty of Confidentiality:** Every employee must treat as highly confidential any knowledge or speculation concerning the HIV status of a student or staff member. Disclosure to school personnel requires a specific release or court order.
- **Recordkeeping:** All health records, notes, and other documents referencing a person's HIV status must be kept under lock and key. Access is limited to those with written permission or emergency medical personnel.
- **Permanent Records:** Information regarding HIV status will not be added to a student's permanent educational or health record without explicit written consent.
- **Release of Information:** No information regarding HIV status will be divulged without a court order or the informed, written, signed, and dated consent of the

person (or parent/guardian of a minor). The consent must specify the recipient and the purpose for disclosure.

IV. Non-Discrimination and Access

- **For Students:** No student shall be denied the opportunity to attend school, continue their education, or participate in school-related activities solely due to HIV/AIDS status. If a student cannot participate fully due to medical status, the District will provide an appropriate educational placement as integrated with regular programs as possible.
- **For Staff:** No employee shall be prevented from continuing employment or subjected to adverse action solely due to HIV status. Employees are entitled to reasonable accommodations and all rights, privileges, and services accorded to other employees.
- **Adverse Action:** Disciplinary or adverse action against staff will only be taken where, even with the provision of reasonable accommodations, the individual is unable to perform their duties.

V. Procedures

- **Handling Unauthorized Information:** If HIV-related information is received without authorization, the Superintendent or building administrator shall meet with the parent or student to discuss concerns and educational alternatives, such as homebound instruction.
- **Committee on Special Education (CSE):** The CSE will review medical information on a case-by-case basis to determine appropriate educational placement, considering physical condition and transmission risks. The school physician must attend all CSE meetings regarding students suspected or diagnosed with HIV-related illness.
- **Imminent Danger:** If a student is reasonably believed to pose a clear and imminent danger to others, the Superintendent may seek an Authorization Form or a court order for disclosure pursuant to Public Health Law §2785.

VI. Health, Safety, and Training

- **Safety Training:** All employees shall have access to the District's exposure control plan as required by OSHA. Training in universal precautions and infection control shall be provided to every employee with potential occupational exposure.
- **Sanitary Procedures:** The Superintendent shall implement hygiene procedures for dealing with all spills of blood and body fluids.
- **Contagious Disease Notification:** In the event of a communicable disease (e.g., measles or chicken pox) in the school, the Superintendent or nurse may inform an infected individual of the risk. Any temporary decisions in these cases should be made by the individual's physician and parent in consultation with the District.

VII. Compliance and Penalties

- **Legal Compliance:** This regulation complies with Public Health Law Article 27-F, FERPA, the Americans with Disabilities Act, and the Rehabilitation Act.
- **Penalties:** Persons who disclose confidential HIV information to unauthorized parties may be subject to a \$5,000 civil penalty and criminal misdemeanor charges. Violation of medical privacy may also result in District disciplinary action and personal liability for a civil suit.

Note: Adopted June 27, 2014, Amended Regulation and Number Changed June, 24, 2026,
In accordance with Regulation 5191-R (now superseded by Regulation 0150-R)