

Wilson County Board of Education

Policy Description:

Acquired Immune Deficiency Syndrome (AIDS)

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Policy Number:

5.401

Amended Date:

06/04/07

Rescinds: AIDS

Guidelines

Issued: 08/96

1 The Board has the responsibility to ensure that school system employees are in a state of physical condition
2 which will not endanger their personal health or the health of others. Concerns regarding health matters shall be
3 approached within the boundaries of confidentiality.

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5 The director of schools shall be responsible for developing, revising and implementing the administrative
6 guidelines and procedures for this policy. The director of schools shall be responsible for enforcing this policy
7 by communicating it to all personnel and by providing necessary instruction to all administrators.¹

9 HIV/AIDS TESTING

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11 No school official can require any employee to undergo an HIV antibody test or other HIV related test. This
12 does not preclude school officials from requiring an employee to undergo an examination when another
13 communicable illness is suspected.

15 LIABILITY AND NON-DISCRIMINATION

16
17 No employee who is diagnosed with HIV infection or AIDS shall be prevented from continuing his/her
18 employment. No disciplinary action may be taken against an employee solely on the basis of HIV infection or
19 AIDS. Action may be taken against an employee only if s/he is disabled and the disability interferes with his/her
20 ability to perform the activities involved in employment duties. The Board shall make reasonable
21 accommodation to enable the employee to perform employment duties as may be required by state² or federal³
22 law.

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¹ State Board of Education Plan for Addressing AIDS in Tennessee Public Schools, March 1995;
TRR/MS 0502-1-3-.08(2)(g)

² TCA 68-10-113

³ 20 USC 1232(g); 29 CFR § 1630.13(b)

1 **CONFIDENTIALITY**

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3 If information is received regarding an employee's HIV status, the director of schools may consult with the school
4 board attorney on the appropriate course of action to pursue, bearing in mind the school system's potential
5 liability for defamation, employment discrimination and breach of confidentiality requirements.

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7 Information obtained is confidential and may not be released to anyone except:¹

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9 1. Persons named on an Authorization for Release of Confidential HIV Related Information Form;
10 2. Persons listed on a court order;
11 3. Persons authorized to receive such information without a release or court order according to TCA 68-
12 10-113.

13
14 **Under no circumstances shall information identifying an employee with AIDS be released to the public.**

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16 **EDUCATION AND UNIVERSAL PRECAUTIONS**

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18 To prevent and manage exposure in the work place, all school system employees will receive in service training
19 and education annually regarding HIV/AIDS and OSHA's Blood Borne Pathogens Standard. The Board shall
20 follow the most current Centers for Disease Control and Prevention (CDC) Universal Precautions for Prevention
21 of Transmission of Human Immunodeficiency Virus, Hepatitis B Virus, and other Blood Borne Pathogens in
22 Health Care Settings.²

23
24 **COMMUNICATIONS AND PUBLIC RELATIONS**

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26 Annually, the Board shall designate an individual who will be responsible for coordinating educational/training
27 programs for all personnel, parents and board members. These programs can utilize the educational/training
28 resources of agencies or private institutions with personnel trained in the areas of HIV/AIDS prevention
29 education.

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¹ TCA 68-10-113

² State Board of Education Policy No. 5.300, HIV/AIDS Policy for Employees and Students of
Tennessee Public Schools Revised, August 18, 2005