

# Dyer County Board of Education

Descriptor Term:

**Acquired Immune Deficiency  
Syndrome (AIDS)**

Descriptor Code:

**GBRAA**

Rescinds:

Board Approved:

**8/20/96**

Board Approved:

1 The Board has the responsibility to ensure that each school system employee is in a state of physical  
2 condition which will not endanger their personal health or pose a significant risk to the health or safety  
3 of others that cannot be eliminated by reasonable accommodation. Concerns regarding health matters  
4 shall be approached within the boundaries of confidentiality.  
5

6 The director of schools shall be responsible for developing, revising and implementing the administrative  
7 guidelines and procedures for this policy. The Director of schools shall be responsible for enforcing this  
8 policy by communicating it to all personnel and by providing necessary instruction to all administrators.<sup>1</sup>  
9 The Director of schools may delegate this responsibility to other staff.  
10

11 When it becomes known to the local education agency that an employee has tested positive for HIV or  
12 has been diagnosed with ARC or AIDS, an evaluation team, on a case-by-case basis, will be convened  
13 as soon as is reasonably practical to determine employment status. This team will consist of the director  
14 of schools or his/her designee, the chairman of the Board (or designee), a public health official, a  
15 representative of the State Department of Education, the employee, and the employee's physician (if  
16 requested by the employee). The employee's attorney may be present upon request from the employee,  
17 provided the LEA is given a 24-hour notice in order that the LEA's attorney may be present.  
18

19 The team will review the employee's medical records to determine if, by reason of the disease, the  
20 employee is medically capable of performing his responsibilities or if he constitutes a direct threat to the  
21 health and safety of others.  
22

## 23 **HIV/AIDS TESTING**

24  
25 No school official can require any employee to undergo an HIV antibody test or other HIV-related test.  
26 This does not preclude school officials from requiring an employee to undergo a physical examination  
27 when another communicable illness is suspected or other permissible physical examinations or test.  
28

## 29 **LIABILITY AND NON-DISCRIMINATION**

30  
31 No employee who is diagnosed with HIV infection or AIDS shall be prevented from continuing his/her  
32 employment on the basis of HIV infection or AIDS. Discrimination against such persons on the basis of  
33 disability is prohibited. The Board shall make reasonable accommodation where necessary to allow the  
34 employee to perform his/her essential job duties. Decisions on participation in activities which may be  
35 medically hazardous to persons with AIDS will be made on a case-by-case basis by the evaluation team  
36 which was used to determine the employment status of the LEA employee.  
37  
38  
39  
40  
41  
42  
43

## CONFIDENTIALITY

If information is received regarding an employee's HIV status, the Director of schools may consult with the school board attorney on the appropriate course of action to pursue, bearing in mind the school system's responsibilities and potential liability under federal and state law.

Information obtained is confidential and may not be released to anyone except:<sup>2</sup>

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

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

## EDUCATION AND UNIVERSAL PRECAUTIONS

To prevent and manage exposure in the workplace, all school system employees will receive in-service training and education annually regarding HIV/AIDS and OSHA's Bloodborne Pathogens Standard and shall follow all applicable safety guidelines. All employees will have surgical gloves made available to them and training information in order to safely deal with an accident that might expose themselves or others to infected body fluids. All training may include parents, Board members and students.

## COMMUNICATIONS AND PUBLIC RELATIONS

The Board shall designate an individual who will be responsible for coordinating educational/training programs for all personnel, parents and Board members. These programs can utilize the educational/training resources of agencies or private institutions with personnel trained in the areas of HIV/AIDS prevention education. This individual will also be responsible for keeping the public informed of the training of personnel on AIDS for public meetings on AIDS education and for precautions being implemented in the schools. This person will also make civic organizations aware of local person available to conduct AIDS education meetings. Under no circumstances shall information identifying an employee or student with AIDS be released to the public

---

### Legal References:

1. State Board of Education Plan for Addressing AIDS in Tennessee Public Schools, March 1995.
2. TCA 68-10-113.