Student Infected with AIDS, HIV, or ARC

Students Infected with HIV, AIDS or ARC—

In the school setting, no person shall be discriminated against, or denied activities or associations, based solely upon a diagnosis of HIV infection.

Most students with AIDS can attend school in the regular classroom without restrictions. If a parent or school official believes that a child with AIDS needs related services or placement outside the regular classroom, Section 504 requires an evaluation and placement process to determine the appropriate educational setting for a child with AIDS. However, a full educational evaluation is not required when neither the school officials nor parents believe that a child is in need of special education or related services.

A student with AIDS has a right to confidentiality under FERPA and Section 504. However, such confidentiality would not affect state and local public health rules regarding the duty of school to report specified diseases to public health departments. However, when reporting any cases of AIDS to public health authorities, schools should convey such information in the same way that information about other diseases is treated.

The Occupational Safety and Health Administration (OSHA) has issued regulations whose purpose is to reduce or eliminate the possibility of an employee or students contracting any of a series of diseases that are spread through blood contact contained in 29 CFR Part 1910. All school employees should be following OSHA blood-borne pathogen standards when dealing with body fluids.