Students with HIV/AIDS

Although the human immunodeficiency virus (HIV) infection is a communicable disease, it is not transmitted casually. Therefore it is not in itself a reason to remove a student from school.

Decisions about the proper educational placement of a student with HIV infection shall be based on, among other things, the student's behavior, neurological development and physical condition. A regular evaluation of the placement decision shall be conducted to assess changes in the student's physical condition.

In the event a student with HIV infection qualifies for services as a child with disabilities under state and federal law, the procedures for determining the appropriate educational placement in the least restrictive environment shall be used in lieu of this policy. Procedures shall be developed to ensure confidentiality during the staffing process and in delivery of services to the disabled child.

Neither this policy nor the placement of a student in any particular program shall preclude the administration from taking any temporary actions including removal of a student from the classroom as deemed necessary to protect the health, safety and welfare of the student and others because the student is posing an unacceptable risk of transmission of a disease.

In all proceedings related to this policy, the district shall respect the student's right to privacy. The superintendent shall initiate procedures to ensure that all medical information will be held in strict confidence. Any school staff member who violates confidentiality shall be subject to appropriate disciplinary measures.

Adopted: 1-21-98
Revised: 11-15-07

LEGAL REFS.: 20 U.S.C. §1401 et seq. (Individuals with Disabilities Education Improvement Act of 2004)
29 U.S.C. §794 (1983) (Section 504 of the Rehabilitation Act)
42 U.S.C. §12101 et seq. (Americans with Disabilities Act)
C.R.S. 22-20-101 through 22-20-114 (Exceptional Children's Educational Act)
C.R.S. 22-33-104 (2)(a) *(compulsory attendance law – absence due to illness)*
C.R.S. 22-33-106 (2) *(grounds for expulsion)*

CROSS REFS.: ACE, Nondiscrimination on the Basis of Handicap/Disability
EBBA, Prevention of Disease/Infection Transmission
IHBA, Special Education Programs for Students with Disabilities
JB, Equal Educational Opportunities
JF, Student Admissions to/Withdrawal from School
JHD, Exclusions and Exemptions from School Attendance
JLCA, Physical Examinations of Students
JRA/JRC, Student Records/Release of Information on Students