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**School Committee Policy:**

**#570**

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## **Students with HIV Infection**

A child who has AIDS or is infected with HIV, the virus that causes AIDS, and their family have certain rights under the law. Also, the Massachusetts Department of Education and Massachusetts Department of Public Health have a written policy that informs schools how they should act in order to protect those rights. The following is a summary of that policy:

1. **Every school-age child has the right to a public education.**  
A child, whether sick or not, has the same right to go to school, attend classes and participate in school activities and programs as any other student. Some children with AIDS or HIV infection have special needs. A child has the right to a public education that deals with these special needs.
2. **A child and their family have the right to keep their medical condition private.**  
Since HIV cannot be caught by everyday contact with a person who has it, families are not required to tell anyone at the school if their child has AIDS or HIV infection. Parents/guardians may, however, choose to tell certain people at the school so that they may offer better care and education for their child. For example, a parent might want the school nurse to know about their child's health, because the child may take medications or need other special care. Or a parent might want to tell their child's teacher. It is the family's decision who to tell and when.

The School Committee does recommend that, in the best interest of the child and the schools, a family with a child who has AIDS/HIV should notify the child's teacher, school nurse and principal.

3. If an individual at school tells other people about their child's condition without the parents' permission, they have the right to sue the individual for violating their child's privacy.
4. A parent may give people at school permission to tell certain other people that their child has AIDS or HIV infection by saying so in writing.

If a parent gives their permission in writing, it would be difficult to make a mistake about who they wanted to know about their child's health. It is in the schools' interest to have a

form that the parent signs telling them who these people are in detail. They may provide the form to sign, or the parent may want to write their own. People who work at the Department of Education and the Department of Public Health can help you with this.

**DEPARTMENT OF EDUCATION**

AIDS/HIV Program

(781)388-6324

**DEPARTMENT OF PUBLIC HEALTH**

MassCare Program

(617)624-5070 or 1 800 882-1435

In-service education of appropriate school personnel should ensure that proper medical and current information about AIDS/HIV is available.

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