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August 31, 1999

**MEMORANDUM**

**TO:** Superintendents of Local and Intermediate School Districts  
and Public School Academy Administrators

**FROM:** Patricia Nichols, Deputy Director  
Curriculum Development and School Health Programs

**SUBJECT:** Revision of Communicable Disease Control Policies

School districts throughout Michigan have requested assistance in revising their policies and procedures regarding communicable diseases and blood-borne pathogens. The purpose of this memo is to provide you with suggestions to assist in that process. Up-to-date policies related to HIV/AIDS will help to create a safe, supportive, and inclusionary environment in which all students can learn.

This following suggestions were developed by staff in the Department of Education based on recommendations from the *Model Communicable Disease Control Policy, Revised* (Michigan State Board of Education, 1991), the *Model Exposure Control Plan for Schools for Compliance with OSHA & MIOSHA Standard for Bloodborne Pathogens* (Michigan Department of Education, 1994), and *Someone at School Has AIDS* (National Association of State Board of Education, 1996). These suggestions have been reviewed by staff from the Department's Special Education and Early Intervention Division, the HIV/AIDS-STD Division of the Michigan Department of Community Health, and representatives from the medical and legal community.

Suggestions for your policy include:

- the right of the HIV positive student to remain in the school setting unless s/he has a secondary communicable disease condition, as verified by a physician, that poses a significant health or safety risk to others.
- the right of the HIV positive student to participate in all school activities, including sports, if he or she is otherwise qualified.
- a process for arriving at *reasonable accommodation* within the school environment and/or providing special education services if the HIV positive student's condition warrants changes in educational services.
- a process for staff to notify the superintendent or designated district official if a student's status as HIV-positive is identified.

Revision of Communicable Disease Control Policies

- an assurance that information regarding the student's HIV status will remain confidential unless there is parental permission to share this information and an *educational need to know* by school staff.<sup>1</sup> (Please see excerpts from FERPA in Appendix A.)
- a process for ensuring that a student's status as HIV-positive is kept confidential by protecting it from deliberate, inadvertent, or implicit disclosure, whether in written, oral or other form.
- clear district procedures and consequences for handling breaches of confidentiality related to a student's HIV status.
- a plan for communicating about the communicable disease policy and procedures to all staff, parents, and appropriate medical personnel in the community.
- an exposure control plan for Bloodborne Pathogens consistent with current MIOSHA rules and regulations (see Appendix B) that is shared with all staff including support staff, volunteers, and intermittent employees. The plan must be distributed and implemented regardless of existence of an HIV positive student or employee in the school district.
- a provision for HIV/STD prevention education for students offered, at a minimum, once at the elementary, middle, and senior high schools level consistent with Section 1169 of the Michigan School Code.
- provisions for staff training and updating of new and existing staff.
- provisions for systematic periodic review of the policy and its implementation.

We hope this provides guidance as you work with your staff, parents, and representatives from the medical and legal community to review and revise your policies and procedures regarding communicable diseases and bloodborne pathogens. If you have questions or need additional information, please contact the School Health Programs Unit at (517) 373-7247.

Attachments:

- *Schools, Federal Law, and HIV/AIDS* (National Association of State Boards of Education, 1997)
- *Model Exposure Control Plan for Schools for Compliance with OSHA & MIOSHA Standard for Bloodborne Pathogens* (Michigan Department of Education, 1994)
- *School HIV Policies...Are Yours Current? Highlights from Someone at School Has AIDS: A Complete Guide to Education Policies Concerning HIV Infection* (National Association of State Boards of Education and National School Boards Association)
- *Michigan School Code Regarding HIV Education and Michigan School Aid Act Regarding Parent Notification* (from The Revised School Code, 1996)

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<sup>2</sup>It is the school's responsibility to clearly define and communicate to all staff the *legitimate educational interest* for disclosing a student's HIV positive status to another staff member.