		<b>Commission scolaire English-Montréal</b> <b>English Montreal School Board</b>
<b>POLICY:</b>	<b>ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)</b>	<b>CODE: SS-4</b>
<b>Origin:</b>	Student Services	
<b>Authority:</b>	Resolution #88-06-22-7.1	
<b>Reference(s):</b>		

## GENERAL

1. AIDS (Acquired Immune Deficiency Syndrome) is the most severe form of disease which can result from being infected with HIV (Human Immunodeficiency Virus). It is a grave threat to the immune system, thus allowing the development of a range of serious illnesses, including cancers and opportunistic infections.
2. Of those people who have tested positive for HIV, studies show that it may take years before these people develop a full-blown case of AIDS.
3. There is no evidence that the virus can be spread through normal every-day contacts which occur in family, social, educational or employment situations.
4. HIV is carried in bodily fluids, particularly the blood and semen, of infected persons. The virus can be transmitted when these body fluids pass from an infected person into the body of another person, especially when these fluids come into direct contact with the other person's bloodstream.
5. The only clearly documented methods by which the virus may be transmitted are the following:
  - a. inoculations of persons with the virus through:
    - i. transfusion of HIV-infected blood or blood products or the transplantation of HIV-infected tissues or organs;
    - ii. the use of improperly cleansed injection equipment contaminated with HIV-infected blood; or
    - iii. accidental percutaneous or parenteral injuries suffered when providing health care to an HIV-infected person;

- b. sexual intercourse with an HIV-infected person;
  - c. birth to an HIV-infected mother, or possibly by breast-feeding from an HIV-infected woman.
6. Tests to prove the existence of HIV in the body are limited as to the extent and quality of information they may provide.
  7. The provincial government of Quebec has adopted the position that persons infected with HIV, whether or not they have developed any HIV-related disease including AIDS, are entitled to access to educational institutions and to full participation in their usual educational activities provided they are medically fit to do so and pose no unreasonable risk to others (*Directive du Ministère de l'Éducation* of September 25, 1985).

## **OBJECTIVES**

The main objectives of the AIDS policy shall be the following:

1. to identify the basic principles which must guide Board employees and students and their parents with respect to HIV-infected persons in the school community;
2. to affirm the Board's obligation to assist employees, volunteers, students and parents, through education, in prevention of the spread of HIV;
3. to advise Board employees, volunteers, students and parents of the policies and procedures the Board shall follow when the health status or behaviour of a student or employee, whether or not infected with HIV, poses an unreasonable risk to self or others within the school community;
4. to implement the 'least restrictive, least invasive, reasonably available, likely-to-be effective' policies and procedures which can be utilized to protect both persons infected with HIV and persons uninfected by the virus, from unreasonable risks within the school community.

## **GUIDING PRINCIPLES**


1. All students and employees of the Board shall be entitled to respect for their rights and to the equal protection and benefits of the law and, within the limits established by the law, in particular have the right to:
  - a. respect for their personal autonomy;
  - b. privacy and confidentiality of personal information including their health status;
  - c. freedom from wrongful discrimination;
  - d. free and public education, including full participation in all educational activities, if students, or continued and normal employment, if employees.
2. The Board shall not oblige a student or employee to submit to the HIV antibody test as a condition of maintaining normal status within the Board's schools.
3. No student or employee shall be denied any of the rights mentioned in section 1 only because:
  - a. this individual is infected with HIV or has developed an HIV-related disease; or
  - b. a member of this individual's family is infected with HIV or has developed an HIV-related disease.
4. The identity of a student or employee infected with HIV or suffering from any HIV-related disease is strictly confidential and shall not be disclosed by the Board or any Board employee who learns of such person's identity to any other person without the prior informed consent of the HIV-infected person, except where otherwise required or authorized by law.
5. It shall be recommended that a student, and parent or guardian on the student's behalf, or an employee, who suspects or learns that he/she is infected with HIV, obtain professional advice as to:
  - a. the state of the individual's health;
  - b. the degree of risk which the condition poses both to self and others;
  - c. whether normal educational or employment activities should be continued.

6. The Director General or his delegate shall be the spokesperson to whom all inquiries concerning this policy and its implementation shall be addressed, and shall be responsible for all communications concerning the policy.
7. This policy shall be reviewed by the Board at least annually and shall be revised to accurately reflect new medical information regarding HIV infection and its transmission.

## **EDUCATION**

Information on HIV and HIV-related diseases, including AIDS and the prevention of HIV transmission, shall be provided as part of the Board's education programs.

1. Appropriate education on HIV, including instruction on the nature of HIV, the transmission of the virus and measures to prevent transmission of the virus, shall be included in the school curriculum.
2. All personnel, both employees and volunteers, shall be instructed on the nature, transmission and measures to prevent transmission of HIV.

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<b>PROCEDURE:</b>	<b>ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)</b>	<b>CODE: SS-4.P</b>
<b>Origin:</b>	Student Services	
<b>Reference(s):</b>		

## PURPOSE

To provide safety procedures for the handling of blood and body fluids by Board personnel, regardless of the HIV infection, and to provide guidelines for the education of students and employees who have contacted the HIV virus.

## SAFETY PROCEDURES AND FIRST AID

A broad range of infections can be present in blood or body fluids. Therefore all schools, regardless of whether a person infected with HIV is present in its population, shall adopt the following routine procedures, recommended by the National Advisory Committee on AIDS, for the handling of blood or body fluids:

1. Disinfection of soiled objects and surfaces: objects or surfaces which are visibly soiled with blood/body fluids (e.g. mucus, urine, stool, vomit) of any persons, regardless of HIV infection, should be wiped clean with soap and water, then disinfected with bleach solution. A freshly prepared 1:10 dilution of household bleach in water is recommended as the disinfectant. The person doing the cleaning should wear disposable gloves to avoid exposure of open sores and/or broken mucous membranes to blood/body fluids. Disposable materials such as paper towels should be used. If a mop is used, it should be rinsed in disinfectant before being used again.
2. Clothing and linens visibly soiled with blood/body fluids should be rinsed in cold water and then machine-washed in hot water and ordinary household laundry detergent. Disposable gloves should be worn by the person rinsing the clothes. All disposable articles soiled with blood/body fluids should be placed in a plastic bag, closed with a twist tie, and then placed in a regular garbage container.

3. **Administering First Aid:** Preliminary first aid should be provided for persons in the school community requiring it. As soon as possible thereafter, all blood/body fluids should be washed off in hot soapy water. It should be emphasized that careful hand-washing is an effective and reliable precaution. Disposable gloves should be worn, if possible, to avoid exposure of open sores and/or broken mucous membranes. If blood/body fluids do come into contact with an open sore, it should be washed promptly.

## **PROTECTION OF STUDENTS AND PERSONNEL**

In order to protect those whose immune system has been compromised by HIV infection, in the event of an outbreak of any other infectious disease in a school, the principal shall promptly notify all students and employees of the outbreak of infection and of its nature.

## **EDUCATION FOR STUDENTS**

### **Limited Exclusion**

1. Given the right of all students to a free and public education including full participation in all educational activities, a principal, when appropriate, after consulting in strict confidence the Director of Student Services, the school nurse and/or Director of Community Health, may exclude from school on the basis of risk of transmitting HIV, a student who poses a demonstrable risk of transmitting HIV to other students and/or employees, when no measures less harmful to the student than exclusion are available to control this risk.
2. In determining whether a student poses a demonstrable risk of transmitting HIV to others for the purposes of section 1, regard shall be had to such factors as the student's physical, psychological and neurological condition and the student's behaviour, including whether the student has a documented history of biting or unusually violent behaviour likely to result in the transfer of body fluids or, while at school, engages in sexual or drug-abusing behaviour that creates a demonstrable risk of transmission of HIV.
3. Decisions regarding the eligibility of a student to resume normal educational activities shall be made by the Director of Student Services after consultation with the student, the student's parents, the principal, and, with the consent of the student and/or the student's parents or guardians, where appropriate, the student's physician and/or teachers.

4. In determining whether a student excluded under section 1 should be eligible to resume normal educational activities, account shall be taken of avoidance of harm to the student and of the best interests of the student. This assessment should take into account such factors as the student's physical and psychological condition, neurological development, behaviour, and psycho-social benefits of permitting the student to remain in a normal educational setting, bearing in mind that any harm that may be caused by a decision to remove the student from the normal educational setting must be clearly outweighed by avoidance of serious harm to others, which harm cannot be avoided in a way less harmful to the student.

## **ALTERNATIVE EDUCATION**

1. Where it is determined that a student excluded under section 1 of *Limited Exclusion* should not engage in normal educational activities, alternative education in the least restrictive and as close as reasonably possible to a normal educational setting shall be provided by the Board.
2. Alternative instruction programs offered to students may include a variety of options ranging from special instruction within the school setting to home tutoring.
3. Decisions regarding alternative instruction shall be made on a case-by-case basis, taking into account the factors mentioned in section 4 of *Limited Exclusion*, and in consultation with the student, the student's parents, the Director of Student Services and, with the consent of the student and/or student's parents or guardians, and where appropriate, the student's physician, the principal and any employee whose services shall be required.
4. Alternative instruction for a student who poses a demonstrable risk of transmission of HIV to persons providing alternative instruction shall be provided by employees who agree to provide their services.
5. The appropriateness of the alternative instruction being provided to a student shall be reviewed at least bi-annually.

## **EMPLOYMENT FOR EMPLOYEES**

### **Limited Exclusion**

1. Given the right of all employees to continued and normal employment, the Director General or his delegate may only suspend any employee on the basis of risk of transmission of HIV, when the individual poses a demonstrable risk of transmitting HIV to other employees and/or students, and no measures less harmful to the employee than suspension are available to control this risk.

2. In determining, for the purposes of section 1, whether an employee poses a demonstrable risk of transmitting HIV to others in the school population, regard shall be had to such factors as the employee's physical, psychological and neurological condition and to the employee's behaviour that creates a demonstrable risk of transmission of HIV.
3. In making the determination as to whether an employee suspended under section 1 should continue with regular employment, account shall be taken of avoidance of harm to the employee and of the best interests of the employee. This assessment should take into account such factors as the employee's physical, psychological and neurological condition and the psycho-social benefits of permitting the employee to remain in normal employment, bearing in mind that any harm that may be caused by a decision to remove an employee from normal employment must be clearly outweighed by avoidance of serious harm to others, which harm to others cannot be avoided in a way less detrimental to the employee.
4. Suspension of an employee under section 1 shall in no other way curtail that individual's rights under the contract of employment or collective agreement.

## **ALTERNATIVE EMPLOYMENT**

1. Where it is determined that an employee infected with HIV should not continue normal employment, the following shall apply:
  - a. where reassignment is possible, alternative employment and, if possible, a range of alternative employment opportunities shall be offered to the employee by the Board; or
  - b. where reassignment is not possible or is refused on reasonable grounds by the employee, whatever sick leave, long-term disability, medical or other benefits the employee is entitled to under the contract of employment or collective agreement shall be available to the employee.
2. Decisions regarding alternative employment shall be made on a case-by-case basis, taking into account the factors mentioned in section 3 of *Limited Exclusion* and in consultation with the employee, the Director General or his delegate and, with the employee's consent, the family physician.
3. The appropriateness of the alternative employment provided to an HIV-infected employee shall be reviewed at least bi-annually.