

Helix School District 1R

Code: **JHCCB**
Adopted: 4/3/96
Orig. Code(s): None

HIV+ Kindergarten and Special Education Students

Note: *This policy applies to students 6 years of age or under 21 years of and special education/special needs students with HIV + and all students with AIDS.*

The Helix School District #1-R shall adhere strictly in policies and procedures to the Oregon Revised Statutes and Oregon Administrative Rules as they relate to a student infected with HIV or AIDS.

The District recognizes a student/parent has no obligation to report an HIV + condition or AIDS diagnosis to the school district. The District also recognizes the student's legal right to attend school. However, if the parent wishes continued educational services, the school superintendent must be notified.

If the District is informed, written guidelines shall be requested of the student/parent. These guidelines shall include who may have the student information, who will give the information, how the information will be given, and where and when the information will be given.

After the Oregon Health Division or local health department evaluates the child's risks to others, including any restrictions which may be required, this condition will be reported by the parents to the school district. When informed and with written permission from the student/parent, the District will develop procedures for formulating an evaluation team. The team shall address the nature, duration and severity of risk as well as any modification of activities. Monitoring of the student's condition shall be included.

If the parent or student does not notify the school district, the Oregon Health Division of local health department will issue an order to exclude the child from school, or the student/parent may voluntarily withdraw from school. In either case, the District must notify the student and parent of alternative education programs.

END OF POLICY

Legal Reference(s):

[ORS 326.565](#)
[ORS 326.575](#)
[ORS 332.061](#)
[ORS 336.187](#)
[ORS 339.030](#)
[ORS 339.250](#)
[ORS 433.008](#)
[ORS 433.045](#)
[ORS 433.255](#)
[ORS 433.260](#)

[OAR 333-012-0270](#)
[OAR 333-018-0000](#)
[OAR 333-018-0005 \(1\)](#)
[OAR 333-018-0030 \(3\)\(a\)\(C\),\(D\)](#)
[OAR 333-019-0031](#)
[OAR 581-022-0705](#)
[OAR 581-022-1660](#)
[OAR 581-022-1910](#)

Guidelines for Schools with Children Who Have Hepatitis B Virus or Human Immunodeficiency Virus Infection, Oregon Health Division (1995).

As used in this policy, the term includes legal guardian or person in a parental relationship. The status and duties of a legal guardian are defined in ORS 126.003-ORS 126.095. The determination of whether an individual is acting in a parental relationship, for purposes of determining residency, depends on evaluation of those factors and a power of attorney executed pursuant to ORS 126.030.