

HB 90 (Ford) – Fact Sheet

“What Schools Need to Know: Student HIV Notice to Principals is a Health Trap for Students, Staff and a Legal Trap for School Districts and Teachers”

Summary: “The 1989 Illinois law that discloses student HIV/AIDS status to school principals has no basis in medical science or research and is unnecessary. This disclosure creates a deceptive sense of security for students and teachers because the HIV status of many people – students and staff – is unknown and unreported. This outdated law also dangerously ignores the use of universal precautions against blood borne diseases. This law needs to be repealed.” *Nancy Petrik, President of Illinois Association of School Nurses*

1. **What Schools Need to Know ... H.B. 90 maintains the right of first responders to know a student’s HIV status and the right of doctors to inform schools for medical reasons.**
 - If an emergency first responder is exposed to blood, the AIDS Confidentiality Act already allows first responders to test for HIV and to know the student’s status.
 - If student’s medical condition requires disclosure, the law permits a child’s doctor to disclose the student’s HIV status to school staff, such as a school nurse.

2. **What Schools Need to Know ... Universal Medical Precautions Rules already protect staff and students against accidental blood borne infections.**
 - Illinois schools currently understand and administer **Universal Medical Precaution Rules**—to protect students and staff from accidental HIV, Hepatitis B, C infections
 - **Universal Precaution Rules** mandate the **use of medical gloves** and mandate exposures of body fluids of **all students** be treated as potentially infectious.
 - Federal and state **Universal Precaution Rules** – under **OSHA** (since 1991) and the **Illinois Department of Labor** (since 1993) – require Illinois schools to train all personnel on universal precautions and schools.

3. **What Schools Need to Know the false security of “knowing” a student’s HIV status is a health trap for students and teachers** – a principal alerted that a student is HIV-positive may *deter* school personnel from following universal precautions because they assume—and may assume falsely—all other students are HIV-negative.
 - Approximately 25 % of people with HIV are actually unaware of their HIV status.
 - A principal’s knowledge that a child has HIV will not improve a child’s medical care – since most children with HIV appear perfectly healthy.
 - HB 90 eliminates the deceptive precaution notice to principals, aligning Illinois’ law with 45 other states.

4. **What Schools Need to Know ... the 1989 law is a likely legal trap, violating the Americans with Disabilities Act and inviting lawsuits against school districts and teachers.**
 - ADA Amendments passed in 2008 made clear that naming children with HIV/AIDS—while excluding children with other diseases—violates the ADA and violates the Rehabilitation Act.
 - Targeting students with HIV for differential treatment with respect to confidentiality exposes school districts to state common law lawsuits for public disclosure of private facts, violations of the Illinois AIDS Confidentiality Act, and claims based on the constitutionally protected right to keep their medical conditions private.

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SUPPORTERS (As of 3/9/09)

Health and Public Health Organizations

City of Chicago/Department of Public Health
IL Assn. of Public Health Administrators
IL Association of School Nurses
IL Chapter of the American Academy of Pediatrics
IL Public Health Association
IL State Medical Society

Education Organizations

City of Chicago/Chicago Public Schools
IL Assn. of School Social Workers
Legislative Education Network of DuPage County
South Cooperative Organization for Public Education (SCOPE)
Stakeholders Collaboration to Improve Student Health

Advocacy Organizations

Access Living
ACLU of Illinois
AIDS Foundation of Chicago
AIDS Legal Council of Chicago
Coalition of Citizens with Disabilities in Illinois
Equip for Equality
FCAN, the Families' and Children's AIDS Network
Health and Disability Advocates
IL Caucus for Adolescent Health
IL Network of Centers for Independent Living
Lutheran Advocacy - Illinois
Planned Parenthood of Illinois
The Children's Place Association