

## MILTON HERSHEY SCHOOL IS HIT WITH FEDERAL LAWSUIT FOR REFUSING TO ENROLL HIV-POSITIVE HONOR ROLL PUPIL

**FOR IMMEDIATE RELEASE** • Contact: Ronda B. Goldfein, Esq., Executive Director,  
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PHILADELPHIA (Nov. 30, 2011) – On the eve of World AIDS Day, the AIDS Law Project of Pennsylvania today filed a federal discrimination lawsuit against the Milton Hershey School in Hershey, Pa., for refusing to enroll a 13-year-old pupil because he has HIV.

The complaint, filed in U.S. District Court in Philadelphia, alleges that the school “violated multiple anti-discrimination laws” when it refused to enroll the Delaware County middle-school pupil for the 2011-12 school year, based solely on his HIV status.

AIDS Law Project Executive Director Ronda B. Goldfein, Esq. said she was struck by the similarities between her client and the late Ryan White, an HIV-positive student who became a national spokesman for AIDS research and public education. White, who died at age 18 in 1990, had been expelled from middle school when his diagnosis became widely known.

“Like Ryan White, this young man is a motivated, intelligent kid who poses no health risk to other students, but is being denied an educational opportunity because of ignorance and fear about HIV and AIDS,” said Goldfein, who is representing the boy and his mother. She is not disclosing their names to protect their privacy, and is using pseudonyms in the complaint.

Goldfein pointed out that public health authorities have unequivocally declared that HIV is not transmitted through normal day-to-day contact in schools or social settings. According to the suit, the boy “is an honor roll student and an avid athlete.” He controls his HIV through a regimen of medication that “do[es] not impact his school schedule.”

The Milton Hershey School, a cost-free, private, coeducational home and school for pre-kindergarten through 12<sup>th</sup> grade, requires students to “come from a family of low income, limited resources, and social need; be from the ages of 4-15 years old; have the ability to learn; be free of serious emotional and behavioral problems ... ; be able to take part in the School's program; and be born in the United States,” the suit says.

“My client meets all those criteria,” Goldfein said. “He just also happens to have HIV-- which the school has determined is a ‘documented need’ it cannot meet. But my client does not need any special accommodations, nor did he ask for any.”

The federal Americans with Disabilities Act and other federal and state laws prohibit discrimination on the basis of a real or even a perceived disability, including having HIV. According to the National Association of State Boards of Education, “the presence of a person living with HIV infection or diagnosed with AIDS poses no significant risk to others in school, day care, or school athletic settings.”

Among other things, the suit seeks to have the school admit the 13-year-old, develop an anti-discrimination policy and conduct sensitivity training for all staff regarding HIV disease. It also requests awards for compensatory and punitive damages, costs and attorneys’ fees.

The complaint, titled *Mother Smith and Abraham Smith v. Milton Hershey School*, was filed in U.S. District Court for the Eastern District of Pennsylvania. A copy is available upon request.

Founded in 1988, the AIDS Law Project of Pennsylvania is the nation's only independent public-interest law firm dedicated to AIDS and HIV. In 2010, the AIDS Law Project of Pennsylvania represented 1,577 people in 2,131 legal matters. The firm also educates the public about AIDS-related legal issues, and works at local, state and national levels to achieve fair laws and policies.