

COMMUNICABLE DISEASES - STUDENTS

Policy Code:

4230

The board strives to provide a safe and orderly environment for all students and employees. The board also strives to maintain a balance between the need to educate all eligible students, to protect students' and employees' rights, and to control communicable diseases, including HIV and AIDS. Under certain circumstances, students with communicable diseases may pose a threat to the health and safety of students and staff. Decisions regarding the educational status of students with communicable diseases will be made on a case-by-case basis in accordance with this policy. Nothing in this policy is intended to grant or confer any school attendance or education rights beyond those existing by law. This policy shall be shared with school staff annually and with new employees as part of any initial orientation.

A. DEFINITION OF COMMUNICABLE DISEASE

A communicable disease is defined as an illness due to an infectious agent, or its toxic products, which is transmitted directly or indirectly to a person from an infected person or animal.

B. PRECAUTIONS

In order to prevent the spread of communicable diseases, guidelines for necessary health and safety precautions will be distributed by the administration and followed by all school district employees. (See board policy 7260, Occupational Exposure to Bloodborne Pathogens and board policy 7262, Communicable Diseases -- Employees). Employees are also required to follow the school system's bloodborne pathogens exposure control plan that contains universal precautions and specific work practice controls relating to the handling, disposal, and cleanup of blood and other potentially infectious materials. Students should not be involved in the handling, disposal and cleanup of potentially infectious materials unless the student has been specifically trained in the handling of such materials and is qualified to perform first aid services. Faculty should take reasonable precautions to avoid allowing students to come in contact with these substances.

C. CURRICULUM

The school district will include health, hygiene and safety education in its curriculum. The curriculum will include age-appropriate information concerning safe health practices that will inhibit and prevent the spread of diseases, including HIV and AIDS. (See board policy 3540, Comprehensive Health Education Program.)

D. REPORTING AND NOTICE REQUIREMENTS¹

In accordance with G.S. 130A-136, school principals will report suspected cases of communicable diseases to the county health department. Confidentiality of such reports is protected by law. School principals are presumed by law to be immune from liability for making such reports in good faith. Without releasing any information that would identify the student, the principal also must report suspected cases of communicable diseases to the superintendent. Additionally, parents or legal guardian shall be notified in a timely manner when their child has potentially been exposed to a communicable disease through the exchange of blood with another individual and it shall be suggested that they contact their private physician or the county health department for consultation.

If it has been determined by the local health director that there is significant risk of HIV transmission, that local health director is responsible for determining which school personnel will be informed of the identity of a student with AIDS or HIV infection. The health director is also responsible for determining which school personnel will be informed of the identity of students with other communicable diseases required to be reported. Any employee who is informed or becomes aware of the student's condition shall respect and maintain that student's right of privacy and the confidentiality of his or her records and may not share that information unless specifically permitted to do so by the health director, the student's parents or legal guardian or by other applicable state or federal laws or regulations.² Permission from a parent/guardian to share a student's HIV status with other school personnel must be in writing. Any documents relating to a student's HIV or AIDS infection shall be retained in a locked cabinet separate from the student's other school records and medical records, and shall be released or shared only as necessary to comply with this policy. Employees who are informed of the student's condition shall also be provided with appropriate information concerning necessary precautions and made aware of the strict confidentiality requirements. Release of this confidential information or records, except as permitted by law, constitutes a misdemeanor and may be subject to further discipline.

In order to address the needs of the student within the school environment, school employees are required to notify the principal if they are aware or become aware of any student suffering from a communicable disease other than HIV infection. Parents shall be encouraged to notify the principal as well.

Students who are immunodeficient, whether due to AIDS or other causes, face increased risk of severe complications from exposure to communicable diseases that appear in the school setting. Although students with HIV infection are not required to notify school staff of their HIV status, students and their parents or guardians are encouraged to inform the principal in the event a student suffers from any such immunodeficiency. Students who are immunodeficient because of other communicable diseases, and their parents, are

¹ Some of the information in this section could be provided in administrative procedures.

² The policy could also specify who will be responsible for releasing confidential information as required.

also encouraged to inform the principal. If notified that a student suffers from such immunodeficiency, the principal should request that the notifying party provide information about what types of exposures might put the student at risk and what reasonable practices can be taken in the school setting to minimize risk to the student. Whenever possible, the principal of a school should notify the parents or guardians of an infected or immunodeficient student (or the student him/herself, where appropriate) about the presence of chicken pox, influenza, meningococcus, measles or tuberculosis or other contagious disease occurring in the school that may represent a serious threat to the student's health. Students who are removed from school as a result of such conditions will be provided instruction in an appropriate alternative educational setting.

E. EDUCATION/SCHOOL ATTENDANCE FOR STUDENTS WITH AIDS/HIV INFECTION³

Students with AIDS and HIV infection will be permitted to attend school without special restrictions except in accordance with 10A N.C.A.C. 41A.0201-.0204, and this subsection.

When the local health director notifies the superintendent that a student with AIDS or HIV infection may pose a significant risk for transmission, the superintendent, in consultation with the local health director, will appoint an interdisciplinary committee in accordance with state health regulations and procedures established by the superintendent. The committee is to consult with the local health director regarding the risk of transmission and advise the superintendent regarding the placement of the student. The committee will include appropriate school system personnel, medical personnel and the student's parent or guardian and may include legal counsel. The parent may request additional participants as necessary to appropriately evaluate the risk. The health director shall be responsible for determining whether to add additional members that may be requested by the parents. The superintendent is also to inform the board of education whenever a committee has been formed and will advise the board of the professional composition of the committee.

The interdisciplinary committee will review each case individually in consultation with the local health director to determine (1) the degree to which the student's conduct or presence in school exposes others to possible transmission or other harm and (2) what risk the school environment may pose to the infected student. If the local health director concludes that a significant risk of transmission exists in the student's current placement, the committee must determine whether an appropriate adjustment can be made to the student's school program to eliminate this risk. If that is not possible, the student shall be provided instruction in an appropriate alternative educational setting which incorporates protective measures required by the local health director.

If the administrative or instructional personnel on the committee determine that the student has limited strength, vitality or alertness due to a chronic or acute health problem

³ Some of the information in this section could be addressed, alternatively, in administrative procedures.

that adversely affects the student's educational performance, they must refer the student for possible identification and placement as a student with special needs.

All deliberations of the interdisciplinary committee will be kept strictly confidential and shared only as allowed by law.

Legal References: G.S. 115C-36, 130A-136, -142 to -144, -152 to -157; 10A N.C.A.C. 41A.0201 through .0204

Cross References: Comprehensive Health Education Program (policy 3540), Occupational Exposure to Bloodborne Pathogens (policy 7260); Communicable Diseases – Employees (policy 7262)

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