

**WYANDOTTE PUBLIC SCHOOLS**  
**PROCEDURES**

**8000.04**

Communicable Disease Control

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- A. GENERAL** - Students and staff members may attend school unless there is definitive, clearly documented evidence to warrant exclusion. The Superintendent is the designated school official to receive information from the local or State Health Department pertaining to serious communicable diseases.<sup>1</sup> When the Superintendent has been informed by an official of the local or State Health Department that a student or District employee may be infected with a non-casual contact serious communicable disease, the Superintendent shall immediately obtain written consent from the employee or the student's parents to disclose confidential information, if necessary, to the Communicable Disease Review Panel (CDRP) and to communicate such information as may be necessary to appropriate members of the District staff.

The Superintendent is hereby designated as the authorized individual to receive information from the Wayne County or State Department of Health pertaining to a student or employee who has a non-casual contact serious communicable disease.

- B. CONFIDENTIALITY OF MEDICAL INFORMATION** - The privacy rights of any student or staff member with a communicable disease shall be protected in accordance with Federal and State laws on confidentiality, privacy and due process.
1. Written consent of the eligible student or parent/guardian will be routinely obtained before releasing personally identifiable medical information from a school record. Written consent will include:
    - a. The information on the disease, infection, or condition that may be disclosed;
    - b. The reason for the disclosure; and
    - c. To whom the disclosure may be made.
  2. The administration will determine what and to whom personally identifiable medical information can be released from a school record of an infected student if written consent cannot be obtained, and it is deemed necessary to release said information. The determination must include:
    - a. An evaluation of the necessity of releasing the specific information.
    - b. Consultation with the local Department of Public Health to make a "need to know" determination that disclosure is necessary if the original information was received from the local Department of Public Health.
    - c. An evaluation of the request in regards to whether the person receiving the medical information is a school official who has a legitimate educational interest in obtaining the information. "Legitimate educational interest" shall be based upon whether sharing this information with a specific individual would favorably affect:
      - i. the student's ability to learn and function in the classroom and related settings;

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- ii. the teacher and other staff's ability to teach or provide other sources;
    - iii. the containment of a communicable disease for persons at risk; and
    - iv. the immediate health and safety of the student.
  - d. An evaluation of whether release of the information could lead to discriminatory practices or unauthorized re-disclosure.
3. If the presence of a communicable disease that can be spread by casual contact must be disclosed to persons in the school community, the District will make every attempt to release only general information about the existence of a specific communicable disease in the school with no personally identifiable information. The Board of Education designates the Superintendent to be the official spokesperson for the District regarding the existence of the communicable disease.
4. All personally identifiable medical information of a sensitive nature regarding an infected student will be kept in a separate file from the student's CA60 and will not be released in any form without compliance with the Communicable Diseases (CD Policy).

**C. THE REVIEW PANEL**

1. If the circumstances so warrant, as set forth in the CD Policy, the District will convene the Review Panel and follow a case-by-case review process.
- a. If the Superintendent determines that the Review Panel process is not necessary and the parent/guardian, eligible student or staff member requests the Panel to meet, the Superintendent shall convene the panel as soon as the required Panel members can be convened, but in any event not later than ten (10) school days from the date of the request.
  - b. If the student or staff member has been determined to be handicapped or is suspected of being so handicapped and requests that the District make certain adaptations or accommodations, the Review Panel shall consider any such requests and formulate recommendations to the Superintendent.
  - c. If the local Department of Public Health discloses any information to the District regarding the existence of a serious communicable disease and a foreseeable risk of transmission of said disease exists in the school setting, the student/staff member shall be excluded from the school setting until the Review Panel meets and decisions are made in accordance with the protocol in these Procedures.
2. Panel Membership
- a. A physician knowledgeable about the individual's medical condition.
  - b. A health official from the Wayne County Health Department who is familiar with the disease.

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- c. A student/employee advocate (e.g., counselor, child advocate, social worker, employee/union representative, etc.) from in or outside the school approved by the eligible student, parent/guardian, or staff member.
  - d. A school representative familiar with the student's behavior in the school or the employee's work situation (in most cases, the building principal or school nurse) as identified by the Superintendent.
  - e. A District administrator other than the Superintendent or the Human Resources Director.
3. The Superintendent will designate the Chair of the Panel. The Chair is responsible for ensuring that one or more opinions of the Panel are submitted to the Superintendent in accordance with the procedures outlined below and for ensuring that due process procedures are followed in dealing with the affected person.
  4. The Superintendent may be present during the testimony process but will be excused when the Panel is deliberating towards the "Proposal for Decision" recommendations to the Superintendent.
  5. The Chair of the Review Panel will designate the Panel member who will write the "Proposal for Decision".

**D. DECISION-MAKING PROCESS**

1. Upon learning of a student/staff member within Wyandotte Public Schools who has been identified by a qualified source as having a communicable disease that is known not to be spread by casual contact, the Superintendent shall:
  - a. Immediately consult with the physician of the student/staff member and/or the health official from the Wayne County Health Department to obtain information as to whether any circumstances exist to warrant the convening of the Review Panel, as set forth in the CD Policy.
    - 1) If the student/staff member's physician or the Health Department physician indicates the student/staff member is well enough to remain in the school setting and poses no immediate health threat through casual contact to the school population because of his/her illness, the student/staff member shall be allowed to remain in the school setting.
    - 2) If the student/staff member's physician or the Health Department official indicates the student/staff member is currently not well enough to remain in the school setting and/or that a documented risk exists to the infected individual or others in the school setting resulting from conditions, communicable diseases or infections that could pose an immediate health risk, the student/staff member shall be excluded from the school setting and the Superintendent, representative of the

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infected student/staff member or Health Department official may request the Review Panel to be convened to discuss the conditions under which the individual may return to school.

- b. Submit to the parent/guardian or infected person in writing a notice of his/her rights and the method of appeal.
- c. Consult with the parent/guardian, eligible student or staff member on the issues and determine if any circumstances exist as to warrant the convening of a Review Panel.

**2. The Review Panel Process**

- a. If it is determined that the Review Panel shall meet, it shall be as soon as the required Panel can be convened but in no event not less than ten (10) school days from the date of the decision or request to meet. The Superintendent may participate in the review process while the Panel considers the following information:
  - 1) Circumstances in which the disease is contagious to others and the current status of implementing current procedures for handling blood or body fluids;
  - 2) Infections or illnesses the student/staff member could have as a result of this disease that may be contagious through casual contact in the school setting;
  - 3) Behavior and neurologic development of the student and any potential impact on the communicability;
  - 4) Circumstances in which the disease is contagious to others;
  - 5) Nature of the interaction with others in the school environment and health/safety implications of that interaction;
  - 6) The impact of contagious diseases occurring within the school population while the infected person is in attendance;
  - 7) Psychological impact on the infected individual concerning remaining in the school setting;
  - 8) Potential request from the individual with the disease to be excused from attendance at school or on the job;
  - 9) Methods for protecting the privacy of the student or staff member, including maintaining confidentiality both of records and the person's condition;
  - 10) Recommendations as to whether the student or staff member should continue in the school setting, or the reason necessitating the Panel's needing to consider the question and under which circumstances s/he may return if s/he is not currently attending;
  - 11) Recommendations as to whether any type of restrictions or alternative assignment or delivery of program should be considered;

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- 12) The recommendation of who, if anyone, should be informed and under what legal conditions anyone would be informed without written permission of the eligible student, parent/guardian or staff member;
  - 13) Recommendations as to when the Panel should review the case again;
  - 14) Any other relevant information.
- b. Proposal for Decision
- 1) Within five (5) business days after convening the Panel, the Superintendent shall be provided with a written record of the proceedings and the "Proposal for Decision". The Proposal serves as a recommendation to the Superintendent. It is based on the information brought out in the Review Panel process and will include the rationale for the recommendation. If there is a minority viewpoint by Panel members following the review process, which should also be included in the report.
  - 2) If the Proposal for Decision is to exclude the affected person from the school setting because of documented risks to the infected individual or others in the school setting resulting from conditions, communicable diseases or infections that could pose an immediate health threat, the Proposal for Decision shall include the conditions under which the exclusion will be reconsidered.
  - 3) The parent/guardian or affected person will be given a copy of the Proposal. The Review Panel members will be given the opportunity to review the content of the Proposal for Decision.
- c. The Superintendent's Decision
- 1) Within five (5) business days after receiving the Proposal, the Superintendent shall either accept, modify, or reject the recommended course of action. If s/he rejects it, the Superintendent shall prepare a written statement setting forth the basis for his/her rejection as well as a justification for the course of action s/he recommends. Both the CDRP members and the affected person or parent shall receive a copy of the Superintendent's decision.

**E. APPEALS PROCESS**

1. Rehearing request

- a. If the affected person or parent considers the Proposal for Decision to be unjust, s/he may request a rehearing in writing within five (5) business days of the date of the Proposal. The Chairperson shall consider the request only if:
  - 1) There is new evidence that could influence the decision, or
  - 2) There is substantial error of fact.
- b. The Chairperson shall, within five (5) business days of receipt of the request, either grant or deny the request. If the request is denied, the Proposal for

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Decision shall be sent to the Superintendent immediately. If the request is granted, the same CDRP shall reconvene within ten (10) business days.

- c. Within five (5) business days after the rehearing, the Chairperson shall submit the original or revised Proposal for Decision to the Superintendent with a copy to the affected person or parent.

2. Appeal of the Superintendent's Decision

- a. If the affected person or parent does not agree with the Superintendent's decision, s/he or a representative may request reconsideration within five (5) business days of the date of the Superintendent's decision. The request shall be in writing and must be based on the belief that the decision contains substantial error of fact or is contrary to the weight of evidence contained in the Proposal for Decision.
- b. Within five (5) business days, the Superintendent shall deny the reconsideration or may grant an oral hearing to the affected person, parent or representative.

**F. GENERAL**

1. If the student with the disease is not attending school, the District will provide an alternative delivery of school programs.
  - a. If the Review Panel determines there is a risk of infection through casual contact to the employee while delivering this program, the employee may be allowed the option not to serve in the situation.
  - b. If the Panel determines there is no risk of infection to the employee, the employee will be expected to participate in the delivery of the alternative program subject to any applicable provisions of the collective bargaining agreement for employees.
2. The Review Panel member who is serving as the advocate for the infected individual (or another person designated by the Panel and approved by the parent/guardian, or the infected person) will serve as the liaison between the student/staff member, family and attending physician as it relates to the school setting.
3. The rights of an infected staff member shall fall under the same guidelines concerning any medical illness or condition that are outlined in the collective bargaining agreement or School District policies for employees.
4. Employees of the District shall be expected to teach and provide other normal personal contract services in school to a student or to work with a school employee determined to have a disease known not to be communicable by casual contact unless a determination to the contrary has been made by the Review Panel.

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- G. SPECIAL EDUCATION STUDENTS** - In order to be consistent with both State and Federal law and to protect the rights of handicapped students, the following protocol applies for special education students who have been identified by a qualified source as having a communicable disease that is known not to be spread by casual contact.
1. Procedure Determination
    - a. If the student has been determined to be handicapped, the Individualized Educational Planning Team (IEPT) will serve as the Review Panel. (See Section C).
    - b. If the student is suspected of being Physically or Otherwise Health Impaired (POHI), then, with parent consent, the referral Multidisciplinary Evaluation Team (MET), and the IEPT process could be done on an expedited basis, following the procedures presented in Section C. If the parent does not consent or if the MET cannot be expedited, the protocol in Sections C, Part 1 through 6 will apply. When and if the student is determined to be handicapped, procedures in Section C will be used and the procedures from Parts 1 through 6 will be terminated.
    - c. The general procedures provided will apply except where reference is made to the Review Panel, which shall be deemed to refer in this case to the IEPT.
  2. Procedure
    - a. The IEPT shall be held as soon as the required members can be convened, but in any event, no later than ten (10) school days from the date of the request.
    - b. The IEPT participants shall be expanded to include the following participants:
      - 1) A physician knowledgeable about the individual's medical condition;
      - 2) A health official from the Wayne County Health Department who is familiar with the disease;
      - 3) A student advocate (e.g., nurse, counselor, social worker, etc., from in or outside the school) approved by the infected person or parent/guardian.
    - c. The IEPT will carry out its responsibilities as presented in R 340.1721d of the Administrative Rules for Special Education. It is important to note that when the IEPT convenes, the IEPT may wish to request additional evaluation information. The Team's authorization to do this is stated in R 340.1721e(3) of the Administrative Rules for Special Education. As part of this process, the 14 points presented in Section D. 2., a "The Review Panel Process" should be considered.
    - d. The impartial due process hearing under R 340.1724 of the Administrative Rules for Special Education provides the necessary safeguards when the parent and School District disagree with the decision(s) of the IEPT.
    - e. Section 300.513 of the Rules and Regulations for Part B of the EHA provides for the child's status during administrative or judicial proceedings. This

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concept is also presented in R 340.725c of the Administrative Rules for Special Education. The Federal language follows: "300.513 Child's status during proceedings".

- 1) During the pendency of any administrative or judicial proceeding regarding a complaint, unless the public agency and the parents of the child agree otherwise, the child involved in the complaint must remain in his or her present educational placement.
- 2) If the complaint involves an application for initial admission to public school, the child, with the consent of the parents, must be placed in the public school program.

*Comment: Section 300.513 does not permit a child's placement to be changed during a complaint proceeding, unless the parents and agency agree otherwise. While the placement may not be changed, this does not preclude the agency from using its normal procedures for dealing with children who are endangering themselves or others.*

<sup>1</sup>In all circumstances arising under these procedures, the Human Resources Director shall act for the Superintendent in his/her absence.