

RICHFIELD PUBLIC SCHOOLS

**STUDENTS AND EMPLOYEES WITH
COMMUNICABLE AND INFECTIOUS DISEASES**

I. PURPOSE

Students and staff of the school district shall be able to attend or work in the district in an environment where exposure to communicable or infectious disease is controlled. This requires that the school board adopt measures effectively responding to health concerns while respecting the rights of all students, employees, and contractors, including those who are so infected. The purpose of this policy is to adopt such measures.

II. GENERAL STATEMENT OF POLICY

A. Cooperation with Minnesota Department of Health

It is the policy of the school district to strive to follow all guidelines from the Minnesota Department of Health (MDH). Close collaboration with MDH is particularly critical in times of local, regional, or worldwide disease outbreak. These circumstances may warrant more specific measures than are outlined in this policy for the purposes of preventing, controlling, and tracking instances of infection.

B. Students

It is the policy of the school board that students with communicable diseases not be excluded from attending school in their regular classroom so long as their health permits and their attendance does not create a significant risk of transmission of illness to students, employees or others in the school district. A procedure for minimizing interruptions to learning resulting from communicable diseases will be established by the school district in consultation with community health and private health care providers. Procedures for the inclusion of students with communicable diseases will include any applicable educational team planning processes, including the review of the educational implications for the student and others with whom the student comes into contact.

C. Employees

It is the policy of the school board that employees with communicable diseases not be excluded from attending to their customary employment so long as they are physically, mentally and emotionally able to safely perform tasks assigned to them and so long as their employment does not create a

risk of the transmission of disease to students and employees or others in the school district. If a reasonable accommodation will eliminate the significant risk of transmission, such accommodation will be undertaken unless it poses an undue hardship to the school district.

D. Special Circumstances and Conditions

Determination of whether a contagious individual's school attendance or job performance creates a significant risk of the transmission of the illness to students or employees of the school district will be made on a case by case basis. Such decisions will be based upon the nature of the risk (how it is transmitted), the duration of the risk (how long the carrier is infectious), the severity of the risk (potential harm to third parties), the probability the disease will be transmitted (level of risk), and mitigation measures (factors designed to reduce risk)

E. Students with Special Circumstances and Conditions

The Superintendent or designee, in consultation with the district's licensed school nurse, the infected individual's health care provider, the infected individual or parent(s)/guardian(s), and others, if appropriate, will weigh risks and benefits to the student and to others, consider the least restrictive appropriate educational placement. Periodic reevaluation as deemed necessary by the student's health care provider, the student's parent(s)/guardian(s), public health, and school team members will occur.

F. Extracurricular Student Participation

Student participation in nonacademic, extracurricular, and non-educational programs of the school district are subject to a requirement of equal access and comparable services.

G. Precautions

The school district will develop routine procedures for infection control at school and for educating employees about these procedures. The procedures shall be developed through cooperation with health professionals taking into consideration any guidelines of the Minnesota Department of Education and the Minnesota Department of Health. (These precautionary procedures shall be consistent with the school district's procedures regarding blood-borne pathogens developed pursuant to the school district's employee right to know policy.)

H. Information Sharing

1. Employee and student health information shall be shared within the school district only with those whose jobs require such information

and with those who have a legitimate educational interest (including health and safety) in such information and shall be shared only to the extent required to accomplish legitimate educational goals and to comply with employees' right to know requirements.

2. Employee and student health data shall be shared outside the school district only in accordance with state and federal law and with the school district's policies on employee and student records and data.

I. Reporting

If a medical condition of student or staff poses a risk to public health, it must be reported to the Minnesota Department of Health of Health.

J. Prevention

The school district shall, with the assistance of the Commissioners of Health and Education, implement a program to prevent and reduce the risk of infectious disease spread in addition to sexually transmitted diseases in accordance with Minn. Stat. § 121A.23 which includes:

1. planning materials, guidelines, and other technically accurate and updated information that supports the reduction of risk and methods for reducing the likelihood of infection from disease;
2. a comprehensive, developmentally appropriate, technically accurate, and updated curriculum that includes helping students to abstain from sexual activity until marriage;
3. cooperation and coordination among school districts and Service Cooperatives;
4. a targeting of adolescents
5. involvement of parents and other community members;
6. in-service training for district staff;
7. collaboration with local community health services, agencies and organizations and state agencies and organizations having an infection and disease prevention or risk reduction program;
9. participation by state and local student organizations.
10. The program must be consistent with the health and wellness curriculum.

11. The school district may accept funds for sexually transmitted infection and disease prevention programs developed and implemented under this section from public and private sources, including public health funds and foundations, department professional development funds, federal block grants, or other federal or state grants.

K. Vaccination and Screening

The school district will develop procedures regarding the administration of Hepatitis B vaccinations and Tuberculosis screenings in keeping with current state and federal law. The procedures shall provide that the Hepatitis B vaccination series be offered to all who have occupational exposure at no cost to the employee.

Legal References:

20 U.S.C. 1401 et seq. (IDEA) (Individuals with Disabilities Education Act)
29 U.S.C. 794 et seq. (504 of Rehabilitation Act of 1973)
42 U.S.C. 12101 et seq. (Americans with Disabilities Act) *Kohl by Kohl v. Woodhaven Learning Center*, 865 F.2d 930 (8th Cir.), *cert. denied*, 493 U.S. 892, 110 S.Ct. 239 (1989)
School Board of Nassau County, Fla. v. Arline, 480 U.S. 273, 107 S.Ct. 1123 (1987)
16 EHLR 712, OCR Staff Memo, April 5, 1990
Minn. Stat. § 121A.23 (Health-Related Programs)
Minn. Stat. § 144.441-442 (Tuberculosis)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
20 U.S.C. § 1400 et seq. (Individuals with Disabilities Education Improvement Act of 2004)

Cross References:

Board Policy 504 – Education of Homeless Children
Board Policy 581 – Protection and Privacy of Pupil Record
Administrative Guideline 581.1 – Access to Pupil Records by School Volunteers
Administrative Guideline 581.2 – Release of Student Records
Administrative Guideline 782 – Environmental Health and Safety Standards
Board Policy 403 - Disability Nondiscrimination
MSBA/MASA Model Policy 407 (Employee Right to Know – Exposure to Hazardous Substances)
Board Policy 505 - Student Disability Nondiscrimination

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