

WESTERN HEIGHTS SCHOOL DISTRICT POLICY ON CONTAGIOUS DISEASES

The District will make the necessary accommodations in job assignment etc. for individuals with contagious diseases or with perceived contagious diseases based on medical findings of risk and contagion. Employees will receive training on blood borne pathogens and how it is transmitted to allay any irrational fears, myths and stereotypes and to protect employees from contraction. See 2.800.

CONTAGIOUS DISEASES

In the School Board of Nassau County v Arline case in 1987, the U.S. Supreme Court indicated that a person with a contagious disease or impairment is protected under Section 504 of the Rehabilitation Act of 1973 and subsequently under ADA. The Supreme Court indicated that in determining whether a person afflicted with a contagious disease is "otherwise qualified" should consider reasonable medical judgment about the nature, duration, and severity of the risk of contagion and about probabilities that the disease will be transmitted and will cause varying degrees of harm, and if reasonable accommodation is possible.

Therefore, persons with AIDS, AIDS-related complex (ARC) or who have tested positive for the AIDS virus (seropositive for HIV) are protected under ADA, because of its contagious nature or perceived contagious nature by society, and because it substantially impairs the function of procreation.

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