

Responding to Potential Health Threats

Determining if a Health Threat Constitutes a Communicable, Reportable, and/or Significant Contagious Disease

For the purposes of this rule, *communicable disease*, *reportable disease*, and *significant contagious disease* are defined by state law or administrative code, and these definitions are contained in ACBB-E1.

If a teacher believes that a student may have a communicable, reportable, and/or significant contagious disease, they shall inform the building principal or designee. Failure by a teacher to report this information may result in disciplinary action. The building principal or designee shall contact the Superintendent to inform them of the student's suspected condition. Either the building principal or designee should contact local public health or the ND Department of Health to assist in classifying the condition.

Once the illness is classified, the building principal or designee shall comply with any applicable reporting and/or referral requirements contained in state law or administrative code (See NDCC 23-07-02 and NDAC 33-06-02-01). The District will comply with and implement all applicable provisions in the District's significant contagious disease policy (ACBB) if the illness is classified as such.

Procedure for Responding to a Communicable Disease or Other Public Health Threat

When a building principal or designee suspects the presence of a communicable disease or other public health threat in a school or other district facility, the Superintendent may request the ND Department of Health's assistance with the following:

- Communicating about the threat to students, staff, parents, and the public;
- Determining if extracurricular activities should be canceled or postponed;
- Determining if immunization-exempt students and/or students with certain health conditions should be excluded from school;
- Determining if non-immunized staff, staff without verifiable immunization or other medical records that public health has recommended for review, and/or staff with certain health conditions should be excluded from district schools and/or facilities;
- Determining if schools or other District facilities should be closed; and
- Determining if there are additional steps necessary to minimize risk of contagion.

Excluding Students from School Due to a Potential Health Threat

Students may be excluded from school for health reasons if any of the following criteria apply:

- The student's parent/guardian failed to provide, at the time of admission, either proof of all required immunizations or valid immunization exemption documentation (NDCC 23-07-17.1). The District shall inform parents who fail to submit this required documentation of compulsory attendance requirements and law enforcement referral procedures. Students who are homeless must be admitted to schools regardless of whether or not they have submitted immunization records or immunization-exempt documentation at the time of admission. Homeless students shall be referred to public health to receive assistance complying with immunization requirements and/or opt-out assistance.
- The student is immunization-exempt, an epidemic has been identified in a District school or schools, and a public health officer has deemed such students' attendance a potential public health threat. Such student shall be excluded from school until, in the opinion of the health officer, the danger of the epidemic is over (NDCC 23-07-17.1 (6)).
- The student has, or lives with someone who has, a significant contagious or infectious disease and has not been cleared to attend school under regulations of the local board of health (NDCC 23-07-16).
- The student is suspected of suffering from or has been exposed to a communicable condition (defined in ACBB-E1). The classroom teacher is required to report this suspected condition/exposure to the building principal or designee. The building principal or designee shall contact a local public health officer to determine if the student's condition/exposure should be examined and further investigated. If public health confirms the need for a medical examination, the student will be sent home with instructions to see a physician. The student shall not be permitted to attend school again until they present a certificate from a ND licensed physician or from the local health department stating that the student is not suffering from a communicable condition and that it is safe for the student to return to school (NDAC 33-06-02-01 (4)).

Educational Services for Students Excluded Due to a Potential Health Threat

Students excluded from school due to a potential health threat must be provided educational services if (a) they currently have an IEP or 504 Plan or (b) if their condition meets the definition of a disability under the Americans with Disabilities Act or significant contagious disease under state law. The Superintendent may consult with legal counsel to determine if the District is required to provide educational services to a student excluded from school due to health reasons.

The District may provide educational services, to the extent possible, to all other students who are currently enrolled in a district school but are barred from attending due to a potential health threat.

Educational services provided shall be determined by the Superintendent or multidisciplinary team (for students with a 504 Plan or IEP) based on factors such as the duration the student is excluded from school, available District resources, and IEP/504 Plan requirements if applicable.

Excluding Staff from District Facilities Due to a Potential Health Threat

In the event of a potential health threat, the Superintendent shall work with the ND Department of Health to identify employees who must be excluded from school. Reasons for exclusion may be related to an employee's current or past health conditions, non-immunized status, and/or inability to verify immunizations or medical documentation recommended for review by public health officials. Employers shall promptly communicate work expectations, available accommodations, and applicable District policies and procedures with employees excluded from school during a potential health threat. Employees may return to work only when a public health officer or ND licensed physician deems their return safe. The District shall pay costs associated with employees obtaining any medical records requested by the District.

All temporary employees working in District schools and facilities during a potential health threat must submit proof of receiving all required immunizations and any other medical documentation recommended for review by public health officials. This documentation must be submitted before the temporary employee begins their duties, and the District shall pay any costs associated with obtaining medical records.

Confidentiality of Medical Records

All medical records, including immunization records, obtained by the District are confidential. The District shall not release such records except permitted by state or federal law.