

Communicable Diseases

Definitions

- A. Carrier - A person who, without any apparent symptoms of a communicable disease, harbors an infectious agent and may serve as a source of infection.
- B. Communicable disease - An illness caused by an infectious agent or its toxic products, which is transmitted directly or indirectly to a susceptible host from a carrier, infected person, animal or arthropod or through the agency of an intermediate host or vector through the inanimate environment.
- C. Communicable period - The time during which a carrier or infected person can transmit an infectious agent directly or indirectly to another person.
- D. Contact - A person exposed to the possibility of acquiring a communicable disease because of his or her association with a carrier or infected person.
- E. Infected person - A person who evidences any symptom of a communicable disease. *Adopted: October 12, 1994*
- F. Reasonable accommodation - Any addition to or modification of existing facilities, equipment, programs, schedules, policies, procedures, methods, operations or services that would enable a carrier, contact or infected person to remain in his or her existing classroom, facility or position or to enter a classroom, facility or position comparable to that which he or she would have entered were he or she not a carrier, contact or infected person. Reasonable accommodations, however, do not require additions or modifications that would impose undue hardship on the operation of school programs. In determining whether an addition or modification would impose "undue hardship", the Joint Committee will consider the following factors:
 - 1. the cost of the change;
 - 2. the ability of EASTERN to cover the cost of the change;
 - 3. the degree to which the change will disrupt or diminish the effectiveness of school programs;
 - 4. the number of students, faculty and programs affected by the change;
 - 5. the educational and other needs of the students affected by the change;
 - 6. the extent to which the change will reduce the risk to health and safety;
 - 7. the duration and severity of the risk to health and safety; and
 - 8. any other matter that the Joint Committee deems to be relevant.
- G. Significant risk to health and safety - Risk that is posed by the presence of a carrier, contact or infected person and that is significant enough to justify a change in the educational program or placement or in the employment status of a carrier, contact or infected person. In determining the significance of a risk, the Joint Committee will consider reasonable medical judgments on the following factors:
 - a) the manner by which the infectious agent is transmitted;
 - b) the duration of the communicable period; *Adopted: October 12, 1994*
 - c) the severity of the risk to others; and
 - d) the probability of transmission to others.

Applicability

This policy shall apply to all students, employees and job applicants who have received an offer of admission or employment in all programs conducted by EASTERN.

Advisory Committee

EASTERN shall establish an Advisory Committee on Infectious Diseases, which shall consist of the Director or his other designees, EASTERN's Nurse and EASTERN's physician. EASTERN's Nurse shall serve as Chairperson of the Advisory Committee.

Individual Consideration

EASTERN shall consider each case individually, consistent with these guidelines.

Admission of Students

- A. EASTERN shall admit a carrier, contact or infected person to his or her assigned classroom or facility, unless a change in assignment or an exclusion is recommended by the Director and is approved by the Joint Committee after consultation with the Advisory Committee on Infectious Disease, and the Superintendent of the secondary student's resident district or that Superintendent's designee. Before the Director recommends any change or exclusion, the Advisory Committee shall consult with the student's attending physician, the student's parents or guardian and, if necessary, the educational personnel in the student's existing proposed placement.
- B. EASTERN shall admit a carrier, contact or infected person to the classroom or facility that he or she would have entered were he or she not a carrier, contact or infected person, unless a change in assignment or an exclusion is recommended by the Director and is approved by the Joint Committee after consultation with the Advisory Committee on Infectious Diseases, and the Superintendent of the secondary student's resident district or that Superintendent's designee. Before the Director recommends any change or exclusion, the Advisory Committee shall consult with the student's attending physician, the student's parents or guardian, and, if necessary, the educational personnel in the student's existing or proposed placement.
- C. The Joint Committee shall approve a change in assignment or an exclusion only if, after reasonable accommodation, the carrier, contact or infected person would still pose a significant risk to health and safety.
- D. EASTERN shall comply with the due process requirements of Section 13.31, 13.32 and 13.33 of the State Board of Education regulations, 22 Pa. Code §§13.31, 13.32 and 13.33, in the case of any change or exclusion that changes the educational status of an exceptional student. No change or exclusion of less than 10 days duration shall constitute a change in "educational status".
- E. EASTERN may require a limited waiver of the physician-patient privilege as a condition of admission or continued admission of a carrier, contact or infected person, to the extent necessary to prevent significant risk to health and safety.
- F. Any change in assignment or any exclusion approved by the Joint Committee under subsections (B), (C) and (D) of this section shall change only as much or shall continue only as long as is necessary to prevent significant risk to health and safety.
- G. If a student contracts any of the communicable diseases identified by the Department of Health in Section 27.71 of the Department's regulations, 28 Pa. Code § 27.71, the Director or his designee may exclude that student without consulting a representative of the secondary student's resident district or the Joint Committee. Such a student shall be referred to his or her resident district for action which conforms to the requirements of 28 Pa. Code §§ 27.71 through 27.75.
- H. EASTERN may establish procedures necessary for the safe operation of each of its services, programs, and activities. EASTERN may make such inquiries as are needed to ensure safe participation in its services, programs, and activities.
- I. The Director or his designee may exclude any suspected carrier, contact or infected person, without action by or approval of either the Advisory Committee or the Joint Committee, until a licensed physician can complete an examination, or on the physician's recommendation and opinion that that is necessary to prevent significant risk to health and safety, until such time as the Joint Committee has had an opportunity to act on a recommendation for a change in assignment or an exclusion.
- J. The Advisory Committee shall review at least once every three months the case of each carrier,

contact and infected person to determine the current status of the case and, if necessary, to revise its original recommendation in light of new information and new developments in medicine.

- K. Any secondary student who is excluded from EASTERN pursuant to this policy shall be referred to his or her resident district for appropriate action, which may include the provisions of homebound or other alternative education, action to comply with Section 1329 of the Code, 24 P.S. § 13-1329, and/or other action at the discretion of the resident district.

Confidentiality

In accordance with state and federal law, EASTERN shall keep confidential all student records of carriers, contacts and infected persons. EASTERN shall disclose confidential information only to those school personnel who need the information to protect themselves and others from significant risk to health and safety. School personnel shall not reveal any confidential information to any other person unless the Director or his or her designee authorizes them to do so.

Hiring and Retention of Employees

The following provisions shall apply both to employees of EASTERN and to job applicants who have received an offer of employment. None of these provisions, however, shall preempt or supersede an inconsistent term in a collective bargaining agreement.

- A. EASTERN shall continue to employ a carrier, contact or infected person in the position that he or she held before he or she became a carrier, contact or infected person, unless removal is recommended by the Director and is approved by the Joint Committee after consultation with the Advisory Committee on Infectious Diseases.
- B. The Joint Committee shall approve a removal only if, after reasonable accommodation, the carrier, contact or infected person would pose a significant risk to health and safety or would substantially lack the ability to perform the essential duties of his or her position.
- C. Before the Director recommends removal of an employee who poses a significant risk to health and safety or would substantially lack the ability to perform the essential duties of his or her position, he or she shall require the employee to submit to a medical examination by a licensed physician. The employee shall disclose to the Director the results of the examination along with any other related medical records.
- D. If the Joint Committee approves the removal of an employee under subsections (A) and (B) of this section, EASTERN shall either reassign the employee to other duties, place the employee on leave of absence with Board approval or commence proceedings to dismiss or suspend the employee.
- E. A reassignment shall allow the employee to assume as many of the duties of his or her existing position as is possible. Nothing in these guidelines, however, shall entitle an employee to reassignment. The availability of reassignment to other work will depend upon the reasonable needs of EASTERN, as determined by the Director.
- F. The Joint Committee shall approve placement on leave of absence only if sufficient other work is not available for the employee to perform or pursuant to its policies with respect to leaves of absence.
- G. EASTERN may commence dismissal or suspension proceedings only when its reasons for doing so would justify commencement of dismissal or suspension proceedings, under the Public School Code or other applicable laws, against an employee who is not a carrier, contact or infected person.
- H. EASTERN shall not refuse employment to an applicant on the ground that the applicant is a carrier, contact or infected person, unless the Director determines that, even with reasonable accommodation, employment of the applicant would pose a significant risk to health and safety or that, even with reasonable accommodation, the applicant would be unable to perform the essential duties of the position. In determining whether the applicant would pose a significant risk to health and safety or would be unable to perform essential duties, the Director shall consult with EASTERN Nurse, EASTERN physician and the employee who would serve as the applicant's immediate supervisor.
- I. All job applicants who have received an offer of employment shall undergo a medical examination by a licensed physician and shall disclose to the Director the results of the examination, along with

any other related medical records.

- J. EASTERN shall keep confidential all employment records of carriers, contacts and infected persons. Information obtained regarding the medical condition or history derived from entrance medical examinations must be collected and maintained on separate forms in separate medical files and must be treated as confidential records. EASTERN shall disclose confidential information only to those school personnel who need the information to protect themselves and others from significant risk to health and safety. School personnel shall not reveal confidential information to any other person unless the Director or his or her designee authorizes them to do so.

Education

- A. The Director or his or her designee shall develop a program to educate parents, students and staff about the detection, treatment, transmission, risks and prevention of communicable diseases. The program shall also inform parents, students and staff about the communicable disease policies and guidelines of EASTERN.
- B. In developing an education program, the Director shall refer to Chapter 27 of the regulations adopted by the Department of Health, entitled "Communicable and Non communicable Diseases", 28 Pa. Code # 27.1 et. seq., and to any relevant guidelines issued by the Federal Centers for Disease Control.

Evaluation

EASTERN's Nurse shall periodically report to the Director regarding the effectiveness of these guidelines and shall make recommendations for their revision in response to developments in medical research and treatment.

Adopted: 12/11/13