Policy 420  STUDENTS AND EMPLOYEES WITH SEXUALLY TRANSMITTED INFECTIONS AND DISEASES AND CERTAIN OTHER COMMUNICABLE DISEASES OR INFECTIOUS DISEASES

I.  PURPOSE

Public concern that students and staff of the school district be able to attend the schools of the district without becoming infected with serious communicable or infectious diseases, including but not limited to, Human Immunodeficiency Virus (HIV), Acquired Immunodeficiency Syndrome (AIDS), Hepatitis B, and Tuberculosis, 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.  Students

The policy of the school board is that students with communicable diseases not be excluded from attending school in their usual daily attendance setting so long as their health permits and their attendance does not create a significant risk of the transmission of illness to students or employees of the school district. A procedure for minimizing interruptions to learning resulting from communicable diseases will be established by the school district in its IEP and Section 504 team process, if applicable, and 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.

B.  Employees

The policy of the school board is 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 significant risk of the transmission of illness to students, 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.

C.  Circumstances and Conditions

1.  Determinations 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 by the Superintendent or designee 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 (what is the potential harm to third parties) and the probabilities
the disease will be transmitted and will cause varying degrees of harm.
When a student is disabled, such a determination will be made in
consultation with the educational planning team.

2. The school board recognizes that some students and some employees,
because of special circumstances and conditions, may pose greater risks
for the transmission of infectious conditions than other persons infected
with the same illness. Examples include students who display biting
behavior, students or employees who are unable to control their bodily
fluids, who have oozing skin lesions, or who have severe disorders
which result in spontaneous external bleeding. These conditions need to
be taken into account and considered in assessing the risk of
transmission of the disease and the resulting effect upon the educational
program of the student or employment of the employee by consulting
with the Commissioner of Health, the physician of the student or
employee, and the parent(s)/guardian(s) of the student.

D. Students with Special Circumstances and Conditions

Northfield Public Schools, along with the infected individual’s physician,
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, and arrange for periodic
reevaluation as deemed necessary by the state epidemiologist. The risks to
the student shall be determined by the student’s physician.

E. 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.

F. 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 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.

G. 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 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.

H. Reporting

If a medical condition of student or staff threatens public health, it must be reported to the Commissioner of Health.

I. 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 sexually transmitted diseases in accordance with Minn. Stat. § 121A.23 which includes:

1. planning materials, guidelines, and other technically accurate and updated information;
2. a comprehensive, developmentally appropriate, technically accurate, and updated curriculum that includes helping students to abstain from sexual activity until marriage (it is vital to note that the District acknowledges and values a variety of healthy, committed relationships);
3. cooperation and coordination among school districts and Service Cooperatives;
4. a targeting of adolescents, especially those who may be at high risk of contracting sexually transmitted diseases and infections, for prevention efforts;
5. involvement of parents and other community members;
6. in-service training for district staff and school board members;
7. collaboration with state agencies and organizations having a sexually transmitted infection and disease prevention or sexually transmitted infection and disease risk reduction program;
8. collaboration with local community health services, agencies and organizations having a sexually transmitted infection and disease risk reduction program; and
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.
J. 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.

Policy 420 Students and Employees with Sexually Transmitted Infections and Diseases and Certain Other Communicable or Infectious Diseases
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School Board
INDEPENDENT SCHOOL DISTRICT 659
Northfield, Minnesota

Legal References:
- Minn. Stat. § 121A.23 (Health-Related Programs)
- Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
- Minn. Stat. § 144.441-442 (Tuberculosis)
- 20 U.S.C. § 1401 et seq. (IDEA) (Individuals with Disabilities Education Act)
- 42 U.S.C. § 12101 et seq. (Americans with Disabilities Act)
- 29 C.F.R. 1910.1030 (Occupational Exposure to Bloodborne Pathogens)
- 16 EHLR 712, OCR Staff Memo, April 5, 1990

Cross References:
- Policy 402 (Disability Nondiscrimination)
- Policy 407 (Employee Right to Know - Exposure to Hazardous Substances)
- Policy 521 (Student Disability Nondiscrimination)