

Policy 420 EMPLOYEES WITH COMMUNICABLE OR INFECTIOUS DISEASES

I. PURPOSE

Public concern that staff of the school district be able to work in 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 employees and contractors, including those who are so infected. The purpose of this policy is to adopt such measures.

II. GENERAL STATEMENT OF POLICY

It is the policy of the school board that employees with communicable or infectious diseases not be excluded from 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.

A. Circumstances and Conditions.

Determinations of whether a contagious individual's 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. The school board recognizes that 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.

B. 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.

C. Information Sharing.

1. Employee 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 comply with employees' right to know requirements.

2. Employee 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 records and data.

D. Reporting.

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

Policy 420 - Employees with Communicable or Infectious Diseases

Adopted: 3/14/05

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)
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

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