

I. PURPOSE

Public concern that students from NWSISD member school districts and NWSISD staff be able to be able to participate in NWSISD programs and activities 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, staff, 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.

It is the policy of the school board that students from NWSISD member school districts with communicable diseases not be excluded from NWSISD programs and activities so long as their health permits and their attendance does not create a significant risk of the transmission of illness to other participating students or NWSISD employees. A procedure for minimizing interruptions to learning resulting from communicable diseases will be established by the student's home 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.

It is the policy of the school board that staff 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 participating in NWSISD programs or activities, or other NWSISD staff. If a reasonable accommodation will eliminate the significant risk of transmission, such accommodation will be undertaken unless it poses an undue hardship to NWSISD.

C. Circumstances and Conditions.

1. Determinations of whether a contagious individual's NWSISD program or activity participation or job performance creates a significant risk of the transmission of the illness to other participating students or NWSISD staff will be made 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 by that student's home school district in consultation with the educational planning team.

2. The school board recognizes that some students from NWSISD member school districts and some staff, 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 staff 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 employment of staff by consulting with the Commissioner of Health and the physician of the employee.

The home school district of a student with a communicable disease will make the determination about that student's ability to participate in a NWSISD program or activity. The NWSISD member school district shall notify NWSISD in writing when a student with a communicable disease will be participating in a NWSISD program or activity, and provide NWSISD with written documentation of the process it used to make a determination that it is safe for that student to participate in NWSISD programs or activities. In addition, the member school district shall advise the NWSISD Executive Director of any precautions NWSISD need to take so that student can participate as fully as possible in the NWSISD program or activity. NWSISD member school districts do not need to notify NWSISD about students with communicable diseases who attend NWSISD sponsored assemblies or similar activities that are sponsored by NWSISD and take place at that student's home school building.

D. Students with Special Circumstances and Conditions.

The student's home school district, 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 student's physician shall determine the risks to the student.

E. Extracurricular Student Participation.

NWSISD member school district's students' participation in nonacademic, extracurricular and non-educational programs of NWSISD are subject to a requirement of equal access and comparable services. Student educational services are subject to FAPE/LRE standards.

F. Precautions.

NWSISD will develop routine procedures for infection control and for educating staff 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 (last revised 1988). (These precautionary procedures shall be consistent with NWSISD's procedures regarding blood-borne pathogens developed pursuant to NWSISD's employee right to know policy, Policy 407.)

G. Information Sharing.

1. Staff and participating student health information shall be shared within NWSISD 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 accomplish legitimate educational goals and to comply with employees' right to know requirements.
2. Staff and participating student health data shall be shared outside NWSISD only in accordance with state and federal law and with NWSISD's policies on staff 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.

To ensure that NWSISD complies with the requirements of Minnesota Statute § 121A.23, NWSISD member school districts shall be responsible for implementing and providing to their students a program to prevent and reduce the risk of sexually transmitted diseases. NWSISD 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.

It shall be the responsibility of NWSISD member school districts to ensure all students participating in NWSISD programs or activities have complied with all current state and federal law requirements regarding vaccinations and Tuberculosis screenings.

Legal References: Minn. Stat. § 121A.23 (Health-Related Programs)
Minn. Stat. Ch. 363 (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: NWSISD Policy 402 (Disability Nondiscrimination Policy)
NWSISD Policy 407 (Employee Right to Know - Exposure to Hazardous Substances)
NWSISD Policy 515 (Protection and Privacy of Pupil Records)
NWSISD Policy 521 (Student Disability Nondiscrimination)

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