

Students

Communicable, Contagious, or Infectious Disease Control

The County Board of Education and the County Superintendent of Schools fully recognize that education is a fundamental right guaranteed and protected by various constitutional and statutory provisions. The County Board of Education and the County Superintendent of Schools also fully recognize that they may take reasonable actions to protect the safety and welfare of students, employees, and visitors in schools and programs operated by the County Superintendent of Schools.

Actions taken regarding the placement of students infected with a severe communicable, contagious, or infectious disease shall be made on a case-by-case basis after factual inquiry. No pupil infected with a severe communicable, contagious, or infectious disease shall be excluded from attendance at regular schools and programs operated by the County Superintendent of Schools unless the results of the individual review and evaluation are that the presence of the pupil will pose a threat to the welfare of themselves, other pupils, or there are compelling reason(s) to exclude the pupil. A decision to exclude a pupil on the basis of a severe communicable, contagious, or infectious disease will be reviewed periodically to ensure placement in an appropriate educational program which will serve the interests of the pupil.

It is the intent of the County Board of Education and the County Superintendent of Schools to cooperate with local health authorities, other governmental agencies, school districts, students, parents/guardians, and community members to make available educational materials, inservice training, and recommended procedures for the prevention and control of severe communicable, contagious, or infectious diseases.

The County Superintendent of Schools shall be the authorized spokesperson of the County Board of Education for matters relating to communicable, contagious, or infectious diseases of students in schools and programs operated by the County Superintendent of Schools.

The County Superintendent of Schools shall develop Administrative Regulations within the educational setting which ensure:

1. Confidentiality of student medical information, as required by law.
2. Right to privacy for the individual, as required by law.
3. Due process for the individual, as required by law.
4. Dissemination of preventive disease control information and resources.

5. Appropriate training in disease prevention and control techniques.
6. Implementation of precautionary procedures for the cleaning of soiled surfaces and the protocols of handling blood and body fluids.

The County Superintendent of Schools shall periodically review this policy and related administrative regulations to ensure compliance with governmental regulations for the prevention of severe health risks to students posed by communicable, contagious, and infectious disease.

Legal Reference: Education Code Sections 48210-48214, 48221, 49061 et seq., 49408, 49451

Health and Safety Code Sections 199.30-199.40, 3118, 3380-3390

Federal Legislation: Section 504 of the Rehabilitation Act of 1973 (P.L. 93-112), 19 U.S.C. 701 et seq.

Buckley Amendment of the Family Educational Rights and Privacy Act of 1974 (P.L. 90-147), 20 U.S.C. 1232g.

Education for All Handicapped Children Act of 1975 (P.L. 94-142), 20 U.S.C., Section 1401 et seq.

Policy

First Reading July 26, 1988

Adopted August 16, 1988

Students

COMMUNICABLE, CONTAGIOUS, OR INFECTIOUS DISEASE CONTROL

It is the intent of the County Board of Education and the County Superintendent of Schools to cooperate with local health authorities, other government agencies, school districts, employees, students, parents/guardians, and community members to make available educational material, inservice training, and recommended procedures for the prevention and control of severe communicable, contagious, or infectious diseases.

HIV-POSITIVE AND AIDS

If there is an identified case of Human Immunodeficiency Virus Infection (HIV) or Acquired Immune Deficiency Syndrome (AIDS) among students, the County Superintendent will be notified by any employee who is aware of the situation. Decision regarding the admission, exclusion or alternative placement of students with HIV or AIDS will be made on a case-by-case basis specifically according to this administrative regulation. If further action is deemed necessary, the County Superintendent will institute the procedural review process and determination will be based in part on medical advice and the recommendation of the review committee.

OTHER SEVERE COMMUNICABLE OR INFECTIOUS DISEASE

Decisions regarding the admission, exclusion or alternative placement of students with other severe communicable, contagious or infectious diseases, including but not limited to hepatitis and herpes, shall be determined according to the Education Code and recommendations of the California State Department of Education. If appropriate, the Superintendent may elect to implement the procedural review process.

PROCEDURAL REVIEW PROCESS

1. A review committee appointed by the County Superintendent and chaired by the Director of Special Education will include, but not limited to, the student's principal, teacher and/or counselor, a licensed physician and /or a medical consultant, and a health professional from the county Department of Health Services.
2. The parent/guardian and/or the student who has an identified communicable, contagious, or infectious disease shall be notified and have the opportunity to provide input for consideration by the committee either orally and/or in writing.
3. The review committee will assess the student's situation related to the safety of the student, other students and staff, and to the control of the disease in schools, programs or offices of the County Superintendent and make recommendations to the Superintendent. The

Committee will consider: a) the nature of the risk -- how the disease is transmitted; b) the duration of the risk -- how long the carrier is contagious or infectious; c) the severity of the risk -- what is the potential to other parties or to the infected person; d) the possibility of the disease being transmitted and causing varying degrees of harm.

4. The review committee will develop recommendations regarding the placement status of a student with a disease with consideration for the safety of the student, other students and employees, and the control of the disease.
5. Within ten working days of the review committee's final meeting, it will prepare and present to the superintendent its written recommendations regarding the case.
6. The student's placement status will be monitored by the Director of Special Education by communicating with the student's personal physician.

THE COUNTY SUPERINTENDENT'S DETERMINATION

1. The County Superintendent will determine the appropriate course of action based in part on medical advice and the recommendations of the review committee. This action may include a request to submit to an appropriate medical evaluation at the expense of the superintendent's office, the possible exclusion of the student from school or class with alternative educational program options, or other appropriate accommodations. Action will provide the student with educational opportunities while protecting the health and safety of the infected student, other students, staff and the public. This action will also take into consideration the established procedures for placement, exclusion and expulsion of special education students.
2. Confidential medical records concerning the student's health condition shall be maintained in accordance with law and shall be released only to authorized personnel. These records will not be released to others without the written approval of the student's parent/guardian or by judicial order.

PRIVACY RIGHTS

1. The number of personnel informed of the student's condition shall be the minimum needed to protect confidentiality and to detect situations in which the potential for transmission of the disease may increase.

2. It is the responsibility of all employees to respect the confidentiality of medical information provided to them and the individual's right to privacy. No employee who has access to confidential medical information shall provide the information to any unauthorized person.
3. In cases where it has been determined that an infected student poses a substantial risk to others in the classroom because of the student's personal habits or the nature of the disease, the employee(s) assigned to work with the student, students assigned to the same classroom and their parents/guardians will be notified of potential risks by the appropriate administrator.

NEWS MEDIA CONTACT

The superintendent shall be the authorized spokesperson for matters relating to communicable, contagious and infectious diseases of students in schools and programs operated by the County Office of Education.

INSERVICE AND INFORMATION

Due to the possibility that a communicable, contagious, or infectious disease carrier may go undetected, information and training of disease recognition and prevention techniques will be provided to students as appropriate.

REVIEW

Policies and regulations related to communicable, contagious or infectious disease shall be reviewed as appropriate to reflect the latest medical and/or legal considerations.

LEGAL REFERENCES:

Education Code Sections: 48210-14, 48221, 49061, 49408, 49451
Health & Safety Code Sections: 199.30-40, 3118, 3380-3390
Federal Legislation: Section 504 of the Rehabilitation Act of 1973
(P.L. 93-112)

Buckley Amendment of the Family Educational Rights and Privacy Act of 1974 (P.L. 90-147)

Education for All Handicapped Children Act of 1975 (P.L. 94-142)

Regulation

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