

The board strives to provide a safe and healthy environment for all students and employees. The board also strives to maintain a balance among the needs to educate all eligible students, to protect students' and employees' rights, and to control communicable diseases, ~~including HIV and AIDS.~~

Under certain circumstances, students with communicable diseases may pose a threat to the health and safety of other students and employees. Decisions regarding the educational status of students with communicable diseases will be made on a case-by-case basis in accordance with this policy. Nothing in this policy is intended to grant or confer any school attendance or education rights beyond those existing by law. This policy will be shared with school employees annually and with new employees as part of any initial orientation.

A. ~~DEFINITIONS OF COMMUNICABLE DISEASE~~

A “communicable disease” is defined as an illness due to an infectious agent (usually a virus or bacterium), or its toxic products, that is transmitted directly or indirectly to a person from an infected person or animal.

A “communicable condition” exists if a person is infected with a communicable agent but does not have symptoms.

A “reportable disease or condition” is defined as a communicable disease or condition declared to be dangerous to the public health and required by the N.C. Department of Health and Human Services to be reported after the disease or condition is reasonably suspected to exist.

B. PRECAUTIONS

In order to prevent the spread of communicable diseases, school system officials shall distribute guidelines for necessary health and safety precautions that all school system employees must follow. (See policy 7260, Occupational Exposure to Bloodborne Pathogens, and policy 7262, Communicable Diseases – Employees). Employees are also required to follow the school system’s bloodborne pathogens exposure control plan that contains universal precautions and specific work practice controls relating to the handling, disposal, and cleanup of blood and other potentially infectious materials.

Students should not be involved in the handling, disposal, and cleanup of potentially infectious materials unless the students have been specifically trained in the handling of such materials and are qualified to perform first aid services. Employees shall take reasonable precautions to avoid allowing students to come in contact with these substances.

C. CURRICULUM

The curriculum will include health, hygiene, and safety education, including age-appropriate information concerning safe health practices that inhibit and prevent the spread of communicable diseases, ~~including HIV and AIDS~~. (See policy 3540, Comprehensive Health Education Program.)

D. REPORTING, AND NOTICE, AND CONFIDENTIALITY REQUIREMENTS

1. Principal's Report to Health Department and Superintendent

In accordance with G.S. 130A-136, school principals shall report suspected cases of ~~communicable~~ reportable diseases and conditions to the county health department. Such reports must be made in a manner consistent with the school system's Family Educational Rights and Privacy Act (FERPA) obligations. Confidentiality of such reports is protected by law. School principals are presumed by law to be immune from liability under state law for making such reports in good faith.

Without releasing any information that would identify the student in violation of FERPA, the principal also must report suspected cases of ~~communicable~~ reportable diseases or conditions to the superintendent.

~~Additionally, parents or guardians will be notified in a timely manner when their child has potentially been exposed to a communicable disease through the exchange of blood with another individual and will be encouraged to contact their private physician or the county health department for consultation.~~

2. Privacy and Confidentiality of Affected Persons

a. ~~If the local health director determines that there is significant risk of HIV transmission, the local health director is responsible for deciding which school personnel will be informed of the identity of a student with AIDS or HIV infection. The local health director is also responsible for determining whether and which school personnel will be informed of the identity of students with other communicable diseases or conditions required to be reported.~~

b. Any employee who is informed of or becomes aware of ~~the a~~ student's communicable disease or condition, whether reportable or not, shall respect and maintain that student's right of privacy and the confidentiality of his or her records and may not share that information in a manner that violates FERPA.

c. In addition, if the student has a disease or condition that is required to be reported to the local health director, employees who are informed of or become aware of the student's status may not share that information with anyone, including other school personnel, unless specifically permitted to

do so by the health director, ~~or by written consent of~~ the student's parent or guardian, or by other applicable state or federal laws or regulations. ~~Permission from a parent or guardian to share a student's HIV status with other school personnel must be in writing.~~

- d. Any documents relating to a student's reportable disease or condition, including HIV infection or AIDS, ~~infection~~ will be retained in a strictly confidential manner, such as in a locked cabinet separate from the student's other school records and medical records, and will be released or shared only as necessary to comply with this policy.
- e. Employees who are informed of the student's reportable disease or condition will ~~also~~ be provided ~~with~~ appropriate information concerning necessary precautions and will be made aware of the strict confidentiality requirements. ~~The release of~~ If an employee releases this type of confidential information or records relating to a student's reportable disease or condition, except as permitted by law, ~~is the employee will have committed~~ a misdemeanor and may ~~be~~ subject the employee to ~~further~~ discipline up to and including dismissal.

3. Employee Reports of Communicable Diseases

In order to address the needs of the student within the school environment, school employees are required to notify the principal if they have reason to believe that are ~~aware or become aware of~~ any student is suffering from a communicable disease ~~other than HIV infection~~. Parents will be encouraged to notify the principal as well.

4. Notice Relating to Students Who are Immunodeficient

Students who are immunodeficient, ~~whether due to AIDS or other causes,~~ face an increased risk of severe complications from exposure to communicable diseases that appear in the school setting. ~~Although students with an HIV infection are not required to notify school staff of their HIV status,~~ students and their parents or guardians are encouraged to inform the principal if a student suffers from this immunodeficiency. Students who are immunodeficient because of other communicable diseases, and their parents, are also encouraged to inform the principal.

If notified that a student suffers from an immunodeficiency, the principal should request that the notifying party provide information about what types of exposures might put the student at risk and what reasonable practices can be taken in the school setting to minimize risk to the student. Whenever possible, the principal of a school should notify the parents or guardians of an infected or immunodeficient student (or the student himself or herself, where appropriate) about the presence of chicken pox, influenza, meningococcus, measles, tuberculosis, or other contagious diseases occurring in the school that may present a serious threat to the student's

health. Students who are removed from school as a result of such conditions will be provided instruction in an appropriate alternative educational setting.

5. Notification to Parent/Guardian of Exposure to Infectious Agent

Parents or guardians will be notified in a timely manner when their child has potentially been exposed to an infectious agent, such as an instance of blood-to-blood contact, and will be encouraged to contact their private physician or the county health department for consultation.

E. EDUCATION/SCHOOL ATTENDANCE FOR STUDENTS WITH AIDS/HIV INFECTION OR HEPATITIS B INFECTION

Students with ~~an~~ AIDS or HIV infection or hepatitis B infection will be permitted to attend school without special restrictions except in accordance with 10A N.C.A.C. 41A .0201-~~.0204~~0203 and this subsection.

1. Appointment of an Interdisciplinary Committee

When the local health director notifies the superintendent that a student with AIDS, ~~or~~ HIV infection, or hepatitis B infection may pose a significant risk for transmission, the superintendent, in consultation with the local health director, shall appoint an interdisciplinary committee in accordance with state health regulations and procedures established by the superintendent. The committee shall consult with the local health director regarding the risk of transmission and advise the superintendent regarding the placement of the student. The committee will include appropriate school system personnel, medical personnel, and the student's parent or guardian and may include legal counsel. The parent may request additional participants as necessary to appropriately evaluate the risk. The health director will be responsible for determining whether to add additional members requested by the parents. The superintendent shall inform the board whenever a committee has been formed and shall advise the board of the professional composition of the committee.

2. Determination of Educational Placement

The interdisciplinary committee shall review each case individually in consultation with the local health director to determine (1) the degree to which the student's conduct or presence in school exposes others to possible transmission or other harm and (2) what risk the school environment may pose to the infected student. If the local health director concludes that a significant risk of transmission exists in the student's current placement, the committee must determine whether an appropriate adjustment can be made to the student's school program to eliminate this risk. If that is not possible, the student will be provided instruction in an appropriate alternative educational setting that incorporates protective measures required by the local health director.

3. Referral for Special Education Services as Appropriate

If the administrative or instructional personnel on the committee determine that the student has limited strength, vitality, or alertness due to a chronic or acute health problem that adversely affects the student's educational performance, they must refer the student for possible identification and placement as a student with special needs.

4. Confidentiality

All deliberations of the interdisciplinary committee will be kept strictly confidential and shared only as allowed by law. Any student records related to the deliberations of the committee will be retained in a strictly confidential manner, such as in a locked cabinet separate from the student's other school records and medical records.

F. EDUCATION/SCHOOL ATTENDANCE FOR STUDENTS WITH COMMUNICABLE DISEASES OTHER THAN AIDS OR HIV OR HEPATITIS B INFECTION

In some circumstances, students with communicable diseases or conditions may pose a threat to the health and safety of other students and school employees. In other cases, students may have only mild illness and be able to attend school and participate in all activities. Accordingly, decisions regarding the educational status of students with signs and symptoms of communicable disease will be made on a case-by-case basis with input from the students' health care provider, public health specialists, and the school nurse.

A student with an acute or chronic communicable disease who remains in school shall observe any protective procedures or other control measures recommended by the student's physician, the school nurse, or other relevant medical authority.

Students with a chronic communicable disease may be referred for special education services or a Section 504 plan of accommodation, as consistent with law.

G. OTHER CONTROL MEASURES

School personnel shall implement measures to control the spread of communicable disease as directed by the state or local health department. In the case of emerging illnesses not addressed by state or local health department rules or guidance, school personnel shall implement control measures recommended by the CDC unless directed otherwise by the school nurse or other relevant medical authority.

Decisions regarding school closures shall be made in accordance with policy 5050, Emergency Closings.

Legal References: [Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; 34 C.F.R. pt. 99; G.S. 115C-36, 130A-25, -136, -142 to -144, 145, -152 to -157; 10A N.C.A.C. 41A, subchapter A-.0201 through .0204](#)

Cross References: Comprehensive Health Education Program (policy 3540), [Emergency Closings \(policy 5050\)](#), Occupational Exposure to Bloodborne Pathogens (policy 7260), Communicable Diseases – Employees (policy 7262)

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