



# Infectious Diseases - AR 2.5(A)(1)

City Schools of Decatur recognizes the importance of protecting the health and welfare of students, teachers, and other employees from the spread of communicable diseases that pose a substantial threat to the health or safety of the school community.

## **Access/Employment**

No student shall be denied access to, nor shall an otherwise qualified individual be denied employment in the educational programs of the District solely because he or she is infected with a communicable disease. A student or employee who is infected with a communicable disease will remain in his or her educational or employment setting unless he or she presents a significant risk of contagion. The determination of degree of risk will be made by the Executive Director of Equity and Student Support (for students) or the Executive Director of Staff Support (for staff), hereinafter referred to as “applicable Executive Director,” after appropriate consultation with medical professionals as described below.

## **Educational Opportunities**

The Executive Director of Staff Support shall ensure that educational opportunities are provided for employees to become informed concerning transmission of bloodborne pathogens and procedures to reduce the risk of transmitting bloodborne infection as well as other communicable diseases, including precautions to be taken in handling bodily fluids and blood whenever necessary. The educational program shall include instruction as to:

- the nature of bloodborne infection, including how it is and is not transmitted according to current scientific evidence;
- the handling of blood and bodily fluids;
- school district policies and procedures related to employees and students with bloodborne diseases;
- resources within the school district and elsewhere for obtaining additional information or assistance; and
- procedures to prevent the spread of all communicable diseases at school.

## **Determination of Risk**

Whether or not an infected individual presents a significant risk of contagion shall be determined based upon reasonable medical judgment given the state of medical knowledge about:

- The nature of the risk (i.e., how the disease is transmitted);
- The duration of the risk (i.e., how long the carrier is infectious);
- The severity of the risk (i.e., the degree of potential harm to third parties); and



## City Schools of Decatur Administrative Regulation

---

- The probability that the disease will be transmitted and will cause varying degrees of harm.

If the District has a reasonable suspicion to believe a student or employee has an infectious disease, the applicable Executive Director shall determine whether reasonable accommodations will allow the individual to continue in his/her setting. In making this determination, the applicable Executive Director shall consult with a school nurse, the student's or employee's physician, a public health official knowledgeable about the disease, and/or a physician employed by the District at the option of the Superintendent in order to determine whether reasonable accommodations will allow the student to perform in the classroom or other education setting or the employee to meet the essential functions of his or her job. If an accommodation which does not impose undue financial hardship or administrative burdens can be made, then neither student nor employee shall be denied the right to participate in the educational programs or to be employed by the District.

In order that the applicable Executive Director may have time to obtain a medical judgment concerning the student or employee who is infected with a contagious disease, the Superintendent may remove the infected student or employee from educational programs or employment for a period not to exceed ten (10) days during which time the applicable Executive Director shall make a decision as to whether the student or employee can be accommodated and does not pose a significant risk to others. The student or employee shall be excluded beyond the ten (10) days only if the applicable Executive Director determines after consultation as provided above and as prescribed by the Health Department or the individual's physician that the communicable disease is of such nature or at a stage that the individual should not be in an educational setting. If the student has a support plan (Section 504 or IEP), the appropriate team will meet to determine what supports are needed for the student should the student have to be removed from the student's educational program.

### **Appeal**

Should the applicable Executive Director decide that the student or employee should be removed from the normal place of work or regularly assigned classroom, the infected person shall have the right of appeal. The student or his/her parent or legal guardian, or the employee, may appeal that decision by submitting a written statement to the Superintendent by U.S. Mail or hand delivery that contains the following:

- Name of the student/employee.
- Statement of the basis for appeal.
- Description of applicable facts.
- Any supporting documentation relevant to the appeal.
- Name, contact information, and signature of the person initiating the appeal.



## City Schools of Decatur Administrative Regulation

---

A hearing shall be conducted by the Superintendent to determine whether said student or employee shall be admitted to the regular workplace or classroom, or be reassigned to a special classroom or workplace. Said hearing should be held within ten (10) work days of the date of the receipt of the appeal. The student or employee shall have the right to legal counsel at all stages of the proceedings. The Superintendent shall make his/her decision after receiving evidence from representatives of the student/employee, the consultants above described, and any medical or other experts employed by the District.

### **Request to Return to School/Work**

A student (or his/her parent or legal guardian) or an employee removed from educational programs or employment through the above process may request an end to said removal on the basis that the student's/employee's medical condition has changed significantly enough that a different determination of risk is likely to be made regarding the individual's medical condition. Such a request shall be submitted via a written statement to the applicable Executive Director by U.S. Mail or hand delivery that contains the following:

- Name of the student/employee.
- Statement of the basis for reconsideration of removal.
- Description of applicable facts.
- Any supporting documentation relevant to the reconsideration.
- Name, contact information, and signature of the person initiating the request for reconsideration.

The applicable Executive Director shall initiate the determination of risk procedure, described above, upon receipt of said request.

### **Confidentiality**

Medical information relating to employees or students shall remain confidential to the fullest extent provided by law.

Questions about this regulation should be directed to the Executive Director of Equity and Student Support.

----

*Related Board Policy: 2.5(A)*

*Related State Board of Education Rules: 160-1-3-.03*

*Approved by Cabinet: June 10, 2019*