

COMMUNICABLE DISEASES: STAFF and STUDENTS

POLICY

The Fitzgerald Public Schools is committed to providing educational services in a safe and healthy environment. To this end the Board believes that communicable diseases must be handled in an appropriate manner in order to ensure the safety and welfare of students and staff, while also recognizing the rights and needs of the afflicted individual. In responding to instances of communicable disease, the Board will attempt to follow the recommendations, rules and regulations of the State of Michigan Department of Public Health and the Macomb County Health Department.

PROCEDURE

The procedures which follow have been adopted by the Board of Education in furtherance of the above-stated policy.

I. STAFF - defined as those persons on the District's payroll.

In the event that a person has reason to believe that an employee of the school district has a communicable disease the superintendent should be notified immediately.

A. Communicable diseases which are known to be spread by casual contact.

It is the policy of the Fitzgerald Board of Education to respond to individuals experiencing the more common communicable diseases, those which are known to be spread by casual contact, in a manner consistent with the recommendations of the Macomb County Health Department.

1. Where the superintendent has reason to believe that a staff member may have a communicable disease or infestation known to be spread by casual contact, he/she or his/her designee shall meet with the staff member to discuss the matter.
2. Following this meeting the superintendent may suspend the staff member with pay until the staff member produces a certificate from a physician stating that he/she is free of the suspected disease or that the condition poses no health risk to either the particular staff member or other persons in the school setting.
3. The school district administration will consult the most recent Macomb County Health Department reference chart (CHD Communicable Disease Reference Chart) to determine and implement exclusion and re-admittance of individuals.
4. The Macomb County Health Department staff will be contacted as needed for consultation and clarification.

B. Communicable diseases which are NOT known to be spread by casual contact.

1. It is the policy of the Fitzgerald Board of Education to respond to communicable diseases which are not known to be spread by casual contact in a manner that assures individuals who have contracted such a disease a careful review of their particular situation in determining the extent of their continued involvement in the public school programs.
2. The term "communicable diseases which are not known to be spread by casual contact" refers to those diseases which have a prolonged carrier state.
3. Communicable diseases that are not known to be spread by casual contact, within the meaning of this policy, include Hepatitis B, AIDS (Acquired Immune Deficiency Syndrome) Pre AIDS, LAV (Lymphadenopathy Associated Virus , ARC (AIDS Related Complex), HTLV III Virus (Human T-Cell Lymphotropic Virus type III), and other diseases that are transmissible by blood, other body fluids, and other body products, which present potentially serious health problems for those who contract the disease. This includes persons who are diagnosed by their physicians as having an illness due to infection with HTLV-III/LAV but who do not meet the case definition of AIDS, and those who are asymptomatic, but have virologic or serologic evidence of infection with HTLV-III/LAV.

C. REVIEW PROCEDURE

The following review procedure is intended to assure that both the rights of the individual and the school community at large are protected and that each case will be determined on an individual basis by a review committee comprised of appropriate professionals.

1. Where the superintendent has reason to believe that an employee of the school district has a communicable disease which is not known to be spread by casual contact, he/she or his/her designee shall meet with the employee in question and discuss the matter.
2. If, following this meeting, the superintendent reasonably believes that the person may, in fact, have AIDS, ARC, LAV, Pre-AIDS, or HTLV III virus, he/she shall request written authorization from the affected person to disclose the information to Board Members and other necessary persons. If written authorizations cannot be obtained, the superintendent shall petition a court of competent jurisdiction for an order permitting the superintendent to disclose such information to Board of Education members and other necessary persons.
3. Absent receipt of such an order or written authorization, the superintendent shall not disclose any information regarding the affected individuals medical condition to any employee of the school district or Board of Education member.

4. The superintendent shall also, upon determination that there is reason to believe that an employee may be afflicted with a communicable disease within the meaning of Section I B of this policy, select an Advisory Team and schedule a meeting of the same. The Advisory Team shall convene within ten (10) work days of its selection. The Advisory Team may be comprised of the following individuals:
 - A. The employee and/or the employee's representatives.
 - B. The employee's treating physician, who the employee shall authorize to release all relevant medical records for the confidential use of the Advisory Team.
 - C. A physician selected by the superintendent, with expertise in the communicable disease at issue.
 - D. A physician designated by the Macomb County Department of Public Health, with expertise in the communicable disease at issue.
 - E. A designee appointed by the superintendent, who shall chair the Advisory Team.
 - F. Other persons selected by the superintendent, depending on the circumstances of the particular case.
5. The Advisory Team shall make a written recommendation to the superintendent, based upon the affected employee's neurological and physical condition and the expected type of interaction with others in the affected employee's employment setting, as to whether the employee should be excluded from his/her employment duties and all school-sponsored activities, restricted in his/her activities in the employment setting, or remain in an unrestricted employment setting.
 - A. If the Advisory Team recommends that the affected employee remain in his/her employment position but that he/she be restricted from participating in certain activities and/or that consideration be given to alternate employment within the School District, the Team shall expressly so state in writing. The Advisory Team shall further set forth, in writing, the precautionary/sanitary measures, if any, that should be taken to protect the health and welfare of the employee and the school community. Upon receipt of the Advisory Team's recommendation that the affected employee be restricted from participating in certain activities and/or that an alternative assignment be considered, the superintendent shall set forth, in writing, the parameters of the restricted employment setting.
 - B. If the Advisory Team recommends that the employee remain in an unrestricted employment setting, the Team must so state in writing, and

further state what precautionary sanitary measures, if any, should be taken to protect the health and welfare of the employee and the school community.

- C. If the Advisory Team recommends that the affected employee be totally excluded from his/her former employment setting based upon his/her neurological and physical condition and expected type of interaction with others in that setting, the Team must so state in writing. The Advisory Team shall also state the conditions under which it would consider the employee's return to a restricted or unrestricted school setting.
6. The Advisory Team shall provide the superintendent with its written recommendation within ten (10) working days of its meeting, unless the Team determines that additional time is necessary in order to obtain pertinent medical information regarding the employee's condition and/or that additional diagnostic testing is necessary for a thorough review of the matter.
 7. In the event that the Advisory Team's decision is not unanimous, the dissenting member(s) shall be given the opportunity to attach a written dissenting report to the Advisory Team's recommendations within twenty-four (24) hours of the presentation of the Advisory Team's report to the superintendent.
 8. Upon the superintendent's receipt of the Advisory Team's written report, the superintendent shall, within ten (10) working days, make a determination regarding the employee's status. In the event that the superintendent determines that a staff member should be excluded from employment, he/she shall initiate appropriate action pursuant to the provisions of the applicable collective bargaining agreement, Board Policy, and/or applicable laws.
 9. In the event that the superintendent determines that a certificated staff member should be totally excluded from employment with the School District, he/she shall, pursuant to Article V, Section 2 of the Michigan Teachers' Tenure Act, either obtain the staff person's consent to be placed on a sick leave, or, if the consent cannot be obtained, file tenure charges with the Board of Education seeking to place the staff person on an involuntary medical leave of absence.
 10. If the affected employee disagrees with the determination of the superintendent, the employee may file a written appeal to the Board of Education within ten (10) working days. The Board of Education shall receive and review all necessary and pertinent materials provided by the Advisory Team and the employee and provide an opportunity to both the superintendent and employee to provide additional pertinent information. In its discretion, the Board may grant the employee a hearing.
 11. The Board of Education may affirm, modify or reverse the decision of the superintendent within ten (10) working days of the receipt of an appeal.

12. During an appeal from the superintendent's decision to the Board of Education, the affected employee's employment status shall remain status quo.
13. Where an affected staff member is permitted to remain in either a restricted or unrestricted school setting, the superintendent shall designate a responsible school representative to monitor changes in the staff member's medical status on a monthly basis, or more frequently if deemed appropriate. If the affected person has been afflicted with AIDS, Pre-Aids, LAV, or ARC, the superintendent shall seek written permission from the afflicted person prior to designating the responsible school representative. If the written authorization cannot be obtained, the superintendent shall seek an order from the court permitting such. The superintendent, with input from the Advisory Team, shall reassess the status of the staff member at not less often than annual intervals.
14. All timelines set forth herein may be extended where required due to the individual circumstances of the case.

D. CONFIDENTIALITY

All persons involved in or having knowledge of the proceedings set forth above shall respect the employee's right to privacy, including maintaining employment records in accordance with the requirements of The Michigan Public Health Code, MCLA 333.5101 et. seq., the Bullard Plawecki Employee Right to Know Act, MCLA 421.501 et seq., the Freedom of Information Act, MCLA 15.231 et seq., any applicable contractual provisions, and Board of Education policy and regulations.

II. STUDENTS

Defined as including any person of any age enrolled or participating in a course of study or activity offered by the Fitzgerald School District within the confines of the district's properties - open or enclosed.

In the event that a person has reason to believe that a student enrolled in the school district has a communicable disease, the superintendent should be notified immediately.

A. Communicable diseases which are known to be spread by casual contact.

It is the policy of the Fitzgerald Board of Education to respond to individuals experiencing the more common communicable diseases, those which are known to be spread by casual contact, in a manner consistent with the recommendations of the Macomb County Health Department.

1. Where the superintendent has reason to believe that a student may have a communicable disease or infestation known to be spread by casual contact, he/she or his/her designee shall meet with the student and his/her parent or guardian to discuss the matter.

2. Following this meeting the superintendent may exclude the student until the student produces a certificate from a physician stating that he/she is free of the suspected disease or that the condition poses no health risk to either the particular student or other persons in the school setting.
3. The school district administration will consult the most recent Macomb County Health Department Reference Chart (CHD Communicable Disease Reference Chart) to determine and implement exclusion and re-admittance of individuals.
4. The Macomb County Health Department staff will be contacted as needed for consultation and clarification.

B. Communicable diseases which are not known to be spread by casual contact.

1. It is the policy of the Fitzgerald Board of Education to respond to communicable diseases which are not known to be spread by casual contact in a manner that assures individuals who have contracted such a disease a careful review of their particular situation in determining the extent of their continued involvement in the public school programs.
2. The term "communicable diseases which are not known to be spread by casual contact" refers to those diseases which have a prolonged carrier state.
3. Communicable diseases that are not known to be spread by casual contact, within the meaning of this policy, include Hepatitis B, AIDS (Acquired Immune Deficiency Syndrome) Pre AIDS, LAV (Lymphadenopathy Associated Virus, ARC (AIDS Related Complex), HTLV III Virus (Human T-Cell Lymphotropic Virus type III), and other diseases that are transmissible by blood, other body fluids, and other body products, which present potentially serious health problems for those who contract the disease. This includes persons who are diagnosed by their physicians as having an illness due to infection with HTLV-III/LAV but who do not meet the case definition of AIDS, and those who are asymptomatic, but have virologic or serologic evidence of infection with HTLV-III/LAV.
4. These recommendations do not apply to siblings of infected students, unless they are also infected.

C. REVIEW PROCEDURE

The following review procedure is intended to assure that both the rights of the individual and the school community at large are protected, and that each case will be determined on an individual basis by a review committee comprised of appropriate professionals.

1. Where the superintendent has reason to believe that a student of the school district has a communicable disease which is not known to be spread by casual

contact, he/she or his/her designee shall meet with the student and his/her parent or guardian to discuss the matter.

2. If, following this meeting the superintendent reasonably believes that the student may, in fact, have a communicable disease as defined as AIDS, ARC, LAV, Pre-AIDS, or HTLV III virus, he/she shall exclude the student from school and any school sponsored activity unless and until a physician's statement has been produced certifying that the student's continued presence in the school setting poses no health risk to the students or others.
3. If following this meeting the superintendent reasonably believes that a student may in fact have AIDS, ARC, LAV, Pre-AIDS, or HTLV III virus, he/she shall request written authorization from the affected person to disclose the information to Board Members and other necessary persons. If written authorization cannot be obtained, the superintendent shall petition a court of competent jurisdiction for an order permitting the superintendent to disclose such information to Board of Education members and other necessary persons.
4. Absent receipt of such an order or written authorization, the superintendent shall not disclose any information regarding the affected individual's medical condition to any employee of the school district or Board of Education member.
5. The superintendent shall also, upon determination that there is reason to believe that a student may be afflicted with a communicable disease within the meaning of Section II B of this policy, select an Advisory Team and schedule a meeting of the same. The Advisory Team shall convene within ten (10) work days of its selection. The Advisory Team may be comprised of the following individuals:
 - A. The student and his/her parent or guardian.
 - B. The student's treating physician, who the parent or guardian shall authorize to release all relevant medical records for the confidential use of the Advisory Team.
 - C. A physician selected by the superintendent, with expertise in the communicable disease at issue.
 - D. A physician designated by the Macomb County Department of Public Health, with expertise in the communicable disease at issue.
 - E. A designee appointed by the superintendent, who shall chair the Advisory Team.
 - F. Other persons selected by the superintendent, depending on the circumstances of the particular case.

6. The Advisory Team shall make a written recommendation to the superintendent, based upon the affected student's neurological and physical condition and the expected type of interaction with others in the affected student's school setting, as to whether the student should be excluded from school and all school sponsored activities, restricted in his/her activities in the school setting, or remain in an unrestricted school setting.
 - A. If the Advisory Team recommends that the affected student remain in his/her present school setting but that he/she be restricted from participating in certain activities and/or that consideration be given to alternate school setting within the School District, the Team shall expressly so state in writing. The Advisory Team shall further set forth, in writing, the precautionary/sanitary measures, if any, that should be taken to protect the health and welfare of the student and the school community. Upon receipt of the Advisory Team's recommendation that the affected student be restricted from participating in certain activities and/or that an alternative school setting be considered, the superintendent shall set forth, in writing, the parameters of the restricted setting.
 - B. If the Advisory Team recommends that the student remain in an unrestricted school setting, the Team must so state in writing, and further state what precautionary/sanitary measures, if any, should be taken to protect the health and welfare of the student and the school community.
 - C. If the Advisory Team recommends that the affected student be totally excluded from his/her former school setting based upon his/her neurological and physical condition and expected type of interaction with others in that setting, the Team must so state in writing. The Advisory Team shall also state the conditions under which it would consider the student's return to a restricted or unrestricted school setting.
7. The Advisory Team shall provide the superintendent with its written recommendation within ten (10) working days of its meeting, unless the Team determines that additional time is necessary in order to obtain pertinent medical information regarding the student's condition and/or that additional diagnostic testing is necessary for a thorough review of the matter.
8. In the event that the Advisory Team's decision is not unanimous, the dissenting member(s) shall be given the opportunity to attach a written dissenting report to the Advisory Team's recommendations within twenty-four (24) hours of the presentation of the Advisory Team's report to the superintendent.
9. Upon the superintendent's receipt of the Advisory Team's written report, the superintendent shall, within ten (10) working days, make a determination regarding the student's status. In the event that the superintendent determines that a student should be excluded from the school setting, he/she shall initiate appropriate action pursuant to the provisions of the applicable Board Policy, and/or applicable laws.

10. If the affected student disagrees with the determination of the superintendent, the student may file a written appeal to the Board of Education within ten (10) working days. The Board of Education shall receive and review all necessary and pertinent materials provided by the Advisory Team and the student and provide an opportunity to both the superintendent and student to provide additional pertinent information. In its discretion, the Board may grant the student a hearing.
11. The Board of Education may affirm, modify or reverse the decision of the superintendent within ten (10) working days of the receipt of an appeal.
12. During an appeal from the superintendent's decision to the Board of Education, the affected student's status shall remain status quo.
13. Where an affected student is permitted to remain in either a restricted or unrestricted school setting, the superintendent shall designate a responsible school representative to monitor changes in the student's medical status on a monthly basis, or more frequently if deemed appropriate. If the affected person has been afflicted with AIDS, Pre-Aids, LAV, or ARC, the superintendent shall seek written permission from the afflicted person or his/her parent or guardian prior to designating the responsible school representative. If the written authorization cannot be obtained, the superintendent shall seek an order from the court permitting such. The superintendent, with input from the Advisory Team, shall reassess the status of the student at not less often than annual intervals.
14. All timelines set forth herein may be extended where required due to the individual circumstances of the case.

D. CONFIDENTIALITY

All persons involved in these proceedings and in the education of an affected student shall respect the student's right to privacy, including maintaining student records and information in accordance with the requirements of the Michigan Public Health Code, MCLA 333.5101 et seq., and the Family Educational Rights and Privacy Act 20 USC 1232G.

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