

COMMUNICABLE DISEASES- STAFF & STUDENTS

The Board of Education seeks to provide a safe educational environment for both students and staff. It is the Board's intent to ensure that any student or member of the staff who contracts a communicable disease that is not communicated through casual-contact will have the confidentiality of the information protected and his/her status in the District examined by an appropriate panel of resource people and that the rights of both the affected individual and those of other staff members and students will be acknowledged and respected.

For purposes of this policy, "non-casual-contact communicable disease" shall include:

- A. AIDS - Acquired Immune Deficiency Syndrome;
- B. ARC - AIDS Related Complex;
- C. Persons infected with HIV (human immunodeficiency);
- D. Hepatitis B;
- E. Other like diseases that may be specified by the Health Department as potentially serious health problems for those who come in contact with the disease and/or the disease carrier.

In its effort to assist in the prevention and control of communicable diseases of any kind, the Board has established policies on Immunization, Hygienic Management, and Control of Casual-Contact Communicable Diseases. The purpose of this policy is to protect the health and safety of the students, District personnel, and the community at large, from the spread of the above-mentioned diseases.

The District will allow students and staff members to attend school unless there is definitive evidence to warrant exclusion. When the Superintendent has been informed by an official of the local or State Health Department (learns) that a student or District employee may be infected with a non-casual-contact communicable disease, as defined above, the Superintendent shall immediately obtain written consent from the employee or student's parents to disclose confidential information to the Communicable Disease Review Panel (CDRP) and to communicate such information as may be necessary to appropriate members of the District staff. If the employee or parents refuse to consent to the disclosure, the Superintendent shall direct the local department of health to make a "need to know" determination that disclosure is necessary to the CDRP. The

Superintendent is hereby designated as the authorized individual to receive information from the Macomb County Health Department or State Department of Health pertaining to a student or employee who has a non-casual-contact communicable disease.

The CDRP shall consist of:

- A. two (2) health professionals knowledgeable in the disease, one of whom is the health officer or representative from the Macomb Health Department;
- B. two (2) members of the District staff;
- C. the infected person (or parent, if under age 18) and his/her representative.

The Superintendent shall also consult with either the infected person's physician or the Macomb County Health Department to determine if the initial evidence warrants exclusion.

If the evidence is not sufficient to justify exclusion, the person shall remain in his/her current school environment unless there exists exposure to casual-contact communicable diseases that pose a threat to the person's health or safety.

If the evidence indicates the person should be excluded from the school environment, the person shall be temporarily excluded following due-process procedures.

Decision-making Process

The panel will review the current evidence, take additional testimony, and prepare a recommendation to the Superintendent in accordance with the following procedure:

- A. The Panel Chairperson shall be appointed by the Superintendent who then shall be responsible for ensuring that one (1) or more opinions of the Panel are submitted to the Superintendent in accord with the procedures outlined below and for ensuring that due-process procedures are followed in dealing with the affected person.
- B. The Superintendent may participate in the review process while the panel is obtaining such information as the:

1. circumstances in which the disease is communicable;
2. likelihood of infections or illnesses attendant to the disease that could be spread to other students/staff members through casual-contact;
3. age, behavior, and neurologic development (if a child);
4. circumstances in which the disease is communicable to others;
5. nature of the interaction with others in the school environment and health/safety implications of that interaction;
6. psychological aspects to the infected person and others in the environment if the person remains in the current setting;
7. potential risk of casual-contact communicable diseases occurring while the infected person is in attendance;
8. likelihood of a request from the affected individual to be excused from attendance at school or at the job;
9. methods for protecting the privacy of the student or staff member including maintaining confidentiality both of records and the person's condition;
10. recommendations as to whether the student or staff member should continue in the school setting, or if not attending, under what circumstances s/he may return;
11. recommendations as to whether a restrictive environment or alternative assignment or delivery of program should be considered;
12. recommendations as to when the panel should review the case again.

C. The Panel shall provide the Superintendent with a Proposal for Decision within three (3) business days after the Panel convenes. The Proposal will be based on the information gathered during the review process including any recommendations it receives regarding continued attendance in the school setting, criteria for readmittance, and if a

student, alternative delivery of an educational program.

The Proposal shall also include any dissenting opinions. If the recommendation is for exclusion, the Proposal shall also include the conditions under which such an action will be reconsidered.

A copy of the Proposal shall be given to the affected staff member or student and/or the parent.

- D. Within three (3) business days after receiving the Proposal, the Superintendent shall either accept, modify, or reject the recommended course of action. If s/he rejects it, the Superintendent shall prepare a written statement setting forth the basis for his/her rejection as well as a justification for the course of action s/he recommends.

Both the CDRP members and the affected person or parent shall receive a copy of the Superintendent's decision.

Appeal Process

Appeal of the Proposal for Decision

- A. If the affected person or parent considers the Proposal for Decision to be unjust or inaccurate, s/he may request a rehearing within three (3) business days **of the date** of the Proposal.

The Chairperson shall consider the request only if there is new evidence that could influence the decision, or there is substantial error of fact.

- B. The Chairperson shall, within three (3) business days of receipt of the request, either grant or deny the request. If the request is denied, the Proposal for Decision shall be sent to the Superintendent immediately. If the request is granted, the same CDRP shall reconvene within five (5) business days.
- C. Within three (3) business days after the rehearing, the Chairperson shall submit the original or revised Proposal for Decision to the Superintendent with a copy to the affected person or parent.

Appeal of the Superintendent's Decision

- A. If the affected person or parent does not agree with the Superintendent's decision, s/he or a representative may request reconsideration within three (3) business days of the date of the Superintendent's decision. The request shall be in writing and must be based on the belief that the decision contains substantial error of fact or is contrary to the weight of evidence contained in the Proposal for Decision.
- B. Within three (3) business days, the Superintendent shall deny the reconsideration or may grant an oral hearing to the affected person, parent, or representative.
- C. If the Superintendent reconsiders the decision, s/he shall render his/her final decision within three (3) business days. The affected person, parent, or representative has the right to make a written appeal of the decision to the President of the Board within five (5) business days after the Superintendent has made the decision.
- D. The Board shall hear the appeal within three (3) business days, together with the Proposal for Decision and the Superintendent's decision. It shall render its decision in writing within two (2) business days and send copies to the Superintendent, Macomb County Health Department, and the affected person or parent and the CDRP.

The District will provide an alternative education program for any student excluded from the school setting as a consequence of the Superintendent's decision. Such a program shall be in accordance with this Board's and the Macomb Intermediate School District's policy and administrative guidelines on Home-Bound Instruction.

When the Superintendent learns that a disabled student may be infected with a non casual-contact communicable disease, the IEPC will serve as the Communicable Disease Review Panel (CDRP) and will be convened within forty-eight (48) hours. The IEPC-CDRP will be expanded to include the physician treating the child, a Macomb County health official, and a child advocate approved by the affected person or parent.

The IEPC-CDRP will carry out its review in accordance with this policy and Federal/State regulations concerning disabled students.

The rights of any affected student, as well as those of any affected staff member, shall be protected in accordance with Federal and State laws on privacy, confidentiality, and due-process. In addition, the exclusion of any staff member from the District by the Superintendent's decision will be done in accord with relevant sections of a current collective bargaining agreement covering the employee. Further, it is the Board's policy that all students and staff members should maintain normal contact with an affected student or staff member whose continued presence in the school setting has been determined by this process.

The Board directs the Superintendent to develop an educational program that will ensure proper instruction of students, professional staff, and support staff on the principal means by which non casual-contact communicable diseases are transmitted, as well as how they are not transmitted, and the more effective methods for restricting and/or preventing these diseases.