

# MINNETONKA SCHOOL DISTRICT

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## #420 STUDENTS AND EMPLOYEES WITH COMMUNICABLE DISEASES AND OTHER INFECTIOUS CONDITIONS

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### I. PURPOSE

Students and staff of the District should be able to attend the schools of the District without becoming infected with a serious communicable or infectious disease including but not limited to, Human Immunodeficiency Virus (HIV), Acquired Immunodeficiency Syndrome (AIDS), Hepatitis B, and Tuberculosis. Measures that effectively respond to health concerns while respecting the rights of all students, employees, and contractors, including those who are infected, need to be adopted by the School Board. The purpose of this policy is to adopt such measures.

### II. DEFINITIONS

- A. Infectious: Capable of causing an infection.
- B. Communicable Disease: Illness caused by germs or toxins that can be spread from person to person or by touching objects contaminated with body fluids.

### III. GENERAL STATEMENT OF POLICY

#### A. Students

Students with communicable diseases should not be excluded from attending school in their usual setting so long as their health permits and their attendance does not create a significant risk of the transmission of illness to students or employees of the District. The District along with the student's physician, the student or parent(s)/guardian, educational team, and others if appropriate will consider the following: the risks and benefits to the student and to others, the least restrictive appropriate educational placement, and the need for periodic review as deemed necessary by Minnesota Department of Health.

#### B. Employees

It is the policy of the Board that employees with communicable diseases not be excluded from attending to their customary employment so long as they are physically, mentally and emotionally able to safely perform tasks assigned to them and so long as their employment does not create a significant risk of the transmission of illness to students, employees, or others in the District. If a reasonable accommodation will eliminate the significant risk of transmission, such accommodation will be undertaken unless it poses an undue hardship to the District.

### C. Circumstances and Conditions

1. Determinations of whether a contagious individual's school attendance or job performance creates a significant risk of the transmission of the illness to students or employees of the school district will be made on a case by case basis. Such decisions will be based upon the nature of the risk (how it is transmitted), the duration of the risk (how long the carrier is infectious), the severity of the risk (what is the potential harm to the third parties) and the probabilities the disease will be transmitted and will cause varying degrees of harm. Decisions will be made by consulting with the Minnesota Department of Health, the physician of the student or employee, the educational planning team, and the parent(s)/guardians(s) of the student.
2. The Board recognizes that some students and some employees, because of special circumstances and conditions, may pose greater risks for the transmission of infectious conditions than other persons infected with the same illness. Examples include students who display biting behavior or students or employees who are unable to control their bodily fluids. These conditions need to be taken into account and considered in assessing the risk of transmission of the disease and the resulting effect upon the education program of the student or employment of the employee by consulting with the Minnesota Department of Health, the physician of the student or employee, the educational planning team, and the parent(s)/guardian(s) of the student.

### D. Extracurricular Student Participation

Student participation in extracurricular programs of the District is subject to a requirement of equal access and comparable services as identified in the American with Disabilities Act.

### E. Precautions

The District will maintain an infectious disease procedure including a blood borne pathogen plan that complies with Occupational Safety and Health Act (OSHA) regulations pertinent to schools. The plan will be reviewed and updated annually. School personnel will be trained per OSHA regulations.

### F. Information Sharing

1. Employee and student health information shall be shared within the District only with those whose jobs require such information and with those who have a legitimate educational interest (including health and safety) in such information and shall be shared only to the extent required to accomplish legitimate educational goals and to comply with employees' right to know requirements.
2. Employee and student health data shall be shared outside the District only in accordance with state and federal law and with the District's policies on employee and student records and data.

### G. Reporting

If a medical condition of student or staff threatens public health, it must be reported to the Minnesota Department of Health.

## H. Prevention

The District will select and implement a health curriculum that includes developmentally appropriate material and information to prevent and reduce the risk of communicable diseases. The District will follow the process detailed in the Instructional and Curricular Program Review and Improvement Policy (#603).

## I. Vaccination and Screening

Students enrolled in the District must provide proof of immunization or exemption to attend school. The District will develop procedures regarding the administration of Hepatitis B vaccinations and Tuberculosis screenings containment for employees in keeping with current state and federal law.

*Adopted: April 10, 2007*

**Legal References:** Minn. Stat. § 121A.25, (Health-Related Programs)  
Minn. Stat. § Ch. 363A (Minnesota Human Rights Act)  
Minn. Stat. § 144.441-442 (Tuberculosis)  
20 U.S.C. § 1400 et seq. (Individuals with Disabilities Education Improvement Act of 2004)  
29 U.S.C. § 794 et seq. (Rehabilitation Act of 1973, § 504)  
42 U.S.C. § 12101 et seq. (Americans with Disabilities Act)  
Kohl by Kohl v. Woodhaven Learning Center, 865 F.2d 930 (8th Cir.), cert. denied, 493 U.S. 892, 110 S.Ct. 239 (1989)  
School Board of Nassau County, Fla. V Arline, 480 U.S. 273, 107S.Ct. 1123 (1987)  
16 EHLR 712, OCR Staff Memo, April 5, 1990

**Cross References:** Wellness Policy #533  
Protection and Privacy of Student Records # 515  
Instructional and Curricular Program Review and Improvement #603  
Immunization Requirements #530

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