

INFECTIOUS DISEASES

The Board of Trustees recognizes its dual responsibility to protect the health of students from risks posed by infectious diseases and to uphold the right of students to a free and appropriate education. The District requires all staff to routinely observe universal precautions to prevent exposure to bloodborne pathogens and prevent the spread of all infectious disease.

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

(cf. 5141.23 - Infectious Disease Prevention)

The admission of a student with a disease that is contagious within the school setting shall be determined by the Superintendent or designee in accordance with standard procedures. The District shall exclude students only in accordance with law.

(cf. 5112.2 - Exclusions from Attendance)

(cf. 5141.26 - Tuberculosis Testing)

(cf. 5141.3 - Health Examinations)

Students with Bloodborne Pathogen Infections

The Board recognizes that human immunodeficiency virus (HIV) and hepatitis B virus (HBV) are bloodborne pathogens and not casually transmitted. Children with bloodborne pathogen infections are entitled to attend school and receive a free and appropriate public education. The sole presence of bloodborne pathogens is not sufficient reason to exclude students from attending school.

Parents/guardians are encouraged to inform the Superintendent or designee if their child has HIV/AIDS so that school staff may keep the student's parents/guardians informed of any outbreak of disease at school. The District will work cooperatively with the student's parent/guardian and physician to minimize the child's exposure to other diseases in the school setting.

The Board desires to be supportive of students infected with bloodborne pathogens and to help their families cope with difficulties they may face. The Board believes that schools can play an important role in educating the school community about the nature of bloodborne pathogens and alleviating fears about their transmission.

(cf. 6158 - Independent Study)

(cf. 6159 - Individualized Education Program)

(cf. 6183 - Home/Hospital Instruction)

Legal Reference: (see next page)

INFECTIOUS DISEASES continued

Legal Reference:

EDUCATION CODE

48210-48214 Persons excluded

49073-49075 Privacy of pupil records

49076 Access to records by persons without written consent or under judicial order

49403 Cooperation in control of communicable disease and immunization of students

49405 Smallpox control

49406 Examination for tuberculosis (employees)

49408 Information of use in emergencies

49450 Rules to insure proper care and secrecy

49451 Parent's refusal to consent to medical exam

49602 Confidentiality of student information

CIVIL CODE

56-56.37 Confidentiality of Medical Information Act

1798-1798.76 Information Practices Act

HEALTH AND SAFETY CODE

199.20 Prohibition against compelling identification of AIDS test subjects

199.21 Unauthorized disclosures

199.24 Disclosure to certain persons without written consent

199.30-199.40 Acquired Immune Deficiency Syndrome Research Confidentiality Act

3118 re exclusion for communicable disease

3380-3390 Immunization against communicable diseases

3400-3409 Tuberculosis tests for pupils

CALIFORNIA CONSTITUTION

Article 1, Section 1 Right to Privacy

UNITED STATES CODE, TITLE 20

1232 Family Educational and Privacy Rights Act

1400 et seq. Education for All Handicapped Children

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

Doe v. Belleville Public School District, (1987) 672 F. Supp. 342

Thomas v. Atascadero Unified School District, (1987) 662 F. Supp. 376

Phipps v. Saddleback Valley Unified School District (1988) 204 Cal. App. 3d 1110

Management Resources:

CDE PROGRAM ADVISORIES

0509.86 AIDS Guidelines

1016.89 Guidelines for Informing School Employees about Preventing the Spread of Infectious Diseases, including Hepatitis B and AIDS/HIV Infections and Policies for Dealing with HIV-Infected Persons in School Settings