

~~STUDENTS WITH INFECTIOUS DISEASES~~

~~General Principles~~

The Board of Education 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 Board recognizes that prevention and education are the most effective means of limiting the spread of infectious diseases.

Infectious Disease Prevention

The Superintendent or ~~Health Services~~ designee shall collaborate with parents/guardians and local health agencies and organizations to develop a comprehensive approach to disease prevention that promotes preventative measures and education of students and staff.

The Superintendent or designee shall regularly review resources available from health experts to ensure that district programs are based on the most up-to-date information.

The Superintendent or designee shall ensure that the district's comprehensive health education program provides information about the prevention of infectious diseases, including the nature of bloodborne pathogens and their transmission, as well as information to help prevent the spread of contagious diseases, such as a pandemic influenza. He/she shall also ensure that each school has sufficient infection prevention supplies that are easily accessible to staff.

~~For purposes of this policy, infectious diseases shall include all those listed by the State Department of Health Services and the County Health Department.~~

~~The admission of a student with an infectious disease shall be determined by the Superintendent/Health Services designee in consultation with the student's parent/guardian, the student's physician and the County Health Department.~~

~~It shall be the responsibility of the District Health Services to institute and conduct a program of communicable disease control and prevention. This program shall include all district employees having regular contact with pupils and shall properly advise them of overt symptoms of communicable diseases.~~

Universal Precautions

Students and staff shall observe universal precautions in order to prevent exposure to bloodborne pathogens and to prevent the spread of infectious diseases.

The Superintendent or designee shall inform students of the precautions to be used in cases of exposure to blood or other body fluids through injury, accident, or classroom instruction.

Students with Infectious Diseases

The Superintendent or ~~Health Services~~ designee shall exclude students only in accordance with law, Board policy, and administrative regulation ~~recommendation or direction from local health agencies. Because bloodborne pathogens such as hepatitis B virus, hepatitis C virus, and human immunodeficiency virus (HIV) are not casually transmitted, the presence of infectious conditions of this type is not, by itself, sufficient reason to exclude students from attending school.~~

Parents/guardians are encouraged to inform the Superintendent or designee if their child has an infectious disease so that school staff may work cooperatively with the student's parents/guardians to minimize the child's exposure to other diseases in the school setting. The Superintendent or designee shall ensure that student confidentiality rights are strictly observed in accordance with law.

Evaluating Students Who Are Infected With HIV

~~HIV is not spread by casual, everyday contact. Students who are infected with HIV shall attend the school and classroom to which they would be assigned if they were not infected. They are entitled to all rights, privileges, and services accorded to other students. Decisions about any changes in the education program of a student who is infected with HIV shall be made on a case-by-case basis, relying on the best available scientific evidence and medical advice.~~

~~A program of on-going education about HIV for students shall be conducted to ensure that all are informed in a consistent manner about the nature of HIV infection, including how it is and is not transmitted and how to prevent its spread.~~

Confidentiality

~~As with any medical or health condition, district staff shall maintain confidentially in accordance with applicable FERPA and HIPPA laws. The people who shall know the identity of a student who is infected with HIV shall treat all information as highly confidential. No information shall be divulged, directly or indirectly, to any other individuals or groups. All related medical information and written documentation of discussions, telephone conversations, proceedings, and meetings shall be kept by the superintendent/designee in a locked file. Access to this file will be granted only to those persons who have the written consent of the infected student's parent or guardian. To further protect confidentiality, names will not be used in documents except when this is essential. Any document containing the name, or any other information that would reveal the identity of the infected person, will not be shared with any person, not even for the purposes of word processing or reproduction.~~

Legal Reference:

EDUCATION CODE

48210-48216 Persons excluded

49073-49079 Privacy of pupil records

49403 Cooperation in control of communicable disease and immunization of pupils

49405 Smallpox control

49406 Examination for tuberculosis (employees)

49408 Information of use in emergencies

49602 Confidentiality of student information

51202 Instruction in personal and public health and safety

CALIFORNIA CONSTITUTION

Article 1, Section 1 Right to Privacy

CIVIL CODE

56-56.37 Confidentiality of Medical Information Act

1798-1798.76 Information Practices Act

HEALTH AND SAFETY CODE

120230 Exclusion for communicable disease

120325-120380 Immunization against communicable diseases

120875-120895 AIDS information

120975-121022 Mandated blood testing and confidentiality to protect public health

121475-121520 Tuberculosis tests for pupils

CODE OF REGULATIONS, TITLE 8

5193 California bloodborne pathogens standard

CODE OF REGULATIONS, TITLE 17

2500-2511 Communicable disease reporting requirements

UNITED STATES CODE, TITLE 20

1232g Family Educational and Privacy Rights Act

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

CODE OF FEDERAL REGULATIONS, TITLE 45

164.500-164.534 Health Insurance Portability and Accountability Act (HIPAA)

COURT DECISIONS

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

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

California Department of Public Health: <http://www.cdph.ca.gov>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

U.S. Government Pandemic Flu Information: <http://www.pandemicflu.gov>

**Policy SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
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