



Adopted: April 10, 1996

EMID 6067Board Policy 420

Revised: October 20, 2004; December, 2014

420 STUDENTS AND EMPLOYEES WITH SEXUALLY TRANSMITTED INFECTIONS AND DISEASES AND CERTAIN OTHER COMMUNICABLE DISEASES AND INFECTIOUS CONDITIONS

I. PURPOSE

Public concern that students and staff be able to attend EMID integration programs without being infected with serious communicable or infectious diseases, including but not limited to, HIV, Acquired Immune Deficiency Syndrome (AIDS), Hepatitis B, and Tuberculosis requires EMID to adopt measures effectively responding to health concerns while respecting the rights of all students, employees, vendors/contractors and volunteers, including those who are so infected. The purpose of this policy is to adopt such measures.

II. GENERAL STATEMENT OF POLICY

A. Students.

It is the policy of EMID that students with communicable diseases not be excluded from participating in integration programs in their usual daily attendance 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. A procedure for minimizing interruptions to participation resulting from communicable diseases will be established by EMID in consultation with member district health care providers. Procedures for the inclusion of students with communicable diseases will include review of the educational implications for the student and others with whom the student comes into contact.

B. Employees and Volunteers.

It is the policy of EMID that employees and volunteers with communicable diseases not be excluded from attending to their customary employment or duties so long as they are physically, mentally and emotionally able to safely perform tasks assigned to them and so long as their employment or duties do 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 EMID students or employees 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 third parties) and the probabilities the disease will be transmitted and will cause varying degrees of harm. When a student is disabled, such a determination will be made in consultation with the educational planning team.
2. EMID 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, students or employees who are unable to control their bodily fluids, who have oozing skin lesions or who have severe disorders which result in spontaneous external bleeding. 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 educational program of the student or employment of the employee by consulting with the Minnesota Commissioner of Health, the physician of the student or employee, and the parent(s)/guardian(s) of the student.

D. Students with Special Circumstances and Conditions

The program supervisor, along with the infected individual's physician, the infected individual or parent(s)/guardian(s), and others, if appropriate, will weigh risks and benefits to the student and to others, consider the least restrictive appropriate placement, and arrange for periodic reevaluation as deemed necessary by the state epidemiologist. The risks to the student shall be determined by the student's physician.

E. Extracurricular Student Participation

Student participation in EMID nonacademic, extracurricular and non-educational programs are subject to a requirement of equal access and comparable services. Student educational services are subject to Free and Appropriate Public Education/Least Restrictive Environment standards.



F. Precautions

EMID will develop routine procedures for infection control at integration program locations for educating employees about these procedures. The procedures shall be developed through cooperation with health professionals taking into consideration guidelines of the Minnesota Department of Education and the Minnesota Department of Health. (These precautionary procedures shall be consistent with the EMID's procedures regarding blood-borne pathogens developed pursuant to EMID Policy 407 – Employee Right to Know – Exposure to Hazardous Substances.)

G. Information Sharing

1. Employee and student health information shall be shared within EMID 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 EMID only in accordance with state and federal law and with the Policy 406 – Public and Private Personnel Data and Policy 515 - Protection and Privacy of Pupil Records.

H. Reporting

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

I. Prevention

With the assistance of Minnesota Commissioners of Health and Education, EMID shall implement a program to prevent and reduce the risk of sexually transmitted diseases in accordance with Minn. Stat. § 121A.23 which includes:

1. planning materials, guidelines, and other technically accurate and updated information;
2. cooperation and coordination among school districts and Service Cooperatives;
3. a targeting of adolescents, especially those who may be at high risk of contracting sexually transmitted diseases and infections, for prevention efforts;



4. involvement of parents and other community members;
5. in-service training for EMID staff;
6. collaboration with state agencies and organizations having a sexually transmitted infection and disease prevention or *sexually transmitted infection and disease* risk reduction program;
7. collaboration with local community health services, agencies and organizations having a sexually transmitted infection and disease risk reduction program; and
8. participation by state and local student organizations.
9. EMID may accept funds for sexually transmitted infection and disease prevention programs developed and implemented under this section from public and private sources including public health funds and foundations, department professional development funds, federal block grants or other federal or state grants.

Legal References:

Minn. Stat. § 121A.23 (Health-Related Programs)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
Minn. Stat. § 144.441-442 (Tuberculosis)
20 U.S.C. § 1401 *et seq.* (IDEA) (Individuals with Disabilities Education Act)
29 U.S.C. § 794 *et seq.* (§ 504 of Rehabilitation Act of 1973)
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, 107 S.Ct. 1123 (1987)
16 EHLR 712, OCR Staff Memo, April 5, 1990

Cross References:

EMID Policy 402 (Disability Nondiscrimination)
EMID Policy 407 (Employee Right to Know - Exposure to Hazardous Substances)
EMID Policy 521 (Student Disability Nondiscrimination)