

**INFECTIOUS DISEASES**

The Governing Board 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.

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 other than the serious illnesses addressed below shall be determined by the Superintendent or designee according to standard procedures. The Superintendent or designee shall consult with the student's parent/guardian and, as required, with the student's physician and/or the County Health Department.

(cf. 5112.2 - Exclusions from Attendance)

**Students with HIV Infection and/or AIDS**

The Board recognizes that HIV infection is not casually transmitted. Students with HIV infection and/or AIDS (Acquired Immune Deficiency Syndrome) are entitled to the rights and services accorded to other students. They may attend their regular school and classroom barring special circumstances.

The Board encourages parents/guardians to inform the Superintendent or designee if their child has HIV infection and/or AIDS so that any such child will have access to appropriate district programs and services. The Superintendent or designee shall convene a review panel to make recommendations regarding appropriate programs and services for the student and shall consider the panel's recommendation when making the final decision.

The Superintendent or designee shall ensure that all of the student's rights to confidentiality are strictly observed in accordance with law. In all instances, confidential information shall not be released without parental consent.

The Superintendent or designee shall request that parents/guardians sign a release form to provide confidential medical information and records to the review panel. The procedure for obtaining release forms and the contents of the form shall be prepared under the direction of the district's legal counsel.

(cf. 5141.23 - Infectious Disease Prevention)

(cf. 6158 - Independent Study)

(cf. 6183 - Home/Hospital Instruction)

**INFECTIOUS DISEASES (continued)**

Legal Reference:

CALIFORNIA CONSTITUTION

Article 1, section 1 - Right to Privacy

CIVIL CODE

56-56.37 Confidentiality of medical information

EDUCATION CODE

48210-48214 Persons excluded

48221 Physical or mental condition

49073-75 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

49408 Information of use in emergencies

49451 Parent's refusal to consent to medical exam

49602 Confidentiality of information disclosed by a parent or pupil 12 years or older to a school counselor

HEALTH AND SAFETY CODE

120975 Prohibition against compelling identification of AIDS test subjects

120980 Unauthorized disclosures

121010 Disclosure to certain persons without written consent

121110 Willful or malicious disclosure

121075-121125 Acquired Immune Deficiency Syndrome Research Confidentiality Act

120230 Return to school

120325-120380 Immunization against communicable diseases

121475-121520 Tuberculosis tests for pupils

EDUCATION FOR ALL HANDICAPPED CHILDREN

20 United States Code, 1400 et seq.

FEDERAL FAMILY EDUCATIONAL AND PRIVACY RIGHTS ACT

20 United States Code, 1232g

NONDISCRIMINATION UNDER REHABILITATION ACT OF 1973

20 United States Code, 794

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

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

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

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The Superintendent or designee shall consult the State Department of Health Services document Control of Communicable Disease in California as a criteria for determining the admission or exclusion of a child with a suspected or diagnosed infectious disease. The County Health Department shall be consulted in all cases of reportable diseases. If necessary, the Superintendent or designee shall obtain a written statement from the student's physician that the child does not pose a risk of infection to other students and district personnel.

**Tuberculosis Examinations**

If the local health officer issues an order for the examination of a child who seeks admission and is reasonably suspected of having tuberculosis, the child shall be granted unconditional admission only after a certificate is produced showing that he/she is free of communicable tuberculosis. Failure to produce such a certificate within time limits set by the State Department of Health Services shall result in exclusion from district schools until the certificate is presented. (Health & Safety Code 121475-121520)

A child may be exempt from the tuberculosis examination if it is contrary to his/her beliefs. The child's parent/guardian or custodian must provide the school with an affidavit stating that the required examination is contrary to the child's beliefs.

If at any time the Governing Board has probable cause to believe that a child is afflicted with active tuberculosis, the child may be excluded from school until the Board is satisfied that the child is not so afflicted.

**Students with HIV Infection and/or AIDS**

1. Before a review panel is convened to develop recommendations for the appropriate placement of students with HIV infection or AIDS, the Superintendent or designee shall obtain a written statement from the child's parent/guardian authorizing the Superintendent or designee and the County Health officer to obtain confidential information from the student's physician and any other source of pertinent medical, psychological or educational information.
2. A review panel shall be convened, composed of:
  - a. The student's parent/guardian.
  - b. The student's physician.
  - c. The district's appointed medical consultant or public health official.
  - d. The Superintendent or designee.
  - e. Principal
  - f. Other appropriate school personnel.

**INFECTIOUS DISEASES (continued)**

3. Upon collecting the required authorizations and statements, the review panel shall evaluate placement options for the child. The panel shall consider:
  - a. The age, physical condition, neurological development and behavior of the infected student.
  - b. The expected type of interaction with others in the school environment.
  - c. Risks to the infected student.
4. The review panel shall provide the Superintendent or designee with recommendations regarding the student's placement in regular classes or in an alternative educational program. The panel is encouraged to recommend alternative programs:
  - a. When a question exists as to whether transfer of HIV infection may occur due to:
    - (1) Uncoverable oozing lesions.
    - (2) Inability to safely control bodily secretions.
    - (3) Behavior.
  - b. When the HIV-infected student is at high risk of acquiring a secondary infection.
  - c. When the HIV-infected student has acquired a secondary infection that presents a recognized risk of being transmitted in a school setting.
  - d. When the HIV-infected student has a significant health problem that permanently restricts his/her ability to attend class.
5. The review panel shall also develop a written plan recommending procedures for personal care and for modification, if necessary, of the student's academic program. The panel shall review this plan regularly to determine any need for changes in placement, care or services.
6. The identity of a student with HIV infection and/or AIDS shall be held in confidence. Review panel members shall not share this confidence with anyone outside the panel except in accordance with law.
7. When infections such as chicken pox, cytomegalovirus, herpes simplex, tuberculosis or measles occur at school, the Superintendent or designee shall so inform the student's parent/guardian and physician, so that the physician who is aware of the student's immune status may assess the student's risks from exposure to these infections.