

The [Transylvania County Board of Education \(the “board”\)](#) strives to provide a safe and healthy environment for all students and employees. The board also strives to maintain a balance among the needs to educate all eligible students, to protect students’ and employees’ rights, and to control communicable diseases, including HIV and AIDS.

Under certain circumstances, students with communicable diseases may pose a threat to the health and safety of other students and employees. Decisions regarding the educational status of students with communicable diseases will be made on a case-by-case basis in accordance with this policy. Nothing in this policy is intended to grant or confer any school attendance or education rights beyond those existing by law. This policy will be shared with school employees annually and with new employees as part of any initial orientation.

#### A. DEFINITION OF COMMUNICABLE DISEASE

A communicable disease is defined as an illness due to an infectious agent, or its toxic products, that is transmitted directly or indirectly to a person from an infected person or animal.

#### B. PRECAUTIONS

In order to prevent the spread of communicable diseases, school system officials shall distribute guidelines for necessary health and safety precautions that all school system employees must follow. (See policy 7260, Occupational Exposure to Bloodborne Pathogens, and policy 7262, Communicable Diseases – Employees). Employees are also required to follow the school system’s bloodborne pathogens exposure control plan that contains universal precautions and specific work practice controls relating to the handling, disposal, and cleanup of blood and other potentially infectious materials.

Students should not be involved in the handling, disposal, and cleanup of potentially infectious materials unless the students have been specifically trained in the handling of such materials and are qualified to perform first aid services. Employees shall take reasonable precautions to avoid allowing students to come in contact with these substances.

#### C. CURRICULUM

The curriculum will include health, hygiene, and safety education, including age-appropriate information concerning safe health practices that inhibit and prevent the spread of diseases, including HIV and AIDS. (See policy 3540, Comprehensive Health Education Program.)

#### D. REPORTING AND NOTICE REQUIREMENTS

44 In accordance with G.S. 130A-136, school principals shall report suspected cases of  
45 communicable diseases to the county health department. Confidentiality of such reports  
46 is protected by law. School principals are presumed by law to be immune from liability  
47 for making such reports in good faith. Without releasing any information that would  
48 identify the student, the principal also must report suspected cases of communicable  
49 diseases to the superintendent. Additionally, parents or guardians will be notified in a  
50 timely manner when their child has potentially been exposed to a communicable disease  
51 through the exchange of blood with another individual and will be encouraged to contact  
52 their private physician or the county health department for consultation.  
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54 If the local health director determines that there is significant risk of HIV transmission,  
55 the local health director is responsible for deciding which school personnel will be  
56 informed of the identity of a student with AIDS or HIV infection. The health director is  
57 also responsible for determining which school personnel will be informed of the identity  
58 of students with other communicable diseases required to be reported.  
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60 Any employee who is informed of or becomes aware of the student's condition shall  
61 respect and maintain that student's right of privacy and the confidentiality of his or her  
62 records and may not share that information unless specifically permitted to do so by the  
63 health director or the student's parent or guardian or by other applicable state or federal  
64 laws or regulations. Permission from a parent or guardian to share a student's HIV status  
65 with other school personnel must be in writing. Any documents relating to a student's  
66 HIV or AIDS infection will be retained in a locked cabinet separate from the student's  
67 other school records and medical records and will be released or shared only as necessary  
68 to comply with this policy. Employees who are informed of the student's condition will  
69 also be provided with appropriate information concerning necessary precautions and will  
70 be made aware of the strict confidentiality requirements. If an employee releases this  
71 type of confidential information or record, except as permitted by law, the employee will  
72 have committed a misdemeanor and may be subject to further discipline.  
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74 In order to address the needs of the student within the school environment, school  
75 employees are required to notify the principal if they are aware or become aware of any  
76 student suffering from a communicable disease other than HIV infection. Parents will be  
77 encouraged to notify the principal as well.  
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79 Students who are immunodeficient, whether due to AIDS or other causes, face an  
80 increased risk of severe complications from exposure to communicable diseases that  
81 appear in the school setting. Although students with an HIV infection are not required to  
82 notify school staff of their HIV status, students and their parents or guardians are  
83 encouraged to inform the principal if a student suffers from this immunodeficiency.  
84 Students who are immunodeficient because of other communicable diseases, and their  
85 parents, are also encouraged to inform the principal.  
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If notified that a student suffers from an immunodeficiency, the principal should request that the notifying party provide information about what types of exposures might put the student at risk and what reasonable practices can be taken in the school setting to minimize risk to the student. Whenever possible, the principal of a school should notify the parents or guardians of an infected or immunodeficient student (or the student himself or herself, where appropriate) about the presence of chicken pox, influenza, meningococcus, measles, tuberculosis, or other contagious diseases occurring in the school that may present a serious threat to the student's health. Students who are removed from school as a result of such conditions will be provided instruction in an appropriate alternative educational setting.

**E. EDUCATION/SCHOOL ATTENDANCE FOR STUDENTS WITH AIDS/HIV INFECTION**

Students with an AIDS or HIV infection will be permitted to attend school without special restrictions except in accordance with 10A N.C.A.C. 41A .0201-.0204 and this subsection.

When the local health director notifies the superintendent that a student with AIDS or HIV infection may pose a significant risk for transmission, the superintendent, in consultation with the local health director, shall appoint an interdisciplinary committee in accordance with state health regulations and procedures established by the superintendent. The committee shall consult with the local health director regarding the risk of transmission and advise the superintendent regarding the placement of the student. The committee will include appropriate school system personnel, medical personnel, and the student's parent or guardian and may include legal counsel. The parent may request additional participants as necessary to appropriately evaluate the risk. The health director will be responsible for determining whether to add additional members requested by the parents. The superintendent shall inform the board whenever a committee has been formed and shall advise the board of the professional composition of the committee.

The interdisciplinary committee shall review each case individually in consultation with the local health director to determine (1) the degree to which the student's conduct or presence in school exposes others to possible transmission or other harm and (2) what risk the school environment may pose to the infected student. If the local health director concludes that a significant risk of transmission exists in the student's current placement, the committee must determine whether an appropriate adjustment can be made to the student's school program to eliminate this risk. If that is not possible, the student will be provided instruction in an appropriate alternative educational setting that incorporates protective measures required by the local health director.

If the administrative or instructional personnel on the committee determine that the student has limited strength, vitality, or alertness due to a chronic or acute health problem that adversely affects the student's educational performance, they must refer the student for possible identification and placement as a student with special needs.

All deliberations of the interdisciplinary committee will be kept strictly confidential and shared only as allowed by law. Any student records related to the deliberations of the committee will be retained in a locked cabinet separate from the student's other school records and medical records.

Legal References: G.S. 115C-36, 130A-136, -142 to -144, -152 to -157; 10A N.C.A.C. 41A .0201 through .0204

Cross References: Comprehensive Health Education Program (policy 3540), Occupational Exposure to Bloodborne Pathogens (policy 7260), Communicable Diseases – Employees (policy 7262)

Adopted:

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