

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

5
6 Under certain circumstances, students with communicable diseases may pose a threat to the
7 health and safety of other students and employees. Decisions regarding the educational status of
8 students with communicable diseases will be made on a case-by-case basis in accordance with
9 this policy. Nothing in this policy is intended to grant or confer any school attendance or
10 education rights beyond those existing by law. This policy will be shared with school employees
11 annually and with new employees as part of any initial orientation.

12 13 **A. DEFINITIONS OF COMMUNICABLE DISEASE**

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15 A “communicable disease” is defined as an illness due to an infectious agent (usually a
16 virus or bacterium), or its toxic products, that is transmitted directly or indirectly to a
17 person from an infected person or animal.

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19 A “communicable condition” exists if a person is infected with a communicable agent but
20 does not have symptoms.

21
22 A “reportable disease or condition” is defined as a communicable disease or condition
23 declared to be dangerous to the public health and required by the N.C. Department of
24 Health and Human Services to be reported after the disease or condition is reasonably
25 suspected to exist.

26 27 **B. PRECAUTIONS**

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

36
37 Students should not be involved in the handling, disposal, and cleanup of potentially
38 infectious materials unless the students have been specifically trained in the handling of
39 such materials and are qualified to perform first aid services. Employees shall take
40 reasonable precautions to avoid allowing students to come in contact with these
41 substances.

42 43 **C. CURRICULUM**

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45 The curriculum will include health, hygiene, and safety education, including age-
46 appropriate information concerning safe health practices that inhibit and prevent the
47 spread of **communicable** diseases, ~~including HIV and AIDS~~. (See policy 3540,
48 Comprehensive Health Education Program.)
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50 **D. REPORTING, AND NOTICE, AND CONFIDENTIALITY REQUIREMENTS**

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52 **1. Principal's Report to Health Department and Superintendent**

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54 In accordance with G.S. 130A-136, school principals shall report suspected cases
55 of ~~communicable~~ **reportable** diseases and conditions to the county health
56 department. **Such reports must be made in a manner consistent with the school**
57 **system's Family Educational Rights and Privacy Act (FERPA) obligations.**
58 Confidentiality of such reports is protected by law. School principals are
59 ~~presumed by law to be~~ immune from liability **under state law** for making such
60 reports in good faith.
61

62 Without releasing any information that would identify the student **in violation of**
63 **FERPA**, the principal also must report suspected cases of ~~communicable~~
64 **reportable** diseases or conditions to the superintendent.

65
66 ~~Additionally, parents or guardians will be notified in a timely manner when their~~
67 ~~child has potentially been exposed to a communicable disease through the~~
68 ~~exchange of blood with another individual and will be encouraged to contact their~~
69 ~~private physician or the county health department for consultation.~~
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71 **2. Privacy and Confidentiality of Affected Persons**

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73 a. ~~If the local health director determines that there is significant risk of HIV~~
74 ~~transmission, the local health director is responsible for deciding which~~
75 ~~school personnel will be informed of the identity of a student with AIDS~~
76 ~~or HIV infection.~~ The **local** health director is also responsible for
77 determining **whether and** which school personnel will be informed of the
78 identity of students with ~~other~~ communicable diseases or conditions
79 required to be reported.
80

81 b. Any employee who is informed of or becomes aware of ~~the~~ a student's
82 **communicable disease or condition, whether reportable or not**, shall
83 respect and maintain that student's right of privacy and the confidentiality
84 of his or her records and may not share that information **in a manner that**
85 **violates FERPA.**

86
87 c. **In addition, if the student has a disease or condition that is required to be**
88 **reported to the local health director, employees who are informed of or**

89 become aware of the student's status may not share that information with
90 anyone, including other school personnel, unless specifically permitted to
91 do so by the health director, ~~or by written consent of~~ the student's parent
92 or guardian, or by other applicable state or federal laws or regulations.
93 ~~Permission from a parent or guardian to share a student's HIV status with~~
94 ~~other school personnel must be in writing.~~

95
96 d. Any documents relating to a student's reportable disease or condition
97 including HIV infection or AIDS, ~~infection~~ will be retained in a strictly
98 confidential manner, such as in a locked cabinet separate from the
99 student's other school records and medical records and will be released or
100 shared only as necessary to comply with this policy.

101
102 e. Employees who are informed of the student's reportable disease or
103 condition will ~~also~~ be provided with appropriate information concerning
104 necessary precautions and will be made aware of the strict confidentiality
105 requirements. ~~The release of If an employee releases this type of~~
106 confidential information or records relating to a student's reportable
107 disease or condition, except as permitted by law, ~~is the employee will have~~
108 ~~committed~~ a misdemeanor and may be subject ~~the employee~~ to further
109 discipline up to and including dismissal.

110 3. Employee Reports of Communicable Diseases

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112
113 In order to address the needs of the student within the school environment, school
114 employees are required to notify the principal if they have reason to believe that
115 ~~are aware or become aware of~~ any student is suffering from a communicable
116 disease ~~other than HIV infection~~. Parents will be encouraged to notify the
117 principal as well.

118 4. Notice Relating to Students Who are Immunodeficient

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121 Students who are immunodeficient, ~~whether due to AIDS or other causes,~~ face an
122 increased risk of severe complications from exposure to communicable diseases
123 that appear in the school setting. ~~Although students with an HIV infection are~~
124 ~~not required to notify school staff of their HIV status,~~ sStudents and their parents
125 or guardians are encouraged to inform the principal if a student suffers from this
126 immunodeficiency. ~~Students who are immunodeficient because of other~~
127 ~~communicable diseases, and their parents, are also encouraged to inform the~~
128 principal.

129
130 If notified that a student suffers from an immunodeficiency, the principal should
131 request that the notifying party provide information about what types of exposures
132 might put the student at risk and what reasonable practices can be taken in the

133 school setting to minimize risk to the student. Whenever possible, the principal of
134 a school should notify the parents or guardians of an infected or immunodeficient
135 student (or the student himself or herself, where appropriate) about the presence
136 of chicken pox, influenza, meningococcus, measles, tuberculosis, or other
137 contagious diseases occurring in the school that may present a serious threat to the
138 student's health. Students who are removed from school as a result of such
139 conditions will be provided instruction in an appropriate alternative educational
140 setting.

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142 **5. Notification to Parent/Guardian of Exposure to Infectious Agent**

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144 Parents or guardians will be notified in a timely manner when their child has
145 potentially been exposed to an infectious agent, such as an instance of blood-to-
146 blood contact, and will be encouraged to contact their private physician or the
147 county health department for consultation.
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149 **E. EDUCATION/SCHOOL ATTENDANCE FOR STUDENTS WITH AIDS/HIV INFECTION OR**
150 **HEPATITIS B INFECTION**

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152 Students with an AIDS or HIV infection or hepatitis B infection will be permitted to
153 attend school without special restrictions except in accordance with 10A N.C.A.C. 41A
154 .0201-.02040203 and this subsection.
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156 **1. Appointment of an Interdisciplinary Committee**

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158 When the local health director notifies the superintendent that a student with
159 AIDS, or HIV infection, or hepatitis B infection may pose a significant risk for
160 transmission, the superintendent, in consultation with the local health director,
161 shall appoint an interdisciplinary committee in accordance with state health
162 regulations and procedures established by the superintendent. The committee
163 shall consult with the local health director regarding the risk of transmission and
164 advise the superintendent regarding the placement of the student. The committee
165 will include appropriate school system personnel, medical personnel, and the
166 student's parent or guardian and may include legal counsel. The parent may
167 request additional participants as necessary to appropriately evaluate the risk. The
168 health director will be responsible for determining whether to add additional
169 members requested by the parents. The superintendent shall inform the board
170 whenever a committee has been formed and shall advise the board of the
171 professional composition of the committee.
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173 **2. Determination of Educational Placement**

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175 The interdisciplinary committee shall review each case individually in
176 consultation with the local health director to determine (1) the degree to which the

177 student's conduct or presence in school exposes others to possible transmission or
178 other harm and (2) what risk the school environment may pose to the infected
179 student. If the local health director concludes that a significant risk of
180 transmission exists in the student's current placement, the committee must
181 determine whether an appropriate adjustment can be made to the student's school
182 program to eliminate this risk. If that is not possible, the student will be provided
183 instruction in an appropriate alternative educational setting that incorporates
184 protective measures required by the local health director.

185 186 3. Referral for Special Education Services as Appropriate

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

193 194 4. Confidentiality

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

201 202 **F. EDUCATION/SCHOOL ATTENDANCE FOR STUDENTS WITH COMMUNICABLE DISEASES** 203 **OTHER THAN AIDS OR HIV OR HEPATITIS B INFECTION**

204
205 In some circumstances, students with communicable diseases or conditions may pose a
206 threat to the health and safety of other students and school employees. In other cases,
207 students may have only mild illness and be able to attend school and participate in all
208 activities. Accordingly, decisions regarding the educational status of students with signs
209 and symptoms of communicable disease will be made on a case-by-case basis with input
210 from the students' health care provider, public health specialists, and the school nurse.

211
212 A student with an acute or chronic communicable disease who remains in school shall
213 observe any protective procedures or other control measures recommended by the
214 student's physician, the school nurse, or other relevant medical authority.

215
216 Students with a chronic communicable disease may be referred for special education
217 services or a Section 504 plan of accommodation, as consistent with law.

218 219 **G. OTHER CONTROL MEASURES**

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221 School personnel shall implement measures to control the spread of communicable
222 disease as directed by the state or local health department. In the case of emerging
223 illnesses not addressed by state or local health department rules or guidance, school
224 personnel shall implement control measures recommended by the CDC unless directed
225 otherwise by the school nurse or other relevant medical authority.

226
227 Decisions regarding school closures shall be made in accordance with policy 5050,
228 Emergency Closings.

229
230 Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; 34 C.F.R. pt.
231 99; G.S. 115C-36, 130A-25, -136, -142 to -144, 145, -152 to -157; 10A N.C.A.C. 41A, subchapter
232 A .0201 through .0204

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234 Cross References: Comprehensive Health Education Program (policy 3540), Emergency
235 Closings (policy 5050), Occupational Exposure to Bloodborne Pathogens (policy 7260),
236 Communicable Diseases – Employees (policy 7262)

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238 Adopted: May 1, 2017

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240 Revised: [DATE]

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