

TERRELL COUNTY BOARD POLICY
Communicable Diseases

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Definitions

- a. Communicable disease - a disease that can be directly or indirectly transmitted from one person to another.
- b. HIV Infection - an infection in which the human immunodeficiency virus is present.

Requirements

- a. Terrell County Board of Education (TCBOE) shall not deny a student infected with a communicable disease an education solely because of the infection.
- b. All schools shall adopt routine procedures for handling blood and body fluids consistent with the Centers of Disease Control's Universal Precautions for Handling Blood and Body Fluids.
- c. The Superintendent shall provide for the education of all employees about HIV infection and other communicable disease, including transmission, risk reduction and universal precautions for handling blood and body fluids.
- d. If the Superintendent or his designee has reasonable cause to believe that a student or an employee has become infected with a communicable disease, the determination of a student or employee's condition shall be based on reasonable medical judgment given the state of medical knowledge about:
 1. The nature of the risk, i.e., how long disease is transmitted;
 2. The duration of the risk, i.e., how long the carrier is infectious;
 3. The severity of the risk, i.e., the degree of potential harm to third parties;
 4. The probability that the disease will be transmitted and will cause varying degrees of harm.
- e. After consideration of the criteria set forth in 2/d, an infected student or employee shall be allowed to remain in his/her educational or employment setting unless he/she currently presents a significant risk of contagion as determined by the Superintendent or his designee after consultation with the student or employee's physician, public health official knowledgeable about the disease and/or the school system's physician.

- f. After a determination of the student's or employee's medical condition has been made using the criteria set forth in 2/d and 2/e, the Superintendent or his designee, after consultation with the student's or employee's physician (at the option of the Superintendent or his designee), shall determine whether reasonable accommodation will allow the student to perform in the classroom or the employee to meet the essential functions of the job. An accommodation is reasonable unless it imposes either an undue financial hardship or administrative burden on the Terrell County Board of Education.
- g. Notwithstanding the requirements for evaluation of a student or an employee who may be infected with a communicable disease set forth hereinabove, the Superintendent or his designee may immediately remove a student or employee for a period of time not to exceed ten (10) calendar days from his/her educational employment setting for the purpose of obtaining a reasonable medical judgment, as required by subsections d and e as to whether the student or employee constitutes a significant risk of contagion to others.
- h. Medical information about a student or employee with HIV infection or a communicable disease shall not be disclosed without the consent of the employee or the student or his/her parent or guardian, whichever is applicable, unless required by law or court order.

Right to Appeal Process

Should the school system administration determine that the student or employee should be reassigned or removed from the regularly assigned classroom or normal work assignment due to an infectious condition which would put other students or employees at risk, the infected employee or student's parent(s) or guardian shall be notified in writing and shall have the right of appeal to the Board of Education. Such appeal shall be made in writing and filed with the Superintendent within fifteen (15) days from the receipt by the affected party of the decision of which complained. The Board of Education shall hold a de novo hearing within ten (10) days of the filing of the notice of appeal, and after the hearing may take such action, as it deems appropriate in the circumstances. The affected party may thereafter appeal to the State Board of Education as provided by law. Notwithstanding the right to appeal, any transfer or reassignment shall be effective immediately unless suspended by the Superintendent pending the outcome of the appeal.

Applicants for Employment

An individual shall not be denied employment based solely on the individual's infection with a communicable disease unless the Superintendent or his designee, after consultation with the applicant's physician, a public health official knowledgeable about the disease and/or the school system physician (at the option of the Superintendent or his designee) determines that the communicable disease is of such nature or at the stage that the individual should not be in the school system setting.

HIV

Purpose - The purpose of this policy is to address management issues concerning HIV disease in relation to students and employees. The Terrell County Board of Education recognizes the importance of protecting students and employees from the spread of communicable diseases and from discrimination in the school setting. The following policy statements will be reviewed and revised regularly as necessary to reflect current medical research, Centers for Disease Control and Prevention (CDC) guidelines, and legal opinion.

Scope - This policy applies to all employees (including administrators, officials, and general staff) and all students of the Terrell County School System.

Definitions

- a. Communicable disease - any disease which can be directly or indirectly transmitted from one person to another. For the purpose of this policy communicable diseases will be diseases which can be transmitted in a casual school setting.
- b. HIV disease - any stage of infection with the human immunodeficiency virus. AIDS is a late stage of HIV infection. HIV infection is primarily transmitted through sharing infected blood, semen, and vaginal fluids through sexual contact, sharing needles, direct blood to blood contact, or perinatal transmission. For the purpose of this policy, HIV infections are not to be considered communicable in a casual school or office setting.

Requirements

- a. The Terrell County Board of Education, its agents, employees, and persons defined as "contractors" by regular school board policy, shall not deny students infected with HIV an education solely because of the infection, nor shall an employee be terminated, non-renewed, demoted, suspended, transferred, or subject to adverse action based solely on the fact that the employee has a HIV infection. Students and employees with HIV disease are entitled to all the rights, privileges, services accorded to other students and employees.
- b. Any changes in an infected student's educational program or classroom assignment will be considered on a case-by-case basis reflecting the following:
 1. The presence of a secondary infection in the HIV infected individual which has a medically recognized risk of transmission in the school setting (i.e. untreated Tuberculosis, measles, mumps, etc.)
 2. Recommendations from the infected person's personal physician, the Board's Medical Advisor, and the Board's Attorney.
 3. If necessary, reasonable accommodation. An accommodation is reasonable unless it imposes either an undue financial hardship or administrative burden on the Board.

- c. Where it is determined that a student or employee has an infectious condition secondary to the HIV infection that constitutes a medically recognized risk of transmission of disease the school setting, the regular procedure for dealing with communicable diseases will apply, without a regard to the HIV infection.

Right to Appeal Process

Should the school system administration determine that the student or employee should be reassigned or removed from the regularly assigned classroom or normal work assignment due to an infectious condition which would put other students or employees at risk, the infected employee or student's parent(s) or guardian shall be notified in writing and shall have the right of appeal to the Board of Education. Such appeal shall be made in writing and filed with the Superintendent within fifteen days from the receipt by the affected party of the decision of which complained. The Board of Education shall hold a de novo hearing within ten days of the filing of the notice of appeal, and after the hearing may take such action as it deems appropriate in the circumstances. The affected party may thereafter appeal to the State Board of Education as provided by law. Notwithstanding the right to appeal, any transfer or reassignment shall be effective immediately unless suspended by the Superintendent pending the outcome of the appeal.

HIV/AIDS Confidential Information Issues

All school system employees shall treat all medical information regarding individual students as highly confidential. Furthermore, HIV related information including but not limited to HIV status shall not be divulged, directly or indirectly, to any other individuals or groups without the consent of the employee or the student's parent or guardian consent or only as required by law or court order.

School system employees shall not request HIV tests on job applicants, current employees, prospective students, or students currently enrolled in the school system. School system employees shall not request the HIV test results of any other school system employee from any source without a signed release from the person being tested. School system employees shall not request HIV test results on any student from any source without written parental or guardian consent.

Universal Precautions (Procedures for handling body fluids)

All students and employees of the school system shall exercise care in handling body fluids -- treating all visible blood, semen, and vaginal fluids as contaminated, regardless of whether or not infected persons are currently in attendance. Body fluids other than blood, semen, and vaginal fluids will be considered possible contaminants for other diseases but not as a source of HIV infection unless visible blood is present. Hard surfaces soiled with body fluids shall be promptly and properly cleaned following the procedures set out by the Board's policies under the Department of Risk Management. Any employee failing to use standard universal precautions in appropriate situations shall be subject to disciplinary action.

Any student or employee with an exposed injury or skin lesion showing visible blood, pus, or other drainage must bandage draining area with a bandage large enough to cover the damaged skin area.

Employee Education

All employees shall be provided free yearly training about HIV disease, including transmission and risk reduction. All employees shall be provided free yearly training in basic infection control methods (universal precautions) including procedures to clean blood spills and other body fluid spills, and have easy access to disposable, single use gloves, disinfectants, and cleaning supplies.