

# **508.03 Communicable or Infectious Diseases**

Friday, August 11, 2023

## **COMMUNICABLE OR INFECTIOUS DISEASES**

The school district will work cooperatively with the Nebraska Department of Health to enforce applicable state statutes for the prevention, control, and containment of communicable diseases within the school district.

I. The superintendent of schools, or his or her designee, shall have the authority to exclude any student or staff member from school when reliable evidence or information from a qualified source confirms that he or she may possess a health condition which may be considered as a potential health risk to the rest of the school population. The superintendent of schools, or his or her designee, also may require a written statement of health from an approved physician in order for the affected person to reenter school.

II. When reliable evidence or information from a qualified source confirms that a student or staff member is known to have a communicable disease or infection that is known not to be spread by casual contact, such as AIDS, Hepatitis B, and other like diseases, the decision as to whether the affected person will remain in the school setting will be addressed on a case by case basis by a review panel to ensure due process as set forth in Paragraph VII.

III. Mandatory screening for communicable diseases that are known not to be spread by casual contact is not warranted as a condition for school entry or for employment or continued employment.

IV. Routine procedure shall be used and adequate sanitation facilities will be available for handling blood or body fluids within the school setting or school vehicles. School personnel will be trained in the proper procedures for handling blood and body fluids and these procedures will be strictly followed by all school personnel.

V. Confidentiality of Records. All persons with any medical information that pertains to students or staff members shall be required to treat all proceedings, discussions, and documents as confidential information. Such information shall be shared with other school personnel only on a "need to know" basis. The superintendent of schools shall develop procedures for insuring the confidentiality of such information consistent with the provisions of applicable state and federal law.

VI. Instruction on the principle modes by which communicable diseases, including, but not limited to, Acquired Immunodeficiency Syndrome (AIDS) are spread and the best methods for the restriction and prevention of these diseases shall be taught to students and inservice education provided to all staff members.

VII. The review panel for communicable diseases not spread by casual contact.

A. Panel Membership

1. The school nurse.
  2. The school's medical advisor (a Nebraska licensed physician).
  3. The student's or employee's physician.
  4. A school representative familiar with the affected person's behavior in the school setting (in most cases the school principal). In the case of a special education student, a special education representative may also be included.
  5. Either the custodial parents or legal guardian of a child, the student if nineteen or over, or the employee.
  6. The superintendent of schools.
  7. A legal representative of both the affected person and the school district may be present.
- B. The superintendent of schools shall designate someone to serve as chairperson of the panel. The chairperson will serve as a neutral hearing officer to ensure an impartial due process hearing for all concerned.
- C. The chairperson of the panel will designate the panel member who will write the "Proposal for Decision."

## VIII. Case Review Process

A. Upon learning of a student or staff member within the school district who has been identified by a qualified source as having a communicable disease that is known not to be spread by casual contact, the superintendent of schools shall:

1. Consult with the school district's medical advisor and the physician of the student or staff member immediately to determine whether the student's or staff member's health is such that the individual should continue his or her school activities during the review panel process.

a. If the student's or staff member's physician and the school's medical advisor concur that the individual should continue with his or her school activities and that the individual poses no immediate health threat to himself or herself or to the school population, the student or staff member shall be allowed to remain in the school setting while the review panel meets.

b. If the school's medical advisor recommends exclusion because a public health threat exists, or in his or her opinion the student or staff member is not well enough to remain in the school setting, the review panel will discuss the conditions under which the individual may return to school. A staff member so excluded will continue to receive full pay and benefits.

2. Contact the review panel members immediately to convene a meeting to explore aspects of the individual's case.

3. Submit a written notice to the custodial parent, legal guardian, or affected person of his or her rights as review panel members and the method of appeal.

### B. The Review Panel Process

1. The available review panel members shall meet within forty-eight hours to review the case. The following aspects should be considered in that review:

a. The circumstances in which the disease may be contagious to others.

b. Any infections or illness the student or staff member could have as a result of the disease that would be contagious in the school situation.

c. The age, behavior, and neurological development of the student or staff member.

- d. The expected type of interaction with others in the school setting and the implications to the health and safety of those involved.
- e. The psychological aspects for both the infected individual and others concerning the infected individual's remaining in the schools' setting.
- f. The existence of contagious diseases occurring within the school population while the infected person is in attendance.
- g. The method of protecting the student or staff member's right to privacy, including maintaining confidential records.
- h. Whether the student or staff member should continue in the school setting, or if currently not attending, under what circumstances he or she may return.
- i. Whether a restrictive setting or alternative delivery of school programs is advisable.
- j. Whether an employee would be at risk of infection through casual contact when delivering an alternative educational program.
- k. When the case should be reviewed again by the panel.
- l. Whether a student should continue, or become involved in, extracurricular activities, including the risk of harm posed to the student by such participation and the risk of spreading infection to other students or staff members.
- m. Any other relevant information.

## 2. Proposal for Decision

- a. Within three (3) business days after convening the panel, the superintendent of schools shall be provided with a record of the proceedings and the Proposal for Decision (proposal). The proposal serves as a recommendation to the superintendent of schools. It should be based on the information brought out in the review panel process and should include the rationale for recommendation concerning school attendance for the student or continuation of employment for the staff member. If there is a minority viewpoint by panel members following the review process, that should also be included in the report.

b. If the proposal is to exclude the affected person from the school setting because of a condition that is considered a health threat to the school community, the proposal shall include the conditions under which the exclusion will be reconsidered.

c. The custodial parent, legal guardian or affected person will be given a copy of the superintendent of schools decision. The other review panel members will be given the opportunity to review the content of the superintendent of schools' decision.

3. If the affected person is a special education student, the superintendent of schools shall convene an Individualized Education Planning Committee meeting to determine the appropriate program and services for the student based on the panel's recommendations and the superintendent of schools' decision. Placement of the student in the interim shall be based upon the recommendation of the superintendent of schools and the attending physician.

#### IX. The Appeal Process of The Panel Review

##### A. Request for reconsideration of the superintendent of schools' decision.

1. The custodial parent, legal guardian, or affected person may request reconsideration of the superintendent of schools' decision within three (3) business days of the date the superintendent of schools' decision was issued. The request shall be in writing and shall allege that the decision contains a substantial error of fact or that the decision is against the great weight of the evidence as set forth in the proposal.

2. The superintendent of schools shall grant or deny the request for reconsideration within three (3) business days after receipt of the request.

##### B. Request for Board of Education Decision

1. The custodial parent, legal guardian, affected person, or their representative may make a final written appeal to the secretary of the board of education within five (5) business days after the superintendent of schools' decision. The board of education shall meet within three (3) business days and hear testimony from the review panel membership along with the proposal and the superintendent of schools' decision. Within two (2) business days of the hearing the board of education shall render its decision in writing with copies sent to the superintendent, and the custodial parents, legal guardian, or affected person.

## X. Contact Communicable Diseases

A. Head lice, mites, and other infestations. It is the intent of the school district to handle cases of communicable infestations in such a manner as to protect the safety of the individual students, other students, and staff with whom the individual may come in contact. In such cases the school district may act immediately to temporarily exclude students who are carriers of infestations that are communicable by contact and association. Control of such infestations depends upon prompt detection, proper administration, effective treatment and spread prevention.

1. Students temporarily excluded from school shall have completed the treatment outlined by school personnel and shall submit to a reexamination before re-entry. Students who are found free of infestation shall be re-admitted to school
2. In cases where infestations are confirmed, school health personnel shall examine all children in the classroom to determine further infestations. Children from the same family in the school shall also be examined. Depending upon the number of infestations identified, it may be necessary to examine all students of the school. Such cases where evidence of infestations are determined to be substantial, parents or guardians shall be provided notice, treatment procedures, and school rules and regulations regarding control and treatment.
3. In cases where re-infestations of the same student occurs, the student shall again be excluded from school until treatment procedures have been completed. In cases of re-infestations, the following conditions shall apply:
  - a. The student will be re-admitted to school when all treatment procedures have been completed and students are free of all nits and casings.
  - b. Upon return to school, the students shall be reexamined periodically, at least once a week, until health personnel determine that the infestation is under control.
  - c. Re-infestation may result in the reporting of such cases to the following:
    - 1) Nebraska Department of Health, branch office in Scottsbluff, Nebraska.
    - 2) Department of Social Services in Sidney, Nebraska.
  - d. The school principal shall be responsible for determining temporary exclusion or readmission of students. Whenever possible, school health personnel shall be

consulted regarding such decisions. It shall be the responsibility of the school principal to report all cases whenever substantial numbers of the infestation may occur.

## XI. General

. If a student with a communicable disease is not attending school, the school district will provide an alternative delivery of the school program.

1. If there is a risk of infection through casual contact to the employee while delivering this program, the employee will be allowed the option not to serve in the position.

2. If there is no known risk of infection through casual contact to the employee, the employee will be expected to participate in the delivery of the alternative program.

B. Employees of the school district shall be expected to teach and provide other normal personal contact services in school to a student or to work with a school employee determined to have a disease known not to be communicable by casual contact unless a determination to the contrary has been made by the review panel.