

MEDFORD AREA PUBLIC SCHOOL DISTRICT

DATE ADOPTED: January 28, 1988 **FILE SECTOR: STUDENTS**
DATE REVISED: November 17, 1994 **POLICY TITLE: COMMUNICABLE DISEASES**
DATE REVISED: January 16, 2003
DATE REVISED: January 19, 2004
DATE REVISED: September 16, 2004
DATE REVISED: December 16, 2004
DATE REVISED: June 19, 2008
DATE REVISED: May 21, 2015

The Medford Area Public School District Board of Education recognizes its responsibility for preserving the safety, protecting the general welfare, and promoting the physical, mental, and emotional health of individual students and employees and the student body and staff. The health and safety of students and staff will be the primary consideration in dealing with communicable disease. This policy's intent is to minimize interruptions to the educational programs of the schools.

The District shall follow federal regulations, state statutes, administrative rules, city ordinances, and the procedures required by the Wisconsin Department of Health Services regarding communicable disease. The board of education will utilize the services of a medical advisor and legal counsel when necessary.

While participating in school-related activities or while on school premises, no student shall refuse to interact or work with other students or staff because they have (or may have) a communicable disease if the communicable disease does not pose a significant health risk to others. The determination of whether a communicable disease poses a significant health risk to others shall be made by the school district nurse in consultation with the district medical advisor in accordance with policy guidelines. Said determination shall be based solely upon the available medical evidence.

No employee shall refuse to perform his/her duties or refuse to work with, or provide services to, students or staff because they have (or may have) a communicable disease if the communicable disease does not pose a significant health risk to others. The determination of whether a communicable disease poses a significant health risk to others shall be made by the school district nurse in consultation with the district medical advisor in accordance with policy guidelines. Said determination shall be based solely upon the available medical evidence.

**CROSS REFERENCE: GBE, GBL, JB, JB-R, JHCA, JHCC-R, JO,
& Bloodborne Pathogen Exposure Control Plan**
**LEGAL REFERENCE: Sec. 103.15, 111.31, 118.13, 118.15, 118.125, 118.126, 146.025, 146.82,
& Chapter 252, Wis. Stats., Wis. Admin. Code HHS 145, PI 9, ADA
504, FERPA 34CFR99, IDEA 34CFR300, & Wis. Food Code 2-201.11**

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I. Exclusion from School for Health Reasons

A. The school district nurse may exclude a student from school until such time as the student is once again able to safely function in the school. The school district nurse may exclude a student from school for health reasons if the student:

1. has a condition that requires immediate medical diagnosis or intervention, e.g. emergency dental care, sutures, bone-setting or diagnosis of a rash.
2. has a condition that requires ongoing supervision that cannot be provided in the school setting, e.g. continuous observation after a concussive blow or a seizure.
3. is not able to function in school because of illness, e.g. fever, toothache, vomiting, diarrhea, migraine.
4. has untreated pediculosis, scabies or body lice.
5. poses a significant health risk to others in the normal course of his/her school day activities.

Such a significant health risk is posed when:

- a. any student is in the infectious stage of serious airborne transmitted communicable disease. Serious airborne transmitted diseases include, but are not limited to, chicken pox, measles, mumps, pertussis, tuberculosis and rubella.
- b. any student is unable to hygienically manage their bowel and bladder functions and they are in the infectious stage of an oral-fecal transmitted communicable disease. Oral-fecal transmitted diseases include, but are not limited to, Hepatitis A, gastro-intestinal conditions such as giardiasis, salmonella, shigella and rotavirus, and parasites such as pinworms.
- c. any student has a disease which may be transmitted by body fluids, and have open lesions and whose developmental level or behavioral pattern makes it difficult for them to refrain either from touching the lesion and therefore spreading the underlying infection or from biting, e.g. very young or developmentally delayed students with impetigo, Hepatitis B Virus, HIV, AIDS, staphylococcus aureus, Beta Hemolytic streptococcus or conjunctivitis infection.

B. Before making a determination that a student should be sent home for diagnosis and treatment or excused from school attendance, the school district nurse shall, to the extent circumstances warrant and permit, inform the student and the student's

parent(s)/guardian(s) of the reasons for the contemplated action and shall consider any information the student and/or the student's parent(s)/guardian(s) may choose to offer regarding the student's condition. As a general rule, a student will not be sent home until the parent(s)/guardian(s) can be contacted. Whenever possible, it is the parent(s)/guardian(s) responsibility to transport the student home.

- D. Alternative educational opportunities shall be arranged for students who must be excused from school attendance for a significant period of time.
- E. The health status of a student temporarily removed from the usual school setting to protect the health of self or others will be re-evaluated at regular intervals by the school district nurse in consultation with an IEP Team and/or the district medical advisor when appropriate, who shall be responsible for determining when a student may be re-admitted. As a condition of continued or renewed attendance, the district may require a statement from a student's physician that the student is in suitable condition to attend school.

A student may not be excluded from school, or privileges and participation in school sponsored activities when the risk of transmission of a communicable disease is because transmission primarily occurs through sexual or intimate contact (e.g. gonorrhea, genital herpes, trichomonas vaginitis, HIV, AIDS, cytomegalovirus or chlamydia) or when it can be controlled through education of the student and staff and the provision of readily available supplies to carry out hygiene measures (e.g. covering open lesions or cuts of those infected with bloodborne transmitted communicable disease and training in safety procedures for staff who clean up spilled body fluids).

Certain contagious diseases will always require consultation of a team of the district administrator, the school district nurse, the district medical advisor and any other advisors they deem necessary in determining whether a significant health risk is posed. The list of these contagious diseases include, but are not limited to: infectious hepatitis, HIV, and AIDS related diseases.

School district employees who, while performing employment duties are significantly exposed to an individual's blood, may subject the blood of the individual to whom they are exposed to a test for the presence of HIV, provided that all conditions for such as governed by State Statute [225.15(7)(ai) - (7)(m)] are met.

If the school district nurse is not available the classroom teacher shall contact the building principal who will contact the school medical advisor, or if he/she is not available, an Aspirus Medford Clinic provider.

- II. Powers as Prescribed by State Statute and the Wisconsin Department of Health Services
Wisconsin Statutes give the Department of Health Services the authority to implement all emergency measures necessary to control communicable diseases. The department may adopt and enforce rules or issue orders for guarding against the introduction of any communicable diseases into the state, for the control and suppression of communicable diseases ... and for the sanitary care of... schools ... and public buildings and connected premises.

By administrative rule both Hepatitis B Virus (Category II) and Acquired Immune Deficiency Syndrome (AIDS) (Category III) are included as communicable diseases.

Other departmental powers with regard to communicable diseases include the power to enter (with inspection warrant) any building and remove therefrom any person affected by a communicable disease, the power to close schools and other places to control outbreaks and epidemics and the power to appoint an agent to execute its rules or orders if any public officer or person in charge of any public building or school fails to comply with them.

III. Reports to Department of Health Services

Anyone having reason to believe that any person has a communicable disease must report the facts to the local health officer, who must, in turn, report the information to the Department of Health Services. The local health officer must also at once investigate, quarantine, isolate, require restrictions or take other control measures according to departmental rules.

The statutes and administrative rules specify that any teacher, principal or nurse servicing a school or day care center knowing of a case or suspected case of a communicable disease in the school or center must at once notify the local health officer.

Admin. Code HSS 145.04(1)(d); and report name and address of the reporter, of the individual with a diagnosed or suspected disease and of his/her attending physician, together with additional information about the individual with the diagnosed or suspected disease. Wis. Admin. Code HSS 145.04(2).

Administrative rules also specify that reports from schools must be made "on a weekly basis" Wis. Admin. Code HSS 145.04(3)(c); and that the local health officer must notify the state epidemiologist immediately by telephone of any cases or suspected cases of communicable disease and in writing at the close of each week. HSS 145.04(4).

The local health officer shall use all reasonable means to confirm in a timely manner any case or suspected case of a communicable disease and shall ascertain so far as possible all sources of infection and exposures to the infection. Follow-up and investigative information shall be completed by the local health officer and reported to the state epidemiologist... HSS 145.05(1)

IV. Maintenance of Information on Communicable Disease

A. The school district nurse shall maintain guidelines on communicable disease which include, but are not limited to, information on how they are transmitted and methods that could be used to reduce the risks of such transmission.

B. The guidelines on communicable disease shall be:

1. available in the office and work area of each building principal and school district nurse's office;
2. summarized in new employee orientation sessions; and
3. summarized periodically in the inservice training program for school district employees, and in district publications, newsletters and staff handbooks.

C. A guideline outlining safe procedures for disposing of spilled body fluids, shall be included in all health services and custodial services manuals and posted in/near custodial cleaning materials storage areas in district buildings, and in the office/work area of each school principal, nurse and custodian.

V. Maintenance of Medical Supplies

First-aid kits and other supplies and equipment appropriate to reducing the risk of transmission of communicable disease in the school environment, as determined by the school district nurse, will be provided in school buildings. Appropriate personal protective equipment will be readily accessible at each building or will be issued to employees who have been trained/ delegated to perform cleaning activities and emergency first aid awareness and response according to the Medford Area Public School District Bloodborne Pathogens Exposure Control Plan.

VI. Confidentiality of Health Information

Any person who knows or suspects that a student or staff member has a communicable disease shall report the facts to the school district nurse. Sec. 146.82, Wis. Stats., which governs confidentiality of patient health care records, requires that all health care records shall remain confidential unless released to other persons with the informed consent of the patient or a person authorized by the patient. No person to whom the results of a test for the presence of an antibody to HIV have been disclosed may disclose the test results except as authorized by law. There is no provision for access to health care records by school districts in their capacity as employers or educators. Appropriate students and staff members will be informed of related risks and necessary precautions. This includes notification of HIV-infected staff and students and their parent(s)/guardian(s) when a communicable disease occurs in the school.

As an educator, a school district may maintain some physical health records of students, which must be kept confidential in accordance with law and established procedures. Violation of medical privacy concerning HIV infection is cause for disciplinary action.

VII. School District Responsibility for Not Exposing Students to Sick Staff

Notwithstanding the need for patient confidentiality of health records, a school district's responsibility to shield students from exposure to transmission of communicable diseases by district employees is provided for in Sec. 118.25(2)(a) Wis. Stats. All school boards must require all employees who come in contact with children or prepare food for children to submit to periodic physical examinations by a physician "at intervals determined by the school board." A school employee may file an affidavit claiming exemption from the health examination on grounds that he or she is in good health and depends exclusively on prayer or spiritual means for healing.

As an employer, a school district may not (a) solicit or require as a condition of employment of any employee or prospective employee a test for the presence of an antibody to HIV; (b) affect the terms, conditions or privileges of employment, or terminate an employee who obtains a test for the presence of an antibody to HIV.

- A. Notwithstanding the filing of such affidavit, if there is reasonable cause to believe that such employee is suffering from an illness detrimental to the health of the students, the district administrator in consultation with the school district nurse and in accordance with board policy and/or employee handbook provision, may require a health examination, at district expense, of such school employee sufficient to indicate whether or not such school employee is suffering from such an illness.
- B. Staff who are diagnosed as having an illness or communicable disease that poses a significant risk of transmission to others in the school environment or that renders them unable to adequately perform their duties shall be excused from work.
- C. The determination as to whether, and under what circumstances, a staff member's communicable disease poses a significant health risk to others in the school environment or makes adequate performance impossible shall be made by the district administrator, in consultation with the school district nurse, and where appropriate, with the district medical advisor.
- D. Before making a determination that a staff member should be excused from work the district administrator shall inform the staff member of the reasons for the contemplated action and shall consider any information the staff member may choose to offer regarding his/her condition. The district administrator shall also consider whether a reasonable accommodation could eliminate the health risk to the staff member or others and/or permit adequate performance.
- E. The district administrator shall provide written notice to any staff member excused from work pursuant to this procedure. Staff so excused may utilize any applicable alternative employment opportunities provided under existing board of education policies and/or employee handbook provision -- which may include sick leave, unpaid leave of absence, or re-assignment -- but are not guaranteed continued or renewed employment except to the extent provided under such policies or provisions.
- F. The physician making a physical examination shall prepare a report of his examination upon a standard form prepared by the department of health services and the department [of public instruction]. Such report shall be retained in the physician's file and he/ she shall make confidential recommendations therefrom to the school board and to the school employee on a form prepared by the department of health services and the department of public instruction. The recommendation form shall contain space for a certificate that the person is free from tuberculosis in a communicable form. The cost of such examination, including x-rays and tuberculin tests, shall be paid out of school district funds. Sec. 118.25(2)(b),(c), Wis. Stats.
- G. It has been the practice of the Medford Area Public School District to require a health examination only at time of initial hire. However, Sec. 118.25(2)(a), Wis. Stats., can be read as authorizing additional health examinations as specified by the board of education, for instance, if an employee continues to report for work and there is reasonable cause to believe the employee is suffering from an illness

detrimental to the health of the students. Criteria for "an illness detrimental to the health of the students" could be precisely those used to determine whether a student poses a significant health risk to others while participating in school related activities.

VIII. Appeals Procedure

A. Students

1. A parent/guardian of a minor student or an adult student who disputes the determination or action of the school district nurse or IEP Team concerning exclusion of a student from school attendance may appeal by bringing or sending a complaint to the district administrator.
2. A complaint must be made in writing, signed by the complainant, and submitted within 10 days of the disputed determination or action and must contain: a) a statement of the facts, b) a statement of the relief requested, and c) any necessary medical information.
3. The district administrator shall confer with the complainant within five days of the receipt of the complaint to verify the nature of the complaint and to explain the procedure that will be followed to resolve the complaint.
4. Complaints involving the identification, evaluation, educational placement, or provision of a free appropriate public education of a student with a disability will be resolved through the procedures contained in the district's special education handbook.
5. Complaints involving student discrimination on the basis of physical, mental, emotional, or learning disability will be resolved through the procedures established in Policy JB & JB-R.
6. Other complaints will be resolved by the district administrator. The district administrator will confer with the parties involved and will render a written decision within 10 days of his/her receipt of the complaint. A complainant who remains unsatisfied with the district administrator's decision may appeal to the board of education. This appeal must be made in writing, signed by the complainant, and submitted to the president of the board of education within 10 days of the district administrator's decision. The board of education will afford the complainant a hearing, upon request, and will render a written decision within 10 days of the receipt of the appeal or (if a hearing is held) the conclusion of the hearing.
7. Except to the extent prohibited by law, a student deemed to pose a significant health risk shall be excluded from school during the pendency of any appeal hereunder.

B. Staff

1. Staff excused from work in accord with this policy and subject to an employee handbook may appeal the district administrator's determination or action according to the grievance procedure set forth in the employee handbook.
2. Staff excused from work in accord with this policy may appeal the district administrator's determination or action according to procedure set forth in paragraphs VIII. (A)(2) and (6) above.