

Communicable Diseases: Education of Students Who Are Infected or Are Carriers

General Guidelines

The procedures are adopted in order to protect the legitimate interests and rights of students with communicable diseases or who are carriers of communicable diseases, while also protecting the health and safety of the remaining students in Horizon Academy West (HAW).

No student, otherwise qualified to attend this school, will be denied admission, suspended, expelled, segregated, restricted from curricular or extra-curricular activities, have his or her educational program changed nor otherwise be denied the benefits of the educational program as a result of the student being a carrier of or having any communicable disease, unless the procedures specified herein have been followed.

HAW will not require mandatory testing or screening of students for communicable disease as a condition precedent to registration or admission to school, either initially or annually. However, if school authorities have reasonable cause to believe that a student has or is a carrier of a communicable disease; such student may be required to submit an appropriate medical examination, at the expense of the HAW.

The Public Health Division of the New Mexico Health Department has statutory authority over school districts on these matters and this district will follow the guidance of that department.

For the purposes of this policy, "communicable diseases" are defined as diseases which can be transmitted from person to person and include, but are not limited to, the following:

Acute Communicable Diseases (those which have a definable onset and end of the infectious period):

Vaccine-Preventable Diseases

Child May Not Return to School

Measles (Rubeola)	until 4 days after rash begins
German Measles (Rubella)	until 7 days after rash begins
Whooping Cough (Pertussis)	until patient has been on antibiotics for at least 5 days or 3 weeks after onset of cough of infected child
Mumps	exclusion from time of diagnosis until the swelling has disappeared (about 7-10 days)
Diphtheria	until therapy is complete and student has had verification by medical statement that they are free of infection
<i>Haemophilus influenza</i>	until on antibiotics for 24 hours

instruction will be provided during such absences will be made on a case-by-case basis, based upon other policies of the Board of Education, the length of the absence, the severity of the condition and other factors considered relevant by school authorities.

Any decision affecting the educational program or attendance of a student who is a carrier of or who has a chronic communicable disease will be based upon competent medical advice and will balance the rights of the infected student against the legitimate interest of the District in protecting the health and safety of the remaining students. Decisions concerning the educational program and placement setting for those students who have, or are carriers of, chronic communicable disease will be made by the committee.

(hereinafter "the Committee") composed of the following:

- A. the child's physician;
- B. the child's parents or legal guardians;
- C. Head Administrator

Evaluative Factors

In determining the educational program and placement setting for any student who has or is a carrier of a chronic communicable disease, the following factors will be evaluated

- A. The nature of the disease;
- B. The age of the student;
- C. The behavior of the student;
- D. The neurological development of the student;
- E. The physical condition of the student;
- F. The expected type of interaction which the student will have with other individuals in the proposed placement setting;
- G. The degree to which other individuals may be exposed to infectious organisms;
- H. The hygienic practices of the student;
- I. The risk of transmission of the disease from the student to those individuals with whom he or she will interact' and
- J. Any other pertinent factor reasonably related to the decision.

An unrestricted educational program and placement setting will be the primary goal for any student who has or is a carrier of a chronic communicable disease. Restrictions upon a student's educational program and/or placement will be imposed only when the Committee determines that the risk of an unrestricted program and placement outweigh the benefits which the student may receive from an unrestricted program.

The educational program and/or placement setting established by the Committee for any student who has or is a carrier of a chronic communicable disease will be reevaluated, and modified if necessary, as often as the circumstances require, but in no event will the educational program and/or the placement setting continue without reevaluation at least once per school year. Any

reevaluation will be done by the Committee taking into account those factors listed in "Evaluative Factors."

The number of personnel who are aware of the student's condition will be kept to the absolute minimum needed to assure proper care of the child and to deal with situations where the potential for transmission may increase (e.g., where there is a bleeding injury). All school personnel and all members of the Committee appointed according to the provisions of this policy will maintain the student's right of confidentiality with respect to the fact that the student has or is a carrier of a chronic communicable disease, and with respect to any records, documents, statements, letters or memoranda developed or prepared by the Committee, provided, however, that nothing herein will prohibit or prevent the disclosure of information that may be permitted or required by state or federal law or regulations promulgated there under.

The parents or guardians of a student who has or is a carrier of a chronic communicable disease aggrieved by a program or placement decision made pursuant to this directive may appeal that decision to the Board by requesting a hearing, in writing, within 10 calendar days to the program or placement decision. Such hearing will be held at a time convenient to the parties and will be held in closed session. The decision of the Board will be final. Nothing herein will be construed as limiting the rights of parents of special education students under federal or state regulations and to the extent that such regulations are inconsistent with this policy, the federal or state regulation will prevail.