

## **Policy Code: 5200 COMMUNICABLE DISEASES OR CONDITIONS**

### Employees

It is the goal of the Edenton-Chowan Board of Education to provide a safe and secure environment for all students and employees. In an effort to maintain a balance between the need to protect the rights of students and employees and to control the spread of serious communicable diseases and conditions, decisions regarding the employment status of employees with communicable diseases or conditions shall be made on a case-by-case basis in accordance with this policy.

1. In order to prevent the spread of communicable diseases and conditions, universal health and safety precautions, which include regulations regarding the cleanup of all bodily fluids (including blood), shall be distributed by the administration and shall be followed by all school system employees. Failure to follow these universal precautions may result in disciplinary action against the offending employee. Instances of an employee's failure to follow the universal precautions shall be reported to the school principal or the Director of Human Resources.

2. In accordance with [North Carolina General Statute section 130A-136](#), school principals shall report suspected cases of reportable communicable diseases or conditions to the Chowan County Health Director for investigation and shall provide the health director with available factual information to substantiate the report. Such reports shall remain strictly confidential and may be shared only with other staff members as necessary to prepare and file a report. All staff members who are made aware of any such report shall keep the information strictly confidential. Without releasing any information that would identify the affected employee, the principal also shall report suspected cases of reportable communicable diseases or conditions to the Superintendent.

3. Any employee suffering from a communicable disease or condition shall follow all control measures given to him or her by the health director and shall take all necessary precautions to prevent the transmission of the disease or condition. Any school system employee who has reason to believe that a fellow employee is suffering from a reportable communicable disease and that the fellow employee is failing to follow safe practices shall report this to his or her principal or supervisor or the health director. Supervisory personnel shall report all such unsafe conduct to the health director. Failure to follow control measures may result in severe sanctions against the offending employee. An employee suffering from a communicable disease or condition is encouraged to inform his or her principal so that appropriate accommodations may be made and appropriate precautions may be taken.

4. If the Chowan County Health Director notifies the Superintendent or any other school system personnel that a school system employee with a communicable disease or condition may be posing a threat to the public health, these personnel shall cooperate with the health director in eliminating the threat.

5. The Board will follow all applicable state and federal laws and regulations and this policy in determining when an employee with a communicable disease or condition shall be required to take leave from his or her position or otherwise be restricted from continuing his or her employment.

6. Any employee who feels he or she is unable to continue to perform his or her regular duties due to a communicable disease or condition or who feels he/she may risk transmitting his or her disease to others if he or she continues to perform his or her assigned duties may request the Superintendent or designee to consider altering his or her duties or other conditions of his or her employment. The employee seeking alteration in the conditions of employment must apprise the Superintendent or designee of his or her condition, submit medical documentation regarding such conditions, suggest possible accommodation known to him or her, and cooperate in any ensuing discussion and evaluation regarding whether there are possible reasonable accommodations. If the Superintendent so requests, the employee must also give the Superintendent written permission either to consult the appropriate medical personnel or to convene an interdisciplinary committee to receive medical information regarding the employee in order to assist the Superintendent in determining whether alternative employment opportunities reasonably can be provided to the affected employee. The committee may include appropriate school system personnel, appropriate medical personnel (including the employee's personal physician when possible), the health director or his/her designee, and the employee.

When addressing the issue of whether reasonable accommodation is possible, the Superintendent shall determine to what degree the employee's presence in his or her current job exposes students or other staff to possible transmission of the disease and/or whether the employee is able to continue in his or her current position with reasonable modifications. The Superintendent shall consult with the health director if there is any question as to the employee's risk of transmission on the job. If the Superintendent determines that significant risk of transmission exists in the employee's current position or that the employee is no longer able to continue in his or her current position for health reasons, the Superintendent shall determine whether alternative employment opportunities are reasonably available within the school system.

If the employee requesting accommodation refuses to consent to the release of information to medical personnel or an interdisciplinary committee appointed by the Superintendent, his or her request for an accommodation may be denied until the employee agrees to allow the Superintendent to consult with the necessary parties.

7. Any employee who has been absent for more than 40 successive school days because of a communicable disease must, before returning to work, file a health certificate with the director of Human Resources as provided in the Board's Health Certificates policy. Nothing in this policy prohibits the school system from requiring an employee to submit a fitness for duty medical statement when the employee is absent for any number of days.

8. Nothing in this policy is intended to grant or confer any employment rights beyond those existing by law or contract.

#### Students

It is the goal of the Edenton-Chowan Board of Education to provide a safe and secure environment for all students and employees. In an effort to maintain a balance between the need to educate all eligible students, to protect the rights of students and employees, and to control the spread of serious communicable diseases or conditions,

decisions regarding the educational status of affected students shall be made on a case-by-case basis in accordance with this policy.

1. In order to prevent the spread of communicable diseases and conditions, universal health and safety precautions, which include regulations regarding the cleanup of all bodily fluids, shall be distributed by the administration and shall be followed by all school system employees.

2. The Edenton-Chowan Schools, in accordance with the North Carolina Standard Course of Study, shall include health, hygiene, and safety education in its curriculum. The curriculum shall include age appropriate information concerning safe health practices that will inhibit and prevent the spread of communicable diseases and conditions.

3. In accordance with [North Carolina General Statute section 130A-136](#), school principals shall report suspected cases of reportable communicable diseases or conditions to the Chowan County Health Director for investigation. Such reports shall remain strictly confidential and may be shared only with other staff members as necessary to prepare and file such a report. All staff members who are made aware of any such reports shall keep the information strictly confidential. Without identifying the student who is suspected of having the disease or condition, principals shall report suspected cases of communicable diseases or conditions to the Superintendent.

4. If an employee is aware that a student suffers from a reportable communicable disease or condition, or reasonably believes that a student is suffering from a reportable communicable disease or condition and he or she also reasonably believes that the student is engaging in behavior that creates a risk of transmission of the communicable disease or condition, the employee shall report this conduct to his or her principal or supervisor or the health director. Supervisory personnel shall report such unsafe conduct to the health director.

5. The health director is responsible for determining which school personnel shall be informed of the identity of a student who is suffering from a communicable disease or condition. Any employee who is informed or becomes aware of the student's condition shall respect and maintain that student's right of privacy and the confidentiality of his/her records.

6. The health director is further responsible for determining when the school community must be notified of the outbreak of a contagious disease. The school system shall cooperate with the health director in making such notification.

7. Parents should be encouraged to inform the school principal and their child's teacher when their child is suffering from a communicable disease. This will allow school personnel to better provide for the child's needs. All employees who are informed or become aware that a child has a communicable disease or condition shall respect and maintain that student's right of privacy and the confidentiality of his or her records.

8. Children with AIDS and HIV infection shall be permitted to attend school without special restrictions except in accordance with [10A NCAC 41A.0202\(3\)](#) and this policy. It is the responsibility of the Chowan County Health Director to notify the Superintendent if a child infected with the HIV virus is enrolled or scheduled for admission into the school system and there may be a serious risk of transmission by that child.

Within three days of being notified by the health director that a child with AIDS or HIV infection may pose a serious risk for transmission, the Superintendent, in consultation with the health director, shall appoint an interdisciplinary committee.

The committee shall include appropriate school system personnel, appropriate medical personnel (including the child's personal physician when possible), the health director or designee, and the child's parent or guardian and may include legal counsel to the Board.

The Superintendent shall inform the Board whenever a committee has been formed and shall advise the Board of the professional composition of the committee, but shall not reveal any information that would identify the affected student.

The purpose of the interdisciplinary committee is to consult with the health director or designee regarding the investigation and determination of risk of transmission and to advise the Superintendent regarding the placement of the student. If, after consultation with the committee, the health director concludes that there is a significant risk of transmission in the student's current placement, the committee shall determine if an appropriate adjustment can be made to the student's school program to eliminate this risk. If that is not possible, an alternative educational program which incorporates protective measures required by the health director shall be designed by appropriate school personnel.

The committee shall reevaluate the student's condition and placement at least quarterly. The student's placement shall continue until the health director determines that the child's status has changed, whereupon the committee shall determine the appropriate educational placement for the student.

If the committee determines that the student has limited strength, vitality, or alertness which may be adversely affecting the student's educational performance, it shall make a referral of the student for possible identification and placement as a student with special needs.

All deliberations of the interdisciplinary committee shall be kept strictly confidential.

9. A student may be removed from a school setting if he or she suffers from a communicable disease or condition and such placement jeopardizes his or her health or such placement creates a significant risk that he/she will transmit the disease and such risk cannot be controlled in the school setting. Students who are removed from the school setting as a result of such circumstances shall be provided an alternative instructional program.

10. Nothing in this policy is intended to grant students any school attendance or education rights beyond those existing by law.

LEGAL REF: [G.S. § 130A, Article 6](#); [G.S. § 115C-81\(e1\), -323](#); [10A N.C.A.C. 41A. 0100 et seq.](#); Americans with Disabilities Act, [42 U.S.C. § 12101 et seq.](#), [29 C.F.R. pt. 1630](#).

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