

SIGNIFICANT CONTAGIOUS DISEASES

The East Central Special Education Unit Board adopts this policy with the intent of protecting the health and safety of all Unit students, staff, and independent contractors.

Definitions

- *Affected person, affected individual, or affected student* means an individual who has been diagnosed by a physician as having contracted a significant contagious disease.
- *Decisionmaker* is the affected person's personal physician. However, whenever an affected student is also disabled as defined under the Education For All Handicapped Children Act, 20 U.S.C. 1401(a)(1) or North Dakota Century Code chapter 15-59, the decisionmaker is the multidisciplinary team provided for under subsection 4 of North Dakota Century Code section 15-34.1-03.
- *Independent contractor* means any person or entity who is free of control or direction over performance of the service provided both under the contract and in fact, who renders service outside the ordinary course of business or outside of the place of business of the contractor and who is engaged in an independently established trade, organization, profession, or business.
- *Institution* includes all public kindergartens, elementary, junior high, and high schools operating within all school Units in North Dakota.
- *Reasonable accommodations* are defined by subsection 17 of North Dakota Century Code section 14-02.4-02 or U.S.C. 794.
- *Significant contagious disease* includes cytomegalovirus (CMV), hepatitis B (HBV) and human immunodeficiency (HIV) infection. The local Board of health or the state health officer may determine that other diseases are significant contagious diseases.
- *Special provisions* are individually tailored education decisions designed to meet the needs of students requiring unique accommodations to ensure an educational opportunity. Special provisions are directed to students not covered by an individualized education program.
- *Universal precautions* mean protecting one's self from exposure to blood or body fluids, through the use of latex gloves, masks, or eye goggles, cleaning blood and body fluid spills with soap and water and then disinfecting and incineration or decontaminating infective waste before disposing in a sanitary landfill.

Universal Precautions

The Unit shall use universal precautions as standard procedure in the care and maintenance of school property and in administering first aid or otherwise handling emergencies.

Nondiscrimination and Anti-Harassment

No person shall be denied a contract as an independent contractor, or employment solely because they have, or they are perceived to have a significant contagious disease. The

Unit prohibits discrimination and/or harassment against an individual diagnosed as having a significant contagious disease on and using school property. Complaints alleging discrimination/harassment based on a significant contagious disease shall be handled in accordance with the Unit's Discrimination and Harassment Grievance Procedure (AAC-BR1).

Confidentiality

All information concerning an affected person's condition that is given to an employee or official of the Unit shall remain confidential to the extent required or permitted under applicable law. The Superintendent shall develop procedures to protect against confidentiality breaches (IDC).

No employee or official of the Unit may inform anyone of an affected individual's infection or release any information to the public either confirming or denying the presence within the Unit of a person who has contracted a significant contagious disease, unless otherwise required to do so by law. An employee violating these prohibitions shall be subject to disciplinary consequences in accordance with policy, law, and, when applicable, the negotiated agreement.

Spokesperson

The Board designates the Director as the person to receive information concerning the status of students, employees, and independent contractors from their physicians. The spokesperson shall be the official representative of the Unit when information concerning an affected individual becomes public and may not delegate this duty unless authorized by the Board. The spokesperson may request assistance from the Department of Public Instruction or State Department of Health in developing a plan for conflict resolution and shall comply with all applicable requirements in the Unit's policy on relations with the news media (KBA) when handling media requests related to significant contagious disease.

Reasonable Accommodations

1. **Students:** The Unit shall not prohibit a student from attending school solely because they have, or they are perceived to have, a significant contagious disease. If the student is well enough to attend the institution, and does not constitute a public health threat, as determined by the decision maker or local Board of health, the student must be permitted to attend school. If the student is unable to attend regular class instruction or requires special consideration, then reasonable accommodation, special provisions or individualized education programs must be provided for the student.

The Director shall establish special provisions procedures.

2. **Employees and Contractors:** Employees, potential employees, and independent contractors may not be terminated or prevented from becoming employed in the Unit solely because they have, or they are perceived to have a significant contagious disease. If the employee is well enough to perform their job and does not constitute a public health threat to others, as determined by a decisionmaker or the local Board of health, the employee must be permitted to perform the duties. The Unit shall consider and implement reasonable accommodations to allow the

affected individual to become/continue as an employee or become/continue as an independent contractor.

Education

1. **Employees:** All Unit employees shall receive appropriate training that addresses significant contagious disease prevention. The training will be presented by a health professional or someone specifically qualified in prevention of significant contagious diseases education. Training will include the proper use of universal precautions.

Those employees designated to teach significant contagious disease prevention to students shall receive additional training from qualified health education professionals.

2. **Independent Contractors:** All independent contractors performing services for the Unit shall receive a brochure concerning significant contagious diseases upon entering into a contract with the Unit. The brochure shall contain information regarding the transmission of significant contagious diseases in an institutional setting, the means of protecting against contracting the diseases in an institutional setting, and the use of universal precautions

Complementing NDSBA Templates (may contain items not adopted by the Board)

- AAC, Nondiscrimination and Anti-Harassment Policy
- AAC-BR, Discrimination and Harassment Grievance Procedure
- AAC-E1, Filing a State or Federal Discrimination and Harassment Complaint
- ACBB-AR1, Responding to Potential Health Threats
- ACBB-AR2, Universal Precautions and Sanitary Cleanup
- ACBB-E, Laws on Communicable Diseases, Immunization Requirements, Reportable Diseases, and Significant Contagious Diseases
- KBA, Relations with the News Media

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