

*Technical Academies of Minnesota*

*Adopted: Orig. 6/23/2013*

*Revised: 8/25/2020*

**405 STUDENTS AND EMPLOYEES WITH SEXUALLY TRANSMITTED INFECTIONS AND DISEASES AND CERTAIN OTHER COMMUNICABLE DISEASES AND INFECTIOUS CONDITIONS**

**I. PURPOSE**

Public concern that students and staff of the District be able to attend the schools of the District without becoming infected with serious communicable or infectious diseases, including but not limited to, Human Immunodeficiency Virus (HIV), Acquired Immunodeficiency Syndrome (AIDS), Hepatitis B, and Tuberculosis, requires that the School Board adopt measures effectively responding to health concerns while respecting the rights of all students, employees, and contractors, including those who are so infected. The purpose of this policy is to adopt such measures.

**II. GENERAL STATEMENT OF POLICY**

**A. Students**

It is the policy of the School Board that students with communicable diseases not be excluded from attending school in their usual daily attendance setting so long as their health permits and their attendance does not create a significant risk of the transmission of illness to students or staff of the District. A procedure for minimizing interruptions to learning resulting from communicable diseases will be established by the District in its IEP and Section 504 team process, if applicable, and in consultation with community health and private health care providers. Procedures for the inclusion of students with communicable diseases will include any applicable educational team planning processes, including the review of the educational implications for the student and others with whom the student comes into contact.

**B. Employees**

It is the policy of the School Board that staff with communicable diseases not be excluded from attending to their customary employment so long as they are physically, mentally and emotionally able to safely perform tasks assigned to them and so long as their employment does not create a significant risk of the transmission of illness to students, employees, or others in the District. If a reasonable accommodation will eliminate the significant risk of transmission, such accommodation will be undertaken unless it poses an undue hardship to the District.

**C. Circumstances and Conditions**

1. Determinations of whether a contagious individual's school attendance or job performance creates a significant risk of the transmission of the illness to students or staff of the District will be made on a case-by-case basis. Such decisions will be based upon the nature of the risk (how it is transmitted), the duration of the risk (how long the carrier is infectious), the severity of the risk (what is the potential harm to third parties) and the probabilities the disease will be transmitted and will cause varying degrees of harm. When a student is disabled, such a determination will be made in consultation with the educational planning team.
2. The School Board recognizes that some students and some staff, because of special circumstances and conditions, may pose greater risks for the transmission of infectious conditions than other persons infected with the same illness. Examples include students who display biting behavior, students or staff who are unable to control their bodily fluids, who have oozing skin lesions or who have severe disorders, which result in spontaneous external bleeding. These conditions need to be taken into account and considered in assessing the risk of transmission of the disease and the resulting effect upon the educational program of the student or employment of the staff by consulting with the Commissioner of Health, the physician of the student or staff, and the parent(s)/guardian(s) of the student.

D. Students with Special Circumstances and Conditions

District staff, along with the infected individual's physician, the infected individual or parent(s)/guardian(s), and others, if appropriate, will weigh risks and benefits to the student and to others, consider the least restrictive appropriate educational placement, and arrange for periodic reevaluation as deemed necessary by the state epidemiologist. The risks to the student shall be determined by the student's physician.

E. Extracurricular Student Participation

Student participation in nonacademic, extracurricular and non-educational programs of the District are subject to a requirement of equal access and comparable services.

F. Precautions

The District will develop routine procedures for infection control at school and for educating staff about these procedures. The procedures shall be developed through cooperation with health professionals taking into consideration any guidelines of the Minnesota Department of Education and the Minnesota Department of Health. (These precautionary procedures shall be consistent with the District's procedures regarding blood-borne pathogens developed pursuant to the District's staff right to know policy.)

G. Information Sharing

1. District staff and student health information shall be shared within the District only with those whose jobs require such information and with those who have a

legitimate educational interest (including health and safety) in such information and shall be shared only to the extent required to accomplish legitimate educational goals and to comply with staffs' right to know requirements.

2. District staff and student health data shall be shared outside the District only in accordance with state and federal law and with the District's policies on staff and student records and data.

#### H. Reporting

If a medical condition of a District student or staff threatens public health, it must be reported to the Commissioner of Health.

#### I. Prevention

The District shall, with the assistance of the Commissioners of Health and Education, implement a program to prevent and reduce the risk of sexually transmitted diseases in accordance with Minn. Stat. § 121A.23 which includes:

1. Planning materials, guidelines, and other technically accurate and updated information;
2. A comprehensive, developmentally appropriate, technically accurate, and updated curriculum that includes helping students to abstain from sexual activity until marriage;
3. Cooperation and coordination among Districts and Service Cooperatives;
4. targeting of adolescents, especially those who may be at high risk of contracting sexually transmitted diseases and infections, for prevention efforts;
5. Involvement of parents and other community members;
6. In-service training for District staff and School Board members;
7. Collaboration with state agencies and organizations having a sexually transmitted infection and disease prevention or sexually transmitted infection and disease risk reduction program;
8. Collaboration with local community health services, agencies and organizations having a sexually transmitted infection and disease risk reduction program; and
9. Participation by state and local student organizations.
10. The program must be consistent with the health and wellness curriculum.
11. The District may accept funds for sexually transmitted infection and disease prevention programs developed and implemented under this section from public and private sources including public health funds and foundations, department professional development funds, federal block grants or other federal or state grants.

#### J. Vaccination and Screening

The District will develop procedures regarding the administration of Hepatitis B vaccinations and Tuberculosis screenings in keeping with current state and federal law.

*Legal References:* Minn. Stat. § 121A.23 (Health-Related Programs)  
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
Minn. Stat. § 144.441-442 (Tuberculosis) 20 U.S.C. § 1400 et seq.  
(Individuals with Disabilities Education Improvement Act of 2004)  
29 U.S.C. § 794 et seq. (Rehabilitation Act of 1973, § 504)  
42 U.S.C. § 12101 et seq. (Americans with Disabilities Act)  
Kohl by Kohl v. Woodhaven Learning Center, 865 F.2d 930 (8th Cir.),  
cert. denied, 493 U.S. 892,  
110 S.Ct. 239 (1989) School Board of Nassau County, Fla. v. Arline, 480  
U.S. 273, 107 S.Ct. 1123 (1987)  
16 EHLR 712, OCR Staff Memo, April 5, 1990

*Cross References:* MSBA/MASA Model Policy 402 (Disability Nondiscrimination)  
MSBA/MASA Model Policy 407 (Employee Right to Know – Exposure to  
Hazardous Substances)  
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)