

The local Board recognizes that the health and safety of the students of this district are primary concerns and that it is necessary, in order to protect student health and safety, to adopt a policy governing the manner in which the local board and its administration will protect the health and safety of all students when any current or potential student is infected with a communicable disease. This policy is 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 the district.

No student, otherwise qualified to attend the schools of this district, shall 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 or having any communicable disease, unless the procedures specified herein have been followed.

The district 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 to an appropriate medical examination, at the expense of the district.

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:

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

<u>1. Vaccine-Preventable Diseases</u>	<u>Child May Not Return to School</u>
a. Measles (Rubeola)	(until 4 days after rash begins)
b. German Measles (Rubella)	(until 7 days after rash begins)
c. Whooping Cough (Pertussis)	(until patient has been on antibiotics for at least 5 days)
d. Mumps	(until 9 days after glands swell)
e. Diphtheria	(until therapy is complete <u>and</u> student has had two negative cultures for diphtheria)
f. Haemophilus influenzae	(until on antibiotics for 24 hours)
g. Polio	(until cleared by Department of Health)

2. Other Communicable Diseases:

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| a. Chickenpox (Varicella) | (until lesions are crusted; at least 5 days) |
| b. Diarrhea due to <u>Shigella</u> or <u>Campylobacter</u> | (until diarrhea and fever are absent) |
| c. Diarrhea due to <u>Salmonella typhi</u> (Typhoid Fever) | (until 3 consecutive negative cultures; cultures must be done at least 1 month after the onset of illness) |
| d. Acute Hepatitis A | (until 7 days after jaundice begins) |
| e. Fifth Disease
(Erythema Infectiosum) | (until 7 days after rash begins) |
| f. Acute Conjunctivitis | (until on antibiotic drops for 4 days and drainage from eyes/redness resolves) |

B. Chronic Communicable Diseases

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| 1. Tuberculosis (Active) | (until on effective therapy for 21 days and have negative cultures) |
| 2. Human Immune Deficiency Virus (HIV) infection (including AIDS) | (no exclusion) |
| 3. Hepatitis B <u>carrier</u> (only carriers (no exclusion) are of concern) | |

Parents or guardian of students attending or enrolling in the schools of the district have an obligation to disclose, to the appropriate administrator, the fact that the child is a carrier of or is infected with either a chronic or an acute communicable disease, as soon as the parent or guardian becomes aware of the condition.

For acute communicable diseases, parents or guardians shall absent their children from school during the contagious period. Parents or guardians may voluntarily choose to absent their children from school, without compliance with the procedures of paragraphs 8 through 13 hereof, for any period during which the student's condition is infectious, provided that such absence is supported by a statement to that effect prepared by a medical doctor or other competent medical professional. In the event that the parents or guardians refuse to voluntarily absent the infectious student from school, the principal shall suspend the student for up to 10 school days, following procedures governing short term suspensions of students.

A determination as to whether alternative instruction will be provided during such absences will be made on a case-by-case basis, based upon other policies of the local Board, 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 diseases will be made by a committee (hereinafter "the Committee") composed of the following: (1) the child's physician; (2) the child's parents or legal guardians; (3) the superintendent or his or her designee; (4) the district health officer as defined in Section 24-1-4, NMSA 1978; and (5) any other person, to be appointed by the Committee.

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; (1) the nature of the disease; (2) the age of the student; (3) the behavior of the student; (4) the neurologic development of the student; (5) the physical condition of the student; (6) the expected type of interaction which the student will have with other individuals in the proposed placement setting; (7) the degree to which other individuals may be exposed to infectious organisms; (8) the hygienic practices of the student; (9) the risk of transmission of the disease from the student to those individuals with whom he or she will interact; and (10) any other pertinent factor reasonable 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 previously listed.

The number of personnel who are aware of the student's condition shall 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 shall 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 shall prohibit or prevent the disclosure of information that may be permitted or required by state or federal law or regulations promulgated thereunder.

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 policy may appeal that decision to the local Board of Education by requesting a hearing, in writing, within 10 calendar days of the program or placement decision. Such hearing will be held at a time convenient to the parties and shall be held in closed session. The decision of the local Board shall be final. Nothing herein shall 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 shall prevail.