Communicable Diseases

Upon discovery or being informed that a student attending a district school has been diagnosed as having a communicable disease, the schools will endeavor to protect the health and safety of all students while concurrently safeguarding the legitimate interests and right to a free public education of the infected student.

Communicable diseases are defined as diseases caused by infectious agents that may be transmitted directly or indirectly from person to person. For the purpose of this policy, communicable diseases include, but are not limited to, the following: chicken pox, cytomegalovirus, diphtheria, herpes simplex, hepatitis B virus, acquired human immune deficiency virus, measles, pertussis (whooping cough), rubella, salmonella, tuberculosis, typhoid fever and similar communicable diseases with serious consequences.

Definitions

1. **Short-Term Communicable Diseases**
   Short-term communicable diseases are those which have a communicable period generally lasting up to ten days. Included in this category are chicken pox, measles, and whooping cough.

2. **Long-Term Communicable Diseases**
   Long-term communicable diseases are those which have a communicable period generally lasting for more than ten days.

Identification/Diagnosis of Students with Communicable Diseases

The district will not require mandatory testing, screening, or vaccination of students for communicable diseases as a condition before registration, admission, or readmission to school either initially or annually, unless required to do so under state or federal law or ordered to do so by the State District Health Officer. 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.

Parents or guardians of students presently attending or enrolling in the schools of the district have a legal obligation, if there is no health care professional attending the student, to report to the Health Services division of the Health and Environment Department of the State of New Mexico, the fact that the child is a carrier of or is infected with a communicable disease, as soon as the parent or guardian becomes aware of the condition.

A student with a communicable disease whose medical condition causes a handicap, as defined under federal law, shall be referred to the Special Education division for determination of eligibility as an exceptional student.
Confidentiality

The number of personnel who will be informed of the student's communicable disease will be kept to a minimum to assure the confidentiality of records and other information regarding the student.

School personnel and members of any 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 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 on regulations promulgated thereunder as to the reporting of communicable diseases. The chairperson shall remind all committee members about the student's right to confidentiality.

Educational Services for Short-Term Communicable Diseases

For communicable diseases of short and well known duration, parents or guardians will be asked to absent their children from school during the contagious period. In the event that the parent or guardian refuses to do so, the principal shall suspend the child for up to ten days, following the procedures governing short-term suspensions of students. For communicable diseases of less well determined duration, parents or guardians may absent their children from school for any period during which the child's condition is infectious or communicable, provided that such absence is supported by a statement to the effect prepared by a medical doctor.

Educational Services for Long-Term Communicable Diseases

A student who qualifies as an exceptional student according to the Educational Standards for New Mexico schools shall have placement and services provided in the least restrictive environment as determined by an EA&R committee in accordance with those standards and will be afforded all protections under federal law as to a handicapping condition.

Decisions concerning the educational program and placement setting for non-exceptional students, according to the Educational Standards for New Mexico schools, who have or are carriers of long-term communicable diseases will be made by a committee composed of the following:

1. The student's physician,
2. The parent(s) or legal guardian(s),
3. The superintendent or designee,
4. School personnel with whom the student will interact and who are familiar with the student's educational abilities and needs.
5. Any person to be appointed by the superintendent, whose expertise would be useful to the committee in reaching and implementing its decision.
In determining the least restrictive educational program and placement setting for a non-exceptional student who has or is a carrier of a long-term 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 neurological development of the student,
5. The physical condition of the student,
6. The expected type of interaction which the student will have with other students or with employees in the proposed placement setting,
7. The hygienic practices of the student,
8. The risk of transmission of the disease from the student to other students or employees, with whom the student may interact, and
9. Any other pertinent factor reasonably related to the decision.

Restrictions placed upon the educational program and/or the placement of a non-exceptional student with a long-term communicable disease will be imposed only when the committee determines that the risks of an unrestricted program and placement outweigh any benefits which the student may receive from an unrestricted program and/or placement.

The student's placement and program will be reevaluated, and modified if necessary, as often as the circumstances will require, but in no event will the educational program and/or the placement setting continue without reevaluation at least once a semester or twice a year. Any reevaluation will be done by the committee taking into account those factors listed above.

The parent or guardian of a non-exceptional student who has or is a carrier of a long-term communicable disease, who is aggrieved by a program or placement decision made pursuant to this policy, may appeal that decision to the board by requesting a hearing, in writing, within ten (10) days of the program or placement decision. Such hearing will be held at a time convenient to both parties and shall be held in closed session. The decision of the board shall be final.

Rio Rancho Public Schools
Adopted: August 8, 1994