



Students

Infectious Diseases

The Governing Board desires to protect students from risks posed by exposure to infectious diseases while providing an appropriate education for all students.

The Superintendent or designee shall determine whether to admit a student with an infectious disease, and shall exclude students only in accordance with law. In making this determination, he/she shall consult the student's parents/guardians, the student's physician and/or the county health department, in accordance with law and consistent with confidentiality provisions. Because bloodborne pathogens such as hepatitis B virus, hepatitis C virus and human immunodeficiency virus (HIV) are not casually transmitted, the sole presence of bloodborne pathogens is not sufficient reason to exclude students from attending school.

(cf. 5112.2 - Exclusions from Attendance)
(cf. 5141.26 - Tuberculosis Testing)
(cf. 5141.3 - Health Examinations)
(cf. 6158 - Independent Study)
(cf. 6159 - Individualized Education Program)
(cf. 6183 - Home/Hospital Instruction)

Parents/guardians are encouraged to inform the Superintendent or designee if their child has an infectious disease so that school staff may work cooperatively with the student's parents/guardians to minimize the child's exposure to other diseases in the school setting. The Superintendent or designee shall ensure that student confidentiality rights are strictly observed in accordance with law. No district employee shall release medical information, including knowledge of a bloodborne pathogen infection, without written consent from the parent/guardian or adult student. Such information shall be shared only with those persons specifically named in the written permission.

(cf. 5125 - Student Records)
(cf. 5145.1 - Privacy)

The Board requires students and staff to routinely observe universal precautions to prevent exposure to bloodborne pathogens and to prevent the spread of all infectious disease.

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)
(cf. 4119.43/4219.43/4319.43 - Universal Precautions)
(cf. 5141.23 - Infectious Disease Prevention)



Students

Infectious Diseases

The Superintendent or designee shall ensure that the district's health education program provides information about the nature of bloodborne pathogens and their transmission.

(cf. 5141.6 - *Student Health and Social Services*)

(cf. 6142.2 - *AIDS Prevention Instruction*)

(cf. 6142.8 - *Comprehensive Health Education*)

Legal Reference:

EDUCATION CODE

48210-48214 *Persons excluded*

49073-49075 *Privacy of pupil records*

49076 *Access to records by persons without written consent or under judicial order*

49403 *Cooperation in control of communicable disease and immunization of students*

49405 *Smallpox control*

49406 *Examination for tuberculosis (employees)*

49408 *Information of use in emergencies*

49450 *Rules to insure proper care and secrecy*

49451 *Parent's refusal to consent to medical exam*

49602 *Confidentiality of student information*

CALIFORNIA CONSTITUTION

Article I, Section 1 *Right to Privacy*

CIVIL CODE

56-56.37 *Confidentiality of Medical Information Act*

1798-1798.76 *Information Practices Act*

HEALTH AND SAFETY CODE

120230 *Exclusion for communicable disease*

120325-120380 *Immunization against communicable diseases*

120875-120895 *AIDS information*

120975-121020 *Mandated blood testing and confidentiality to protect public health*

120980 *Unauthorized disclosures*

121010 *Disclosure to certain persons without written consent*

121475-121520 *Tuberculosis tests for pupils*



BOARD POLICY

BP 5141.22

Adopted: 3/27/01

Page 3 of 3

Students

Infectious Diseases

Legal Reference – continued

CALIFORNIA CODE OF REGULATIONS, TITLE 8

5193 Bloodborne pathogen standards

UNITED STATES CODE, TITLE 20

1232g Family Educational and Privacy Rights Act

1400-1487 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

COURT DECISIONS

Phipps v. Saddleback Valley Unified School District, (1988) 204 Cal. App. 3d 1110

Doe v. Belleville Public School District, (1987) 672 F.Supp. 342

Thomas v. Atascadero Unified School District, (1987) 662 F.Supp. 376

Management Resources:

WEB SITES

CDE: <http://www.cde.ca.gov>

California Department of Health Services: <http://www.dhs.ca.gov>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

NSBA, School Health Programs: <http://www.nsba.org/schoolhealth/>

Replaces BP 5141.22 (10/97)