

**INFECTIOUS DISEASES**

The Board of Education desires to protect students from risks posed by exposure to infectious diseases while providing an appropriate education for all students. The Board recognizes that prevention and education are the most effective means of limiting the spread of infectious diseases.

**Infectious Disease Prevention**

The Superintendent or designee shall collaborate with parents/guardians and local health agencies and organizations to develop a comprehensive approach to disease prevention that promotes preventative measures and education of students and staff.

- (cf. 1020 - Youth Services)*
- (cf. 3516 - Emergencies and Disaster Preparedness Plan)*
- (cf. 5141.21 - Administering Medication and Monitoring Health Conditions)*
- (cf. 5141.26 - Tuberculosis Testing)*
- (cf. 5141.3 - Health Examinations)*
- (cf. 5141.31 - Immunizations)*
- (cf. 5141.32 - Health Screening for School Entry)*
- (cf. 5141.6 - School Health Services)*

The Superintendent or designee shall regularly review resources available from health experts to ensure that district programs are based on the most up-to-date information.

The Superintendent or designee shall ensure that the district's required health education program provides information about the prevention of sexually transmitted diseases, including the nature of their transmission, as well as information to help prevent the spread of sexually transmitted diseases.

- (cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)*
- (cf. 6142.8 - Comprehensive Health Education)*

**Universal Precautions**

Students and staff shall observe universal precautions in order to prevent exposure to bloodborne pathogens and to prevent the spread of infectious diseases.

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

The Superintendent or designee shall inform students of the precautions to be used in cases of exposure to blood or other body fluids through injury, accident, or classroom instruction.

- (cf. 5141 - Health Care and Emergencies)*
- (cf. 6145.2 - Athletic Competition)*

## **INFECTIOUS DISEASES (continued)**

### **Students with Infectious Diseases**

The Superintendent or designee shall exclude students only in accordance with law, Board policy, and administrative regulation. Because bloodborne pathogens such as hepatitis B virus, hepatitis C virus, and human immunodeficiency virus (HIV) are not casually transmitted, the presence of infectious conditions of this type is not, by itself, sufficient reason to exclude students from attending school.

*(cf. 5112.2 - Exclusions from Attendance)*

*(cf. 6164.6 - Identification and Education Under Section 504)*

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.

*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*

*(cf. 5022 - Student and Family Privacy Rights)*

*(cf. 5125 - Student Records)*

### **Consent by Minor**

A minor 15 years of age or older who is living separate and apart from his parents or legal guardian, whether with or without consent of a parent or guardian and regardless of the duration of such separate residence, and who is managing his/her own financial affairs, regardless of the source of income, may give consent to hospital care or any X-ray examination, anesthetic, or medical or surgical diagnosis or treatment to be rendered by a physician and surgeon licensed under provisions of the State Medical Practice Act, or to hospital care or any X-ray examination, anesthetic, or dental or surgical diagnosis or treatment to be rendered by a dentist licensed under provisions of the Dental Practice Act. Such consent shall not be subject to disaffirmance because of minority.

The parent, parents, or legal guardian shall not be liable for any care rendered pursuant to this section.

A physician and surgeon or dentists may, with or without the consent of the minor patient, advise the parents, parent, or legal guardian of such minor of the treatment given or needed if the physician and surgeon or dentist has reason to know, on the basis of the information given him/her by the minor, the whereabouts of the parents, parent or legal guardian. (Civil Code Section 34.6).

**INFECTIOUS DISEASES** (continued)

A minor 12 years of age or older who may have come into contact with any infectious, contagious, or communicable disease may give consent to the furnishing of hospital, medical and surgical care related to the diagnosis or treatment of such disease, if the disease or condition is one which is required by law or regulation adopted pursuant to law to be reported to the local health officer. Such consent shall not be subject to disaffirmance because of minority. The consent of the parent, parents, or legal guardian of such minor shall not be necessary to authorize hospital, medical and surgical care related to such disease and such parent, parents, or legal guardian shall not be liable for payment for any care rendered pursuant to this section. (Civil Code Section 34.7)

**Responsibilities**

Communicable disease control is the responsibility of all persons who come in contact with students at school. Should staff become aware of a student who has a communicable or infectious disease which poses a risk to staff, the principal or nurse shall inform the appropriate individuals. Site personnel, transportation, and other staff members who interact with the student on an individual basis should be contacted if informing them will reduce their risk. The Nursing and Wellness Department may be contacted to assess risks and to help disseminate appropriate medical information.

*Legal Reference:*EDUCATION CODE48210-48216 *Persons excluded*49073-49079 *Privacy of pupil records*49403 *Cooperation in control of communicable disease and immunization of pupils*49405 *Smallpox control*49406 *Examination for tuberculosis (employees)*49408 *Information of use in emergencies*49602 *Confidentiality of student information*51202 *Instruction in personal and public health and safety*CALIFORNIA CONSTITUTIONArticle I, Section 1 *Right to Privacy*CIVIL CODE56-56.37 *Confidentiality of Medical Information Act*1798-1798.76 *Information Practices Act*HEALTH AND SAFETY CODE120230 *Exclusion for communicable disease*120325-120380 *Immunization against communicable diseases*120875-120895 *AIDS information*120975-121022 *Mandated blood testing and confidentiality to protect public health*121475-121520 *Tuberculosis tests for pupils*CODE OF REGULATIONS, TITLE 85193 *California bloodborne pathogens standard**Legal Reference: (continued next page)*

**INFECTIOUS DISEASES (continued)**

*Legal Reference: (continued)*

CODE OF REGULATIONS, TITLE 17

2500-2511 Communicable disease reporting requirements

UNITED STATES CODE, TITLE 20

1232g Family Educational and Privacy Rights Act

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

CODE OF FEDERAL REGULATIONS, TITLE 45

164.500-164.534 Health Insurance Portability and Accountability Act (HIPAA)

COURT DECISIONS

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

*Management Resources:*

CSBA PUBLICATIONS

Saving Lives: AIDS Issues for California Schools 1994, rev. 2006

Avian Influenza, Governance and Policy Services Fact Sheet, April 2006

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

California Department of Public Health: <http://www.cdph.ca.gov>

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

Contra Costa County Office of Education, Pandemic Flu Resources:

[http://www.cccoe.k12.ca.us/about/flu/resources\\_flu\\_action\\_kit](http://www.cccoe.k12.ca.us/about/flu/resources_flu_action_kit)

U.S. Government Pandemic Flu Information: <http://www.pandemicflu.gov>