

8513.1 Guidelines for 8513

- A. Students are expected to be in compliance with the required immunization schedule. The building principal is required to exclude children from school attendance who are out of compliance with the immunizations required by this act. School personnel will cooperate with public health personnel in completing and coordinating all immunization data, waivers, and exclusions, including the necessary information forms, to provide for preventable communicable disease control.
- B. The superintendent or designee has the authority to exclude a student or staff member from school when reliable evidence or information from a qualified source confirms him/her of having a communicable disease or infestation that is known to be spread by any form of casual contact and is considered a health threat to the school population. Such a student or staff member shall be excluded unless their physician approves school attendance or the condition is no longer considered contagious. If such person is a staff member, then the Superintendent or designee may place said staff member on paid or unpaid leave. If such person is not a student or staff member, then the Superintendent or designee shall inform such person as soon as possible that they are not permitted on school property until further notice from the Superintendent or designee. The Superintendent may consult with law enforcement, health officials or other experts in determining whether such exclusion should occur.

All reportable communicable diseases will be referred to the Central District Health Department.

Children who are obviously ill or who are known to have a communicable disease shall not attend class during the course of the illness. (Neb. Rev. Stat. 79-4,133 to 79-4,138)

A student exhibiting any of the following symptoms may have a contagious or infectious illness and should be excluded from the classroom until the nature of the illness is known:

Fever, flushed face, headache, aches in joints or muscles, unexplained tiredness or listlessness, loss of appetite, stomach ache, nausea or vomiting, diarrhea, unexplained skin eruptions, sore throat or inflamed eyes.

- C. When reliable evidence or information from a qualified source confirms that a student/staff member is known to have a communicable disease or infection that is known not to be spread by casual contact, i.e. HIV, HBV and other like diseases, the decision as to whether the affected person will remain in the school setting will be addressed on a case-by-case basis by a review panel to ensure due process. (Review panel membership outlined later.)
- D. Mandatory screening for communicable diseases that are known not to be spread by casual contact is not warranted as a condition for school entry or for employment or continued employment.
- E. Irrespective of the disease presence, routine procedures shall be used and adequate sanitation facilities will be available for proper hygiene as well as handling blood or body fluids within the school setting or school buses. School personnel will be trained in the proper procedures for hygiene and handling blood and body fluids and these procedures will be strictly adhered to by all school personnel.
- F. All persons privileged with any medical information that pertains to students or staff members shall be required to treat all proceedings, discussions and documents as confidential information. Before any medical information is shared with anyone in the school setting, a "Need to Know" review shall be made which includes the parent/guardian, students if over 18, employee or their representative.
- G. Instruction on the principal modes by which communicable diseases, including, but not limited to, Acquired Immunodeficiency Syndrome (AIDS) are spread and the best methods for the restriction and prevention of these diseases shall be taught to students and inservice education provided to all staff members.

GRAND ISLAND PUBLIC SCHOOLS

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8513.2 Communicable Diseases Known Not to Be Spread by Casual Contact (HIV And HBV)

Rationale

In adults and adolescents, the Human Immunodeficiency Virus (HIV) which may eventually cause AIDS is transmitted primarily through sexual contact and direct blood to blood exposure to infected blood or blood products.

All known cases of children who have acquired the AIDS virus have become infected: (1) Perinatally from infected mothers; (2) From receiving a transfusion of blood or blood products that contained the virus; or (3) In older children who have acquired the disease sexually or from contaminated needles during intravenous drug use.

None of the identified cases of HIV infection in the United States are known to have been transmitted in the school, day-care, or foster-care setting or through other casual person-to-person contact. Based on current evidence, casual person-to-person contact as would occur among school children is not considered an unusual risk.

The Centers for Disease Control (CDC) recommend that:

1. For most infected school-age children, the benefits of an unrestricted setting would outweigh the risks of their acquiring potentially harmful infections in the setting and the apparent nonexistent risk of transmission of the Human Immunodeficiency Virus (HIV). These children should be allowed to attend school.
2. Generally, school employees, including personal service and food service staff, do not need to be restricted from work if HIV infected unless there is evidence that other infection or illness exists that may be spread by casual contact in the school setting or the illness precludes them from performing the functions for which they were employed. Reasonable accommodation can be made for such employees.

Review Panel

1. Communicable diseases that are known not to be spread by casual contact, e.g. AIDS, Hepatitis B and other like diseases will be addressed on a case-by-case basis by a review panel.
2. Panel Membership
 - a. The physician treating the individual.
 - b. A health official from the Central District Health Department who is familiar with the disease.
 - c. A child/employee advocate (e.g., nurse, counselor, child advocate, social worker, employee representative, etc., from in or outside the school setting) approved by the infected person or parent/guardian.
 - d. A school representative familiar with the child's behavior in the school setting or the employee's work situation (in most cases the building principal or in the case of a special education student a special education representative may be more appropriate).
 - e. Either the parent/guardian of child, student if over 18, employee, or their representative.
 - f. The district superintendent.
3. The superintendent will assign a stenographer to record the proceedings.
4. The superintendent will designate the chair of the panel. The chair is responsible for assuring a due process hearing that is fair and just. The chair shall serve as a neutral hearing officer to ensure an impartial hearing for all interests concerned.
5. The chair of the review panel will designate the panel member who will write the "Proposal for Decision".

Case Review Process

Upon learning of a student/staff member within the Grand Island Public School Schools who has been identified by a qualified source as having a communicable disease that is known not to be spread by casual contact the superintendent shall:

1. Immediately consult with the physician of the student/staff member and/or the health official from the Central District Health Department to obtain information as to whether the student/staff member is generally well enough to remain in school during the review panel process. The superintendent will confirm whether the student/staff member has evidence of a present or temporary condition that could be transmitted by casual contact in the school setting.

If the student/staff member's physician or the health department physician indicates the student/staff member is well enough to remain in the school setting and poses no immediate health threat through casual contact to the school population because of their illness, the student/staff member shall be allowed to remain in the school setting while the review panel meets.

If the student/staff member's physician or the health department health official indicates the student/staff member is currently not well enough to remain in the school setting and/or that the affected individual currently has evidence of an illness or infection that poses a potential health threat through casual contact to the school population because of their illness, the student/staff member shall be excluded from the school setting while the review panel meets. If the health department official recommends exclusion because a public health threat exists the review panel will discuss the conditions under which the individual may return to school.

2. Immediately contact the review panel members to convene a meeting to explore aspects of the individual's case.
3. Submit to the parent/guardian or infected person, in writing, a notice of their rights as a review panel member and the method of appeal.

Review Panel Process

The Review Panel shall meet within 24–48 hours to review the case. The following aspects should be considered in that review:

1. The circumstances in which the disease is contagious to others.
2. Any infections or illnesses the student/staff member could have as a result of the disease that would be contagious through casual contact in the school situation.
3. The age, behavior, and neuralgic development of the student.
4. The expected type of interaction with others in the school setting and the implications to the health and safety of those involved.
5. The psychological aspects for both the infected individual and others concerning the infected individual remaining in the school setting.
6. Consideration of the existence of contagious diseases occurring within the school population while the infected person is in attendance.
7. Consideration of a potential request by the person with the disease to be excused from attendance in school or on the job.
8. The method of protecting the student/staff member's right to privacy, including maintaining confidential records.

GRAND ISLAND PUBLIC SCHOOLS

9. Recommendations as to whether the student/ staff member should continue in the school setting or if currently not attending under what circumstances he/she may return.
10. Recommendations as to whether a restrictive setting or alternative delivery of school programs is advisable.
11. Determination of whether an employee would be at risk of infection through casual contact when delivering an alternative educational program
12. Determination of when the case should be reviewed again by the panel.
13. Any other relevant information.

Proposal for Decision

1. Within three (3) business days after convening the panel, the superintendent shall be provided with a written record of the proceedings and the "Proposal for Decision". The Proposal serves as a recommendation to the superintendent. It is based on the information brought out in the review panel process and will include the rationale for the recommendation concerning school attendance for the student or continuation of employment for the staff member. If there is a minority viewpoint by panel members following the review process that should also be included in the report.
2. If the Proposal for Decision is to exclude the affected person from the school setting because of the existence of a temporary or present condition that is known to be spread by casual contact and is considered a health threat to the school community, the Proposal for Decision shall include the conditions under which the exclusion will be reconsidered.
3. The parent/ guardian, or affected person, will be given a copy of the Proposal. The review panel members will be given the opportunity to review the content of the Proposal for Decision.

Superintendent's Decision

1. The superintendent shall either affirm, modify, or take exception to the Proposal for Decision within three (3) business days after receipt of the Proposal for Decision unless a rehearing request on that Proposal has been made. (See Appeal Process, Rehearing Request.)
2. In the event the superintendent takes exception to the Proposal for Decision, he/she shall prepare a written statement that sets forth the reasons for the exceptions and the basis for that decision.
3. The parent/guardian or affected person and the health department official will be given a copy of the Superintendent's Decision. The other review panel members will be given the opportunity to review the content of the Superintendent's Decision.

If the affected person is a special education student, the superintendent shall convene an Individualized Education Planning Committee meeting to determine the appropriate program and services for the student based on the panel's recommendations and the Superintendent's Decision. Placement of the student in the interim shall be based upon the recommendation of the superintendent and the attending physician.

Appeal Process

Rehearing Request

1. The parent, guardian, or affected person who considers the Proposal for Decision unjust, may request a rehearing, in writing, directed to the chair of the review panel within three (3) days of the date of the Proposal for Decision. Grounds for requesting a rehearing are limited to: (1) new evidence or information that is important to the decision; or (2) substantial error of fact.
2. The chair, within three (3) business days from the date of receipt of the request for rehearing shall either grant or deny the request for rehearing. If the request for rehearing is denied, the chair shall

GRAND ISLAND PUBLIC SCHOOLS

immediately submit the Proposal for Decision to the superintendent. If the request for rehearing is granted, the chair shall reconvene the same panel that originally heard the matter within five (5) business days of the date the hearing is granted.

3. Within three (3) business days after the rehearing the chair shall submit the Proposal for Decision to the superintendent. The parent/guardian, or affected person, will be given a copy of the Proposal. The review panel members will be given the opportunity to review the content of the Proposal for Decision.

Request for Reconsideration of Superintendent's Decision

1. The parent, guardian, or affected person may request a reconsideration of the Superintendent's Decision within three (3) business days of the date the Superintendent's Decision was issued. The request shall be in writing and shall allege that the Decision contains a substantial error of fact or that the decision is against the great weight of the evidence as set forth in the Proposal for Decision.
2. An oral presentation by the parent/guardian, affected person, or their representative may be granted by the superintendent.
3. The superintendent shall grant or deny the request for reconsideration within three (3) days after receipt of the request or within three (3) business days following the oral presentation, whichever is applicable.

Request for a Board Decision

The parent/guardian, affected person, or their representative may make a final written appeal to the president of the Board of Education within five (5) school days after the Superintendent's Decision. The Board shall meet within three (3) business days and hear the student/staff member's appeal along with the Proposal for Decision and Superintendent's Decision. Within two (2) business days of the hearing, the Board shall render its decision in writing with copies sent to the superintendent, Health Department official, and parent/guardian or affected person.

Review Panel Request for Appeal

If the Proposal for Decision or the Superintendent's Decision is contrary to the majority opinion of the review panel, a majority of the panel has the right to appeal either decision in the same manner stated in the "Appeal Process".

General

1. If the student with the disease is not attending school, the district will provide an alternative delivery of school programs.

If the review panel determines there is a risk of infection through casual contact to the employee while delivering this program the employee may be allowed the option not to serve in the situation.

If the panel determines there is no risk of infection to the employee, the employee will be expected to participate in the delivery of the alternative program. (This may be subject to the collective bargaining agreement for employees.)

2. The review panel member who is serving as the advocate for the infected individual (or another person designated by the panel and approved by the parent/guardian, or the infected person) will serve as the liaison between the student/staff member, family, and attending physician as it relates to the school setting.
3. The rights of an infected staff member shall fall under the same guidelines concerning any medical illness or condition that are outlined in the collective bargaining agreement for employees.
4. Employees of the district shall be expected to teach and provide other normal personal contract services in school to a student or to work with a school employee determined to have a disease

GRAND ISLAND PUBLIC SCHOOLS

known not to be communicable by casual contact unless a determination to the contrary has been made by the review panel.

Confidentiality

All persons involved in these procedures shall be required to treat all proceedings, deliberations, and documents as confidential information. Records of the proceedings and the decisions will be kept by the superintendent in a sealed envelope with access limited to only those persons receiving the consent of the parent/guardian or infected person as provided by the *Employee Right to Know Act*, and the *Family Education Rights and Privacy Act*.

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