

420 Communicable and Infectious Diseases Affecting Staff and Students

Adopted: March 2005

Revised: April 2009, August 2013, July 2023

Last Review: August 2013, 12/31/15 5/5/2023

1 **Purpose**

2 The purpose of this policy is to adopt measures to ensure that students and employee of Minnesota
3 Online High School (MNOHS) are able to attend their place of employment or school without becoming
4 infected with serious communicable, infectious or sexually transmitted infections and diseases while
5 respecting the rights of all students, employees, and contractors, including those who are so infected.

6 **Policy**

7 A. General

8 1. Nondisclosure. Nothing in this policy shall imply or impose on an employee a duty to
9 disclose information regarding their health status that they do not choose to disclose unless
10 required to do so by force of federal or state law.

11 B. Students

12 1. Students with communicable diseases shall not be excluded from attending school in their
13 usual daily attendance setting so long as their health permits and their attendance does not
14 create a significant risk of the transmission of illness to students or employees of
15 MNOHS. If a reasonable accommodation will eliminate the significant risk of
16 transmission, such accommodation will be undertaken unless it poses an undue hardship to
17 the school district.

18 B. Employees

19 1. Employees with communicable diseases shall not be excluded from attending to their
20 customary employment so long as they are physically, mentally, and emotionally able to
21 safely perform tasks assigned to them and so long as their employment does not create a
22 significant risk of the transmission of illness to students, employees, or others at MNOHS.
23 If a reasonable accommodation will eliminate the significant risk of transmission, such
24 accommodation will be undertaken unless it poses an undue hardship to MNOHS.

25 C. Circumstances and Conditions

- 26 1. Determinations of whether a contagious individual's school attendance or job performance
27 creates a significant risk of the transmission of the illness to students or employees of
28 MNOHS will be made on a case-by-case basis. Such decisions will be based upon the
29 nature of the risk (how it is transmitted), the duration of the risk (how long the carrier is
30 infectious), the severity of the risk (what is the potential harm to third parties) and the
31 probabilities the disease will be transmitted and will cause varying degrees of harm.
- 32 2. Some students and employees, because of special circumstances and conditions, may pose
33 greater risks for the transmission of infectious conditions than other persons infected with
34 the same illness. Examples include, but are not limited to, students who display biting
35 behavior, students or employees who are unable to control their bodily fluids, who have
36 oozing skin lesions or who have severe disorders which result in spontaneous external
37 bleeding. These conditions will be considered in assessing the risk of transmission of the
38 disease and the resulting effect upon the educational program of the student or
39 employment of the employee by consulting with the Commissioner for the Minnesota
40 Department of Health, the student's or employee's health care provider with prior consent,
41 and the guardian(s) of the student.

42 D. Students with Special Circumstances and Conditions

- 43 1. MNOHS, along with the infected individual's health care provider, the infected individual
44 or guardian(s), and others, if appropriate, will weigh risks and benefits to the student and
45 to others, consider the least restrictive appropriate educational placement, and arrange for
46 periodic reevaluation as deemed necessary by the Commissioner for the Minnesota
47 Department of Health.

48 E. Extracurricular Student Participation

- 49 1. Student participation in nonacademic, extracurricular, and non-educational programs of
50 MNOHS are subject to a requirement of equal access and comparable services.

51 F. Precautions

- 52 1. MNOHS will develop routine procedures for infection control at MNOHS and for
53 educating employees about these procedures. The procedures shall be developed through
54 cooperation with health professionals taking into consideration any guidelines of the
55 Minnesota Department of Education and the Minnesota Department of Health. These
56 precautionary procedures shall be consistent with the school district's procedures
57 regarding blood-borne pathogens developed pursuant to the MNOHS policy 407
58 Employee Right to Know.

59 G. Information Sharing

- 60 1. Employee and student health information shall be shared within MNOHS only with those
61 whose jobs require such information and with those who have a legitimate educational
62 interest (including health and safety) in such information and shall be shared only to the
63 extent required to accomplish legitimate educational goals and to comply with MNOHS
64 policy 407 Employee Right to Know.

65 2. Employee and student health data shall be shared outside MNOHS only in accordance
66 with state and federal law and with MNOHS's policies: 406 Public and Private Personnel
67 Data and 515 Protection and Privacy of Pupil Records.

68 H. Reporting

69 1. MNOHS will follow reporting requirements for communicable and infectious diseases as
70 established by the Minnesota Commissioner for the Minnesota Department of Health.

71 I. Prevention

72 1. MNOHS shall develop procedures regarding control of communicable diseases and
73 infections at school and education about these procedures. The procedures shall be
74 developed in cooperation with health professionals and taking into account guidelines
75 promulgated by the Minnesota Departments of Health and Education and shall be
76 consistent with other policies including, but not limited to, 407 Employee Right to Know

77 **Legal References:** Minn. Stat. § 121A.23 (Health-Related Programs)

78 Minn. Stat. Ch. 363A (Minnesota Human Rights Act)

79 20 U.S.C. § 1400 et seq. (Individuals with Disabilities Education
80 Improvement Act of 2004)

81 29 U.S.C. § 794 et seq. (Rehabilitation Act of 1973, § 504)

82 42 U.S.C. § 12101 et seq. (Americans with Disabilities Act)

83 **Cross References:**

84 MNOHS Policy 407 (Employee Right to Know – Exposure to Hazardous
85 Substances)

86 MNOHS Policy 515 Protection and Privacy of Pupil Records

87 MNOHS 406 Public and Private Personnel Data