

PERSONNEL

GENERAL PERSONNEL - COMMUNICABLE AND CHRONIC INFECTIOUS DISEASE

The Board of Education of School District 93 recognizes that the employee with a communicable or chronic infectious disease is eligible for all rights, privileges, and services provided by law and the District's policies. The District shall balance the individual's rights with the District's obligation to protect the health of all of its students and staff.

1.0 Application

- 1.1 This policy shall apply to all adult school personnel known to be infected with a communicable or chronic infectious disease, as identified by the Illinois Public Health Department. This policy shall not apply to parents, children, or siblings of an infected person unless they are also infected.
- 1.2 All determinations, notifications and actions undertaken by the District in connection with a potential or actual case of a chronic communicable or contagious disease shall be in compliance with applicable State and Federal laws and regulations, and School Board policies.

2.0 Identification

- 2.1 Teachers and other school personnel shall inform the Principal in confidence of signs or serious illness in all adult school personnel. When a communicable or chronic infectious disease is known or suspected in a staff member the Principal shall immediately inform the Superintendent. The Superintendent shall inform the Board of Education at the earliest possible time.

3.0 Evaluation and Employment Status of Adult School Personnel

- 3.1 The Board of Education recognizes that the management and control of a school environment free from communicable and chronic infectious disease requires the cooperation and effort of the school staff and community. In order to promote and ensure appropriate employee health standards, a Communicable and Chronic Infectious Disease Review Team shall be appointed by the Board. Team members shall include a physician advisor, a faculty member selected by the administration, the School Nurse, the Principal, and the Superintendent. The Board of Education may designate one or more of its members to participate in such team review. The employee may be included in the team where appropriate. The Superintendent shall be authorized to convene the Communicable and Chronic Infectious Disease Review Team.

An employee who has or is reasonably suspected of having a communicable or chronic infectious disease may be required to submit to a physical examination, conducted by a physician selected by the District and provided at School District expense. The failure of an employee to participate in a reasonable medical examination upon request shall be considered an act of insubordination. The employee shall be evaluated by the Communicable and Chronic Infectious Disease Review Team.

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The responsibility of the Communicable and Chronic Infectious Disease Review Team shall be determined by the Board of Education and may include the responsibility:

1. to review, on an individual basis, the medical history of the employee who has a communicable or chronic infectious disease;
2. to recommend to the Superintendent modifications to the employee's day or program, as necessary, to protect public health;
3. to recommend to the Superintendent that the employee will be retained in his/her present position;
4. to recommend to the Superintendent that the employee transfer to another position;
5. to recommend the possible temporary exclusion of the employee from his/her work assignment;
6. to recommend when the employee may return to his/her work assignment;
7. to recommend additional rules and/or procedures concerning hygiene designed to reduce or eliminate the risks of transmission of the infectious disease.

The Communicable and Chronic Infectious Disease Review Team shall be guided by the policies of the School Board, rules and regulations promulgated by the Illinois State Department of Public Health, and all other relevant State and federal laws and regulations. The team shall consult with the employee's personal physician and public health authorities before taking any action or making any recommendations. In cases where there is a dispute between the personal physician and public health officials, the Communicable and Chronic Infectious Disease Review Team shall be guided by the advice of the public health officials.

In the exercise of its responsibilities, the Communicable and Chronic Infectious Disease Review Team shall respect the privacy rights of each employee and take such precautions as may be necessary to secure the employee's privacy. The employee's medical records shall be held in strict confidence. The team's report and recommendations shall be forwarded to the Superintendent and the Board of Education.

- 3.2 Adult school personnel infected with a communicable or chronic infectious disease, including the HIV virus, may, depending upon the circumstances, be allowed to continue working. Such work may be possible when, after reasonable accommodations and without undue hardship, there exists no reasonable risk of transmission of the disease to others (see paragraph 3.3 below), and the employee is able to continue to perform the essential functions of the position.

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- 3.3 Giving due consideration to the Communicable and Chronic Infectious Disease Review Team's report and recommendations, a determination shall be made by the Superintendent and/or the Board of Education as to whether the employee remains qualified for employment notwithstanding the communicable or chronic infectious disease. This decision will be premised upon applicable considerations, which would include: (1) how the disease is transmitted; (2) how long the carrier is infectious; (3) what potential harm exists to third parties; and (4) the probabilities the disease will be transmitted and/or cause varying degrees of harm.
- 3.4 Pending determination of the employee's continued employment status, an employee with a chronic communicable disease, or an employee who is reasonably suspected of having a chronic communicable disease, may be temporarily excluded from work for a period of not to exceed ten (10) working days, or may be transferred to another position by the Superintendent or his/her designee. Any extension of an employee's temporary exclusion from work shall be approved by the Communicable and Chronic Infectious Disease Review Team. During any period of temporary exclusion, the employee shall be entitled to be paid at his/her regular rate.
- 3.5 The employee shall be periodically reevaluated by the Communicable and Chronic Infectious Disease Review Team to determine whether the employee's placement continues to be appropriate. The frequency of the reevaluations shall be determined by the Team, but in no event shall the employee be reevaluated less frequently than once per school year.
- 3.6 During the period of an employee's illness, the District, through the Superintendent or his designee, will offer emotional support to the employee. Also, an explanation of the employee's medical insurance benefits and sick leave benefits will be reviewed with the employee by the Superintendent or his/her designee.

4.0 Awareness

- 4.1 The District shall promote public knowledge and awareness of communicable and chronic infectious diseases including AIDS and the transmission of the HIV virus, in order to assist efforts to provide the best working conditions for infected staff members while minimizing the risk of transmission to others.

5.0 Confidentiality

- 5.1 The number of school personnel who are aware of the infected person's condition shall be limited to those needed to assure proper care and to detect situations where the potential for transmission may increase (i.e., bleeding injury). Such persons will be provided with appropriate information and made aware of the requirements of confidentiality (no disclosure). They shall not further disclose such information. The infected person's privacy shall be respected, and all records concerning the infected person shall be confidential.

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The existence of an HIV infection or other communicable or chronic infectious disease shall be reported to the Illinois Department of Public Health or such other public authorities as required by law.

6.0 Administrative Procedures

6.1 The Superintendent or his/her designee shall be responsible for developing and implementing Administrative Procedures relating to this policy.

LEGAL REF.: Family Educational Rights and Privacy Act (20 U.S.C. 1232 (g));
Americans With Disabilities Act (42 U.S.C. 12101, *et seq.*);
Illinois School Code, Sec. 24-5 (105 ILCS 5/24-5);
Illinois Personnel Record Review Act (820 ILCS 40/0.01, *et seq.*);
Illinois Department of Public Health Act, Sec. 6 (20 ILCS 2305/6);
Federal Rehabilitation Act of 1973, Section 504 (29 U.S.C. 791 *et seq.*); and
Rules and Regulations for the Control of Communicable Diseases, issued by the
Ill. Dept. of Public Health (77 Ill. Admin. Code, Part 690).

CROSS REF.: 500.01

Adopted: December 10, 1987
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