



EDUCATION OF STUDENTS
WITH COMMUNICABLE OR INFECTIOUS DISEASES

A. Statement of Policy

Any student who has a communicable or infectious disease (hereinafter referred to as “communicable”) that affects his or her ability to participate in the District’s educational programs shall be provided a free and appropriate education in the least restrictive educational placement possible. Any student who has a communicable disease may attend school in his/her current classroom setting whenever, through reasonable accommodations, the risk of transmission of the disease and/or the risk of further injury to the student or other students is sufficiently remote in such setting so as to be outweighed by the detrimental effects of the student's placement in another setting. If a student is required to be placed in a non-school setting, an appropriate educational program shall be developed and provided to the student.

Rules and guidance from the ISBE and IDPH should be consulted and supersede these procedures. Guidance documents and important information include:

1. *Communicable Disease Guide*, revised 2002, available at www.idph.state.il.us/health/infect/comm_disease_guide.pdf.
2. *Management of Chronic Infectious Diseases in Schoolchildren*, revised in 2003 by ISBE and IDPH, available at www.isbe.net/Documents/chronic_diseases.pdf.
3. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois and the Department of Professional Regulation Law of the Civil Administrative Code both expanded the statutory authority of the governor and the IDPH to respond to significant threats to the public health.

B. Reporting Procedures

1. Any report that a student of the District has a communicable disease shall be made or forwarded in confidence to the Superintendent. Staff members will be made aware of such condition on a need-to-know basis and in compliance with State and federal laws regarding student records.

2. The identity of a student who has or is believed to have a communicable disease (such as tuberculosis, hepatitis B or AIDS), or has been exposed to HIV or other identified causative agent of AIDS, or has another recognized communicable disease, shall not be revealed by any District employee or official to anyone including other District employees except as is authorized by law. In cases where the Illinois Department of Public Health or a local health department gives notice to a Principal of the identity of a child diagnosed as having AIDS, or as having been exposed to HIV or other identified causative agent of AIDS, the Principal shall disclose the identity of the child to the Superintendent. The Principal may, as necessary, disclose the identity of the child to the school nurse at that school, the classroom teachers in whose classes the child is enrolled, and those persons who, pursuant to federal or state law, are required to decide the placement or educational program of the child (i.e., the IEP/Eligibility team). Further, in such cases, the Principal may inform such other persons as may be necessary that an infected child is enrolled at that school so long as the child's identity is not revealed.
3. The Superintendent or designee shall notify the Cook County Department of Public Health and the Illinois Department of Public Health ("IDPH") if any student of the District has a condition for which reporting is required by the IDPH.

C. Review Procedures

Decisions regarding the type of educational setting for infected children shall be based on the behavior, neurologic development, and physical condition of the child and the expected type of interaction with others in that setting. These decisions are best made using the team approach which may include the child's physician, public health personnel, the child's parents or legal guardians, and school personnel. In each case, risks and benefits to both the child and others in the setting shall be weighed. In cases where the student has an IEP, the provisions of the IEP and the applicable processes for making any temporary or permanent placement change decisions shall apply.

1. If the Superintendent has reasonable grounds to believe that a student in the District has a communicable disease, the Superintendent shall immediately take the following action:
 - a. Contact the parent/guardian of the student and require that a letter from the student's physician be submitted indicating whether or not the student is able to continue in the educational program without endangering others. The opinion of the student's physician will be considered but will not necessarily be controlling.

- b. Convene a meeting of a Review Committee which shall consist of the Superintendent, a physician retained by the District and such other persons, if any, as the Superintendent may designate.
 - c. The Review Committee shall maintain a protocol file for case management purposes, which file shall not become a part of the student's temporary or permanent record, except upon review and decision of the Superintendent and after consultation with legal counsel. The file shall contain all recommendations, reports to the Review Committee, and any conclusions or decisions of the Committee. The file shall also contain a list identifying any and all individuals who have been made aware of the identity of a student who has or who is believed to have the contagious disease.
2. The Review Committee shall investigate the student's case and shall make an initial determination whether or not the student should be permitted to continue in his current educational program. This determination shall be based on the following considerations:
 - a. The nature of the risk (how is the disease transmitted);
 - b. The duration of the risk (how long is the carrier infectious);
 - c. The severity of the risk (what is the potential harm to third parties; what is the affected person's physical condition, behavior and ability to control bodily functions and secretions); and
 - d. The probabilities that the disease will be transmitted and will cause varying degrees of harm.
3. If the Review Committee finds at any point that the health and safety of the child or others would be endangered by the student's continued presence in his/her current educational program, the Superintendent may direct a temporary exclusion or an interim alternative placement pending the completion of these procedures. When the child is ready to return to school, the parent/guardian must present a certification from a physician licensed in Illinois stating that the child may safely return to school under the rules of the IDPH that regulate periods of incubation, communicability, quarantine, and reporting.
4. If the Review Committee determines that a change in the student's current educational program and/or placement may be warranted in order to reasonably accommodate the student, a case study evaluation of the student shall be commenced and an individualized education program developed, as may be necessary, to address special education needs in accordance with the

Individuals with Disabilities Education Act, Article 14 of the Illinois School Code and their respective rules and regulations. The Review Committee shall also determine whether the student's medical condition necessitates any accommodations under Section 504 of the Rehabilitation Act of 1973 or the Americans With Disabilities Act.

5. If the Review Committee determines that no change is warranted in the student's educational program and/or that no other accommodation is necessary, the Superintendent shall so advise the student's parent/ guardian. The Review Committee may designate a person to monitor the student's condition and behavior and to inform the student's parent or guardian in the event there is any change in circumstances which warrants further review. The Review Committee may reevaluate the student's case at any time but not less than once every six (6) months.
6. A decision on a student's placement or individualized education program may be appealed in accordance with the *Illinois School Code* and the Rules and Regulations to Govern the Administration and Operation of Special Education.

LEGAL REFERENCE: 410 ILCS 305/1 et seq., 410 ILCS 315/2a
105 ILCS 5/14-1.01
20 U.S.C. Sec. 1401
29 U.S.C. Sec. 794
42 U.S.C. Sec. 12101
23 Ill. Admin. Code Part 226
77 Ill. Admin. Code Parts 690, 693, 697
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