

INDEPENDENT SCHOOL DISTRICT 719  
PRIOR LAKE - SAVAGE AREA SCHOOLS**420 EMPLOYEES WITH SEXUALLY TRANSMITTED INFECTIONS AND DISEASES AND CERTAIN OTHER COMMUNICABLE DISEASES AND INFECTIOUS CONDITIONS****I. PURPOSE**

Public concern that students and staff of the school district be able to attend the schools of the district without becoming infected with serious communicable or infectious diseases, including but not limited to, Human Immunodeficiency Virus (HIV), Acquired Immunodeficiency Syndrome (AIDS), Hepatitis B, and Tuberculosis, requires that the school board adopt measures effectively responding to health concerns while respecting the rights of all employees, and contractors, including those who are so infected. The purpose of this policy is to adopt such measures.

**II. GENERAL STATEMENT OF POLICY****A. Employees**

The policy of the school board is that employees with communicable diseases not be excluded from attending to their customary employment so long as they are physically, mentally and emotionally able to safely perform tasks assigned to them and so long as their employment does not create a significant risk of the transmission of illness to students, employees, or others in the school district. If a reasonable accommodation will eliminate the significant risk of transmission, such accommodation will be undertaken unless it poses an undue hardship to the school district.

**B. Circumstances and Conditions**

1. Determinations of whether a contagious individual's school attendance or job performance creates a significant risk of the transmission of the illness to students or employees of the school district will be made on a case by case basis. Such decisions will be based upon the nature of the risk (how it is transmitted), the duration of the risk (how long the carrier is infectious), the severity of the risk (what is the potential harm to third parties) and the probabilities the disease will be transmitted and will cause varying degrees of harm.
2. The school board recognizes that some employees, because of special circumstances and conditions, may pose greater risks for the transmission of infectious conditions than other persons infected with the same illness. Examples include employees who are unable to control their bodily fluids, who have oozing skin lesions or who have severe disorders which result in spontaneous external bleeding. These conditions need to be taken into account and considered in assessing the risk of transmission of the disease and/or the resulting effect upon the employment of the employee by consulting with the Commissioner of Health, the physician of the employee.

**C. Precautions**

The school district will develop routine procedures for infection control at school and for educating employees about these procedures. The procedures shall be developed through cooperation with health professionals taking into consideration guidelines of the Minnesota Department of Education and the Minnesota Department of Health. These precautionary

procedures shall be consistent with the school district's procedures regarding blood-borne pathogens developed pursuant to the school district's employee right to know policy.

D. Information Sharing

1. Employee health information shall be shared within the school district only with those whose jobs require such information and with those who have a legitimate educational interest (including health and safety) in such information and shall be shared only to the extent required to comply with employees' right to know requirements.
2. Employee health data shall be shared outside the school district only in accordance with state and federal law and with the school district's policies on employee data.

E. Reporting

If a medical condition of staff threatens public health, it must be reported to the Commissioner of Health.

F. Vaccination and Screening

The school district will develop procedures regarding the administration of Hepatitis B vaccinations and Tuberculosis screenings containment in keeping with current state and federal law. The procedures shall provide that the Hepatitis B vaccination series be offered to all who have occupational exposure at no cost to the employee.

**Legal References:**

Minn. Stat. § 121A.23 (Programs to Prevent and Reduce the Risks of Sexually Transmitted Infections and Diseases)

Minn. Stat. § 144.441 (Tuberculosis Screening in Schools)

Minn. Stat. § 142 (Testing in School Clinics)

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

20 U.S.C. § 1400 *et seq.* (Individuals with Disabilities Education Act)

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

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

29 C.F.R. 1910.1030 (Bloodborne Pathogens)

*Kohl by Kohl v. Woodhaven Learning Center*, 865 F.2d 930 (8<sup>th</sup> Cir.), *cert. denied*, 493 U.S. 892 (1989)

*School Board of Nassau County, Fla. v. Arline*, 480 U.S. 273 (1987)

16 EHLR 712, OCR Staff Memo, April 5, 1990

**Cross References:** [Policy 402 \(Disability Nondiscrimination\)](#)  
[Policy 407.1 \(Employee Right to Know – Exposure to Hazardous Substances\)](#)  
[Policy 521 \(Student Disability Nondiscrimination\)](#)

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