

PROCEDURES FOR CASE REVIEW OF COMMUNICABLE DISEASES

A. The 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 school nurse.
 - b. The school's medical advisor.
 - c. The student's qualified healthcare provider.
 - 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 the special education student, a special education representative may be more appropriate).
 - e. Either the parent, guardian of a child, student if over 18, employee, or his/her representative.
 - a. The district superintendent.
3. The superintendent will designate the chair of a 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.
4. The chair of the panel will designate the panel member who will write the "Proposal for Decision".

B. Case Review Process

1. Upon learning of a student/staff member within the Gibbon Public School District 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:
 - a. Immediately consult with the qualified healthcare provider of the student/staff member and the school's medical advisor 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.

- 1) If the student/staff member's qualified healthcare provider or the school's medical advisor 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 the illness, the student/staff member shall be allowed to remain in the school setting while the review panel meets.
 - 2) If the student/staff member's qualified healthcare provider or the school's medical advisor indicated 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 evidence of an illness or infection that poses a potential health threat through casual contact to the school population because of the illness, the student/staff member shall be excluded from the school setting while the review panel meets. If the school's medical advisor recommends exclusion because a public health threat exists, the review panel will discuss the conditions under which the individual may return to school.
- b. Immediately contact the review panel members to convene a meeting to explore aspects of the individual's case.
 - c. 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.

2. The Review Panel Process

- a. The review panel shall meet within 24 to 48 hours to review the case. The following aspects should be considered in the 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 neurologic 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) The method of protecting the student/staff member's right to privacy, including maintaining confidential records.
- 8) 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.
- 9) Recommendations as to whether a restrictive setting or alternative delivery of school programs is advisable.
- 10) Determination of whether an employee would be at risk of infection through casual contact when delivering an alternative educational program.
- 11) Determination of when the case should be reviewed again by the panel.
- 12) Determination of whether a student should continue, or become involved in, extracurricular activities, including the risk of harm posed to the student by such participation, and the risk of spreading infection to other students or staff.
- 13) Any other relevant information.

b. 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 the 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.

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c. The 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.
 - 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 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.
- d. 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 recommendation and the superintendent's decision. Placement of the student in the interim shall be based upon the recommendation of the superintendent and the attending qualified healthcare provided.

C. Appeal Process

1. Request for Reconsideration of Superintendent's Decision

- a. 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 or fact or that the decision is against the great weight of the evidence as set forth in the Proposal for Decision.
- b. An oral presentation by the parent, guardian or affected person or their representative may be granted by the superintendent.
- c. The superintendent shall grant or deny the request for reconsideration within three (3) business days after receipt of the request or within three (3) business days following the oral presentation, whichever is applicable.

2. Request for a Board Decision

- a. 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) business 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, and parent, guardian or affected person.

D. General

1. If the student with the disease is not attending school, the district will provide an alternative delivery of school programs.
 - a. 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.
 - b. If the panel determines there is not risk of infection to the employee, the employee will be expected to participate in the delivery of the alternative program.
2. 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 known not to be communicable by casual contact unless a determination to the contrary has been made by the review panel.

E. Confidentiality

1. All persons involved in these procedures shall be required to treat all proceedings, deliberations, and documents as confidential information. The superintendent shall develop procedures for ensuring the confidentiality of such information consistent with the provisions of applicable state and federal law.