

Regulation JLCC-RA **Las Cruces** **Public Schools**

Related Entries: [JLCC](#)
Responsible Office: Associate Superintendent for Instruction

Communicable/Infectious Diseases

I. PURPOSE

To implement the policy of the Board of Education by describing the parameters for developing educational accommodations for students with communicable/infectious diseases

II. DEFINITIONS

For the purposes of this policy “communicable diseases” are defined as diseases which can be transmitted from person to person and include, but are not limited to, the following: chicken pox, cytomegalovirus, diphtheria, herpes simplex, hepatitis B virus, human immune deficiency virus, measles, pertussis, whooping cough, rubella, salmonella, tuberculosis, typhoid fever, and similar communicable diseases with serious consequences.

Acute Communicable Diseases

Acute communicable diseases are short-term and generally have a communicable period lasting up to ten days. Included in this category are chicken pox, measles, and whooping cough.

Chronic Communicable Diseases

Chronic communicable diseases are long-term and generally have a communicable period lasting for more than ten days.

III. Educational Placement of Students with communicable Diseases

A. Identification/Diagnosis of Students with Communicable Diseases

Parents or guardians of students presently attending or enrolling in the schools of the district have a legal obligation, if there is no health care professional attending the student, to report to the Health Services Division of the Health and Environment Department of the State of New Mexico, the fact that the child is a carrier of, or is infected with, a communicable disease, as soon as the parent or guardian becomes aware of the condition.

A student with a communicable disease whose medical condition causes a handicap, as defined under Federal law, presently being the Education for All Handicapped Children’s Act and the Rehabilitation Act of 1973, shall be referred to the Special Education Department for determination of eligibility as an exceptional student.

B. Confidentiality

The number of personnel who will be informed of the student's communicable disease will be kept to a minimum to assure the confidentiality of records and other information regarding the student.

School personnel and members of any committee appointed according to the provisions of this policy, shall maintain the student's right of confidentiality with respect to the fact that the student has, or is a carrier of, a communicable disease, and with respect to any records, documents, statements, letters, or memoranda developed or prepared by the committee; provided, however, that nothing herein shall prohibit or prevent the disclosure of information that may be permitted or required by state or Federal law on regulations promulgated thereunder as to the reporting of communicable diseases. The chairperson shall remind all committee members about the student's right of confidentiality.

C. Educational Services for Acute Communicable Diseases

For communicable diseases of short and well-known duration, parents or guardians will be asked to absent their children from school during the contagious period.

For communicable diseases of less well determined duration, parents or guardians may absent their children from school for any period during which the child's condition is infectious or communicable, provided that such absence is supported by a statement to the effect prepared by a medical doctor. In the event that the parents or guardians refuse to voluntarily absent the infectious student from school, the principal shall suspend the student for up to 10 school days, following procedures governing short-term suspension of students. A determination as to whether alternative instruction will be provided during such absences will be made on a case-by-case basis, based upon other policies of the Board, the length of the absence, the severity of the condition, and other factors considered relevant by school authorities.

D. Educational Services for Chronic Communicable Diseases

A student who qualifies as an exceptional student according to the Educational Standards for New Mexico schools shall have their placement and services provided in the least restrictive environment as determined by an IEP committee in accordance with those standards and will be afforded all protections under Federal law as to a handicapping condition.

Decisions concerning the educational program and placement setting for non-exceptional students, according to the Educational Standards for New Mexico schools, who have, or are the carriers of chronic communicable diseases will be made by a committee composed of the following:

1. The child's physician
2. The child's parent(s) or legal guardian(s)
3. Regional Health Officer of the Department of Health

4. The Superintendent or designee
5. Health Services Director
6. One other person appointed by the Superintendent who will be directly involved in the educational program of the student such as the principal, school nurse or teacher. The committee will be chaired by the Superintendent or designee. The chairperson will be responsible to remind the committee of the student's right to confidentiality.

In determining the educational program and placement setting for any student who has, or who is a carrier of, a chronic communicable disease, the following factors will be evaluated:

1. The nature of the disease
2. The age of the student
3. The behavior of the student
4. The neurological development of the student
5. The physical condition of the student
4. The expected type of interaction the student will have with other individuals in the proposed placement setting
5. The degree to which other individuals may be exposed to infectious organisms.
6. The hygienic practices of the student
7. The risk of transmission of the disease from the student to those individuals
8. Any other pertinent factor reasonably related to the decision.

An unrestricted educational program and placement setting will be the primary goal for any student who has, or is a carrier of, a chronic communicable disease. Restrictions upon a student's educational program and/or placement will be imposed only when the committee determines that the risk of an unrestricted program and placement outweigh the benefits which the student may receive from an unrestricted program.

The educational program and/or placement setting established by the committee for any student who has, or is a carrier of, a chronic communicable disease will be re-evaluated and modified, if necessary, as often as the circumstances require, but in no event will the educational program and/or the place setting continue without re-evaluation at least once per school year. Any re-evaluation will be done by the committee taking into account those factors listed above.

The parents or guardians of a student who has, or is a carrier of, a chronic communicable disease aggrieved by a program or placement decision made pursuant to this policy may appeal that decision to the Board of Education by requesting a hearing, in writing, within ten (10) calendar days of the program or placement decision. Such hearing will be held at a time convenient to the parties and shall be held in closed session. The decision of the Board shall be final. Nothing herein shall be construed as limiting the rights of parents of special education student under Federal or state regulations and to the extent that such regulations are inconsistent with this policy, the Federal or state regulation shall prevail.

IV. REVIEW

This regulation shall be reviewed on an ongoing basis in accordance with the Board of Education policy review process.

History: Formerly LCPS Procedure 465



Approved, Chief Academic Officer

Oct. 17, 2006

Date Approved