

GAM COMMUNICABLE DISEASES-ACQUIRED IMMUNE DEFICIENCY SYNDROME-AIDS

GAM

Medical research indicates that AIDS/HTLV-III cannot be transmitted through casual contact. Therefore, AIDS-infected employees, in most instances, shall be allowed to remain in the workplace so long as their presence does not create a substantial risk of the transmission of the illness to others. The issue of continued employment based upon an AIDS infected employee's ability to perform required work is not addressed in this policy, but rather in federal and Kansas law. AIDS-infected persons are those who have been diagnosed as having AIDS, those who have AIDS Related Complex, or those infected with the HTLV-III virus and who are asymptomatic carriers of such viruses (those infected by such viruses and capable of transmitting the virus, but who have not developed any of the symptoms of infection with the virus).

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If the superintendent has reasonable cause to believe that an employee is an infected individual, the following steps shall be taken:

- 1). The superintendent may require the employee to submit to a medical examination and evaluation deemed appropriate by the school district to aid in implementation of this policy, and the individual may be required to provide a certificate of health according to state law, K.S.A. 72-5213.
- 2). The employee shall be informed that until determination of the employee's status, the employee shall not be permitted to remain in the workplace.
- 3). The employee must identify a physician who will be responsible for the care of the employee and who will monitor the employee's medical and psychological condition.

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- 4). The determination of whether an AIDS-infected employee shall be permitted to remain in the workplace shall be made on a case-by-case basis by the superintendent as recommended

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by an advisory committee composed of: the board attorney (who will serve as chairperson), a licensed medical doctor who is a resident of Unified School District No. 273, the Special Education Director and the School Nurse. Additional members of this committee may be appointed by the superintendent, as deemed appropriate, and may include the employee's building principal, the employee's physician, the employee and appropriate medical or health personnel.

In making this determination, the following shall be considered:

- the physical and mental condition of the employee;
 - the expected type of interaction with others in the school setting; and
 - the impact on both the infected employee and others in that setting.
- 5). The advisory committee will study each case and determine the risks of and benefits for the infected employee and others in the school setting. A written report of findings and recommendations based upon the most current medical information shall be forwarded to the superintendent within a reasonable time frame. The advisory committee chairperson will be informed of the superintendent's decision. The board will also be informed of the superintendent's decision and will reserve the right to review it. Determinations made under this policy shall be reviewed by the advisory committee and superintendent at appropriate intervals.
- 6). The school nurse will call the employee's physician on a monthly basis to determine if there have been changes in the employee's health status which might require a reassessment of the previous determination. The school nurse will be responsible for notifying the committee of

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any changes in the employee which might require a reassessment. If the change in the health status of an AIDS-infected employee occurs which may increase the risk of transmission, the advisory committee chairperson will immediately schedule a meeting to discuss the situation. The employee may be excluded from the workplace at this time until the reassessment is completed.

Infected employees who are otherwise unable to perform their duties, shall not be permitted to remain in any situation which involves contact with students or other employees. If the employment of an infected employee is discontinued, the employee shall be entitled to use any available medical leave and receive any medical disability benefits.

If a communicable disease (e.g. measles or chicken pox) occurs in a school or classroom which could be threatening to an AIDS-infected employee, the infected employee and the employee's physician will be notified so that a decision can be made as to whether the AIDS-infected employee should be permitted to remain in the school during the outbreak.

No information regarding employees with AIDS will be released without the employee's permission in accordance with state and federal laws and with the board of education policy on employee records. Therefore, the identity of an infected individual shall be revealed only to those who have a legal right to know. If an infected individual is permitted to remain in the school setting after a determination has been made, the district may assign the employee to a position appropriate to their medical condition. Only those who have a legal right to know shall be informed of his or her identity and provided with appropriate information as to the individual's medical condition, including information as to any factors that might warrant a reconsideration of whether he or she should be permitted to remain in the school setting. They also shall be informed of public health precautions which should be taken. Persons informed of the identity of an infected person shall not disclose such information to others except as authorized under this policy.

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Any person who believes an employee may be an infected person shall so inform the school nurse.

The school system and health department will immediately report known cases to each other provided a written release to exchange information between the two agencies is obtained from the employee.

As additional information becomes available regarding AIDS, the board of education may – re-evaluate this policy and district procedures in light of:

- legal rights of employees;
- information regarding appropriate hygienic procedures to reduce the risk of exposure to the AIDS virus; and
- additional medical findings.

Definitions:

AIDS – Syndrome caused by the virus HTLV-III/LAV.

Infected – Persons who have been diagnosed as having AIDS or as being infected with HTLV-III/LAV, and persons who are asymptomatic carriers of such a virus (those infected by such a virus and capable of transmitting the virus, but who have not developed any of the symptoms of infection with the virus).

Physician – A person licensed as a doctor of medicine in the State of Kansas.

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