

Adopted: December 15, 2010

Revised: February 26, 2014

BLUESKY CHARTER SCHOOL POLICY No. 4.6.3 COMMUNICABLE DISEASES AND INFECTIONS

I. PURPOSE

The purpose of this policy is to adopt measures that effectively address public concerns that staff of BlueSky Charter School be able to work without becoming infected with serious communicable or infectious diseases including, but not limited to, Human Immunodeficiency Virus (HIV), Acquired Immune Deficiency Syndrome (AIDS), Hepatitis B and Tuberculosis while respecting the rights of students, staff and contractors, including those who are infected.

II. POLICY STATEMENT

Employees of BlueSky Charter School will not be excluded from work so long as they are physically and mentally able to safely perform their assigned tasks and do not create a significant risk of transmission of illnesses to students, employees or members of the public.

III. POLICY

BlueSky Charter School's decisions involving persons who have communicable diseases and infections shall be based on current and well-informed medical judgments concerning the disease, the risks of transmitting the illness to others, the symptoms and special circumstances of each individual who has a communicable disease, and a careful weighing of the identified risks and the available alternative for responding to an employee with a communicable disease.

IV. COMMUNICABLE DISEASES AND INFECTIONS DEFINED

Communicable diseases include, but are not limited to, measles, influenza, viral hepatitis-A (infectious hepatitis), viral hepatitis-B (serum hepatitis), human immunodeficiency virus (HIV infection), AIDS, AIDS-Related Complex (ARC), leprosy, Severe Acute Respiratory Syndrome (SARS) and tuberculosis. BlueSky Charter School may choose to broaden this definition within its best interest and in accordance with information received through the Centers for Disease Control and Prevention (CDC).

This policy does not constitute legal advice; any questions regarding this policy should be directed to your attorney.

V. ACTION WHEN COMMUNICABLE DISEASE OR INFECTION IS PRESENT

BlueSky Charter School will not discriminate against any job applicant or employee based on the individual having a communicable disease or infection. Applicants and employees shall not be denied access to the workplace solely on the grounds that they have a communicable disease. BlueSky Charter School will seek to accommodate applicants and employees with a communicable disease, provided such accommodation does not cause an undue hardship to the school. BlueSky Charter School reserves the right to exclude a person with a communicable disease or infection from the workplace facilities, programs and functions if the organization finds that, based on a medical determination, such restriction is necessary for the welfare of the person who has the communicable disease and/or the welfare of others within the workplace.

VI. PRECAUTIONARY MEASURES

BlueSky Charter School will develop procedures regarding control of communicable diseases and infections at school and education about these procedures. The procedures will be developed in cooperation with health professionals and taking into account guidelines promulgated by the Minnesota Departments of Health and Education and will be consistent with other policies including, but not limited to, blood-borne pathogens and employee right to know.

VII. EMPLOYEE HEALTH INFORMATION

BlueSky Charter School will comply with all applicable statutes and regulations that protect the privacy of persons who have a communicable disease or infection, including, but not limited to the Minnesota Government Data Practices Act. Every effort will be made to ensure procedurally sufficient safeguards to maintain the personal confidence about persons who have communicable diseases or infections.

Threats to public health caused by an employee's communicable disease or infection must be reported to the Minnesota Commissioner of Health.

Legal References: Minn. Stat. §121A.23 (Health-Related Programs)
Minn. Stat. §§144.441-442 (Tuberculosis)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
20 U.S.C. §1400 *et seq.* (Individuals with Disabilities Education Improvement Act of 2004)
29 U.S.C. §794 *et seq.* (Rehabilitation Act of 1973, §504)
42 U.S.C. §12101 *et seq.* (Americans with Disabilities Act)

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