

MEMORANDUM

TO: NWABSD Board of Education
Members

DATE: April 29, 2025

NUMBER: 25-101

FR: Office of the Superintendent

SUBJECT: Approval of Proposed
Revisions to BP 5141.22
Infectious Diseases; First
Reading

STRATEGIC PLAN/BOARD GOAL:

Track 1: Operational Improvements
Initiative: Optimize Business Practices

ABSTRACT:

Board policy revisions require Board approval.

ISSUE:

At issue is to approve the first reading of the proposed revisions to BP 5141.22 Infectious Diseases and open for public comments.

BACKGROUND AND/OR PERTINENT INFORMATION:

The Superintendent/designee presents drafts or suggestions for board policy revisions when the law changes or specific needs occur. Policy revisions shall normally be given two readings prior to adoption by the Board.

This is the first reading of the proposed revisions to BP 5141.22 Infectious Diseases within the Students series.

This update includes updates in law and removes HIV verbiage.

The Board Policy Committee reviewed the proposed changes, recommends approval and to open for public comments.

ALTERNATIVES:

1. Approve the first reading of the proposed revisions to BP 5141.22 Infectious Diseases as presented and open for public comments;
2. Do not approve the first reading of the proposed revisions to BP 5141.22 as presented;
3. Take no final action.

ADMINISTRATION'S RECOMMENDATION:

The administration recommends the Board approve the first reading of the proposed revisions to BP 5141.22 Infectious Diseases as presented and open for public comments.

BP 5141.22 INFECTIOUS DISEASES

The School Board recognizes its dual responsibility to protect the health of students from risks posed by infectious diseases and to uphold the right of students to a free and appropriate education. The ~~d~~District requires all staff to routinely observe universal precautions to prevent exposure to bloodborne pathogens and prevent the spread of all infectious disease.

(cf. 4119.43 - Universal Precautions)

(cf. 4119.42 - Exposure Control Plan for Bloodborne Pathogens)

(cf. 5141.23 - Infectious Disease Prevention)

The admission of a student with an infectious disease identified by state health officials shall be determined by the Superintendent or designee according to standard health procedures. The Superintendent or designee shall consult with the student's parent/guardian and, as required, with the student's physician and/or the local health department.

(cf. 5112.2 - Exclusions from Attendance)

(cf. 5141.3 - Health Examinations)

Students with Bloodborne Pathogen Infections

Note: Under 4 AAC 06.060, a student diagnosed with AIDS or HIV does not have a condition that 'will cause the attendance of the child to be inimical to the welfare of other pupils,' as required for the suspension or removal of a student due to a medical condition under AS 14.30.045. A student's removal because of AIDS or HIV is only allowed if the student has uncoverable oozing lesions or other symptoms, or displays behavior, such as biting, which in the opinion of a team, substantially increases the risk of transmission to other pupils. That team must be made up of the student's physician, public health personnel, the parent/guardian, and school personnel associated with the child's placement.~~Of the 250,000 cases of Acquired Immune Deficiency Syndrome (AIDS) reported to the Centers for Disease Control as of January 1993, there were no reported cases of HIV transmission in school or day care settings. However, school districts are required to enact Exposure Control Plans and Universal Precautions for the prevention of contact with potentially infectious body fluids which may contain pathogens such as the hepatitis B virus (HBV) and the human immunodeficiency virus (HIV). The following section addresses the placement of students with HIV infection and AIDS (Acquired Immune Deficiency Syndrome). AIDS is a handicap pursuant to Section 504 of the Rehabilitation Act (29 U.S.C.794);~~

~~and a student with AIDS cannot be excluded from regular class without evidence that the student poses a risk of transmission of the HIV virus to classmates or teachers.~~

~~Whether HIV infection or AIDS is a handicap under the Education for All Handicapped Children Act (EAHCA) (20 U.S.C. 1400 et seq.) must be decided on a case-by-case basis. If AIDS adversely affects a child's educational performance, the child is treated as handicapped and entitled to an individualized education plan (IEP) under the EAHCA. (Doe v. Belleville Public School District)~~

~~We recommend that a review panel, including one or more physicians, help in determining the placement of these children on a case-by-case basis.~~

~~The following identifies the Superintendent or designee as the person to be contacted with the information that a student has HIV infection and/or AIDS. All staff should know who in the district serves in this capacity.~~

The Board recognizes that HIV and hepatitis B virus are bloodborne pathogens and not casually transmitted. Students with bloodborne pathogens are entitled to the rights and services accorded to other students. The sole presence of bloodborne pathogens is not sufficient reason to exclude students from attending school.

Parents/guardians are encouraged to inform the Superintendent or designee if their child has HIV infection and/or AIDS so that any such child will have access to appropriate district programs and services. The Superintendent or designee shall convene a review panel to make recommendations regarding appropriate programs and services for the student.

Students with bloodborne pathogens are entitled to the rights and services accorded to other students. The sole presence of bloodborne pathogens is not sufficient reason to exclude students from attending school. Parents/guardians of students whose educational performance is adversely affected by an infectious disease are encouraged to inform the Superintendent or designee so that any such child will have access to appropriate district programs and services. The Superintendent or designee shall convene a review panel to make recommendations regarding appropriate programs and services for the student.

The Superintendent or designee shall ensure that all of the student's rights to confidentiality are strictly observed in accordance with law.

The Superintendent or designee shall request that parents/guardians sign a release form to provide confidential medical information and records to the review panel.

Legal Reference:

ALASKA STATUTES

[14.30.045](#) *Grounds for suspension or denial of admission*

ALASKA ADMINISTRATIVE CODE

[4 AAC 06.060](#) *Suspension or denial of admission*

[4 AAC 06.150](#) *Confidentiality of AIDS information*

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

[20 United States Code, 1232g](#)

NONDISCRIMINATION UNDER REHABILITATION ACT OF 1973

[20 United States Code, 794](#)

UNITED STATES CODE

Education For All Handicapped Children [20 United States Code, 1400 et seq.](#)

Federal Family Educational Rights And Privacy Act [20 United States Code, 1232g](#)

Nondiscrimination Under Rehabilitation Act Of 1973 [20 United States Code, 794](#)

U.S. SUPREME COURT

~~Doe v. Belleville Public School District, 672 F. Supp. 342~~

~~Thomas v. Atascadero Unified School District, 662 F. Supp. 376~~

~~Phipps v. Saddleback Valley Unified School District (1988), 204 Cal. App. 3d 1110~~

Adopted: April 28, 2004

Revised:

Northwest Arctic Borough School District