

**ADOPT NEW POLICY ON THE CHICAGO PUBLIC SCHOOLS MANAGEMENT OF  
COMMUNICABLE DISEASES AND RESCIND BOARD REPORT 97-0430-PO1  
COMPREHENSIVE AIDS POLICY OF THE CHICAGO PUBLIC SCHOOLS**

**THE CHIEF EXECUTIVE OFFICER RECOMMENDS:**

That the Board of Education adopt the new Policy on the Chicago Public Schools Management of Communicable Diseases<sup>1</sup> and rescind Board Report 97-0430-PO1, Comprehensive AIDS Policy of the Chicago Public Schools.

**POLICY TEXT:**

**Introduction**

The Board is committed to providing an educational and work environment in which all students and employees are treated with respect and dignity. Members of the Chicago Public Schools ("CPS") community who suffer from communicable diseases, and particularly those individuals infected with serious illness such as HIV/AIDS, must be considered from the perspective of up-to-date medical and public health knowledge and information, rather than subjected to irrational and baseless fears, prejudices or stereotypes. Students and their parents or guardians and CPS employees depend on school administrators and appropriate CPS personnel to manage the occurrence of communicable diseases in ways that minimize the risk of further contagion. Three fundamental principles shall guide the Board's management of communicable diseases: (1) no qualified individuals, as determined by applicable federal and state law, shall be denied access to education, related services or employment due to their health status; (2) CPS shall treat the medical condition and status of students and employees with all the privacy and confidentiality provided by law and Board policies and procedures; and (3) CPS shall manage the prevention and spread of communicable diseases so as to provide all students and staff with the healthiest possible learning and work environments.

**I. CPS Employees or Applicants for Employment and Students With a Communicable Disease Shall Not Be Subject to Discrimination**

**A. Basic Non-Discrimination Principles**

Students, employees and applicants for employment with communicable diseases who are covered by the Americans with Disabilities Act ("ADA") and Section 504 of the Rehabilitation Act of 1973 ("Section 504"), and by CPS' policies and procedures regarding the ADA (see Board Report 00-0823-PO5) and Section 504 (see Board Report 01-0725-PO1) shall not be subjected to discrimination due to their health status. Such individuals also are protected from discrimination by the Board's General Non-Discrimination Policy (see Board Report 97-1119-PO2). The Individuals with Disabilities Education Act (**1997**) also provides a Free and Appropriate Education for students requiring health/nursing related services while in school attendance. To assure a non-discriminatory environment, the following principles shall be followed:

1. School staff shall maintain a respectful school climate and not allow physical or verbal harassment of any individual or group. Taunts directed against a person with HIV/AIDS, a person perceived as having HIV/AIDS, a person associated

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<sup>1</sup> For the purposes of this policy, "communicable diseases" refers to, but shall not be limited to, those diseases described in the Illinois Department of Public Health's *Communicable Disease Guide* which must be reported to the Chicago Department of Public Health. For a listing of these communicable diseases, see Appendix A, attached to this policy.

with someone with HIV/AIDS, or a person suffering from or perceived to be suffering from another communicable disease shall not be tolerated.

2. A school principal must enroll eligible students without discrimination. Principals should consult with the Chief of the Office of Specialized Services ("OSS") or designee when they have questions regarding specific health needs and accommodations.
3. Students reported to have a communicable disease who have been given medical clearance by their medical provider and the school nurse shall be allowed to attend school and to participate fully in programs and activities offered by the school.
4. As necessary, CPS school nurses, in consultation with school principals, parents or guardians, and students' medical providers, will make, on a case-by-case basis, decisions regarding the educational placement, special and/ or interim services or alternative instruction of students with communicable diseases.
5. No individual shall be required to disclose, when applying for a position with the school system, whether he or she has a communicable disease. However, new employees may be required to provide evidence of physical fitness to perform assigned duties and of freedom from communicable diseases, including tuberculosis, pursuant to 105 ILCS 5/24-5.
6. No employee known to have a communicable disease who has been given medical clearance by his or her medical provider and by Employee Health Services shall be prevented from continuing employment.
7. No adverse personnel action may be taken against an employee based solely on disease status. Action may only be taken if the employee is unable to perform the essential functions of the job with or without a reasonable accommodation, or if the employee poses an unreasonable risk of harm to him-/herself or others that cannot be reduced by a reasonable accommodation.

B. Temporary Exclusion of CPS Employees Who Pose a Significant Risk of Infection to Others and of Students Who Pose a Significant Risk of Infection to Others and Who Need Special Classroom Accommodation

Students or employees confirmed to have a communicable disease may be temporarily excluded from their typical school or work settings if certain additional conditions exist that cause the student or employee to pose a significant risk of infection to others. Decisions to temporarily exclude students or employees from their typical school or work settings **cannot be based on an assumption that a significant risk of infection exists**. Rather, such decisions must be made on a case-by-case basis and represent documented findings of fact, based on **reasonable medical judgments** that a student or an employee poses a direct threat to other staff or students.

1. Criteria for Identifying a Student or Employee as Posing a Significant Risk of Infection to Others

Decisions regarding the temporary medical exclusion of students or employees from typical school or work place settings should be made by individuals with medical training such as CPS nurses, medical providers, and Chicago Department of Public Health ("CDPH") officials, along with any others having relevant information, who have consulted with one another and concluded that

exclusion is necessary. The following criteria should be considered when making temporary exclusion determinations:

- a. the nature of the risk, or how the disease is transmitted;
- b. the duration of the risk, or how long is the carrier infectious;
- c. the severity of the risk, or what is the potential harm to third parties;
- d. the probabilities the disease will be transmitted and will cause significant degrees of harm; and
- e. if a genuine risk of substantial harm to others exists, can the risk be eliminated or reduced to a safe level through a reasonable accommodation?

***An exclusion of a student or employee will only be allowed if a significant risk of infection to others cannot be reduced by a reasonable accommodation.***

2. Procedures for Making a Significant Risk of Infection to Others Determination

a. Students

Determinations that students should be temporarily excluded due to a significant risk to others shall be made by CPS nurses in consultation with students' medical provider, CDPH officials, the school principal, the Chief Officer of Specialized Services or designee and any others with relevant information based on procedures established by OSS.

b. Employees

Determinations that employees should be temporarily excluded due to a significant risk of infection to others shall be made based on procedures established by Employee Health Services ("EHS").

3. Risk to Students and Employees of Infection or Disease Contracted From Others

Contagious illnesses such as chicken pox, scarlet fever, measles or mumps can pose serious health risks to a student or an employee who is susceptible to contagion. OSS shall establish procedures that allow parent(s) or guardian(s), in consultation with CPS school nurses and students' medical providers, to determine if such a student should receive educational services in an alternative setting until the risk posed by contagious illnesses subsides. In the event of contagious exposure in the work place, the principal or supervisor shall contact EHS to determine the medically appropriate course of action.

## II. Protection of Privacy and Confidentiality

The privacy and confidentiality of information pertaining to the medical condition of CPS students or employees is protected by the Constitution, a number of federal and state statutes and Board policies, including, but not limited to, the Health Insurance Portability Accountability Act, the Family Educational Records Privacy Act, and the Illinois School Student Records Act, 105 ILCS 10/1 *et seq.*, "Guidelines for Maintenance of Student Records" (Board Report 01-0328-PO2), "Parent and Student Rights of Access to and Confidentiality of Student Records" (Board Report 01-0725-PO2), "Disclosure of Employees' Medical and Psychological Information" (Board Report 97-1022-PO2) and "Privacy of Health Related Information (Employees and Students)" (Board Report 03-0326-PO01). Employees and students infected with or perceived to be infected with the HIV/AIDS virus also shall be covered by the following additional provisions:

A. Confidentiality of Employee Information

All information regarding the medical condition or history of an employee, including whether an employee has a confirmed case of HIV/AIDS must be kept in files separate from the employee's personnel records and treated as a confidential medical record. The confidential records must be kept in a secure place and access to the files shall be strictly limited to the circumstances set forth in Section 12112(d)(3)(B) of the ADA; the AIDS Confidentiality Act; and the HIV/AIDS Confidentiality and Testing Code, 77 Il. Adm Code 697.10 *et seq.*

B. Student Privacy and Confidentiality

1. Pursuant to the Illinois Communicable Disease Prevention Act, 410 ILCS 315/2a, a CPS principal who has received confidential notice from a local or state health department of the identity of a student enrolled at his or her school who has tested positive for HIV/AIDS shall disclose the student's identity to the Chief Executive Officer.
2. The health records or other pertinent documents of students with HIV/AIDS shall be kept in the custody and control of the school principal. The principal shall take the necessary precautions to maintain the confidentiality of the records or documents, including but not limited to, keeping such records **in a locked file**.
3. On rare occasions, a CPS principal may determine that disclosure of a child's HIV/AIDS status is necessary. Such rare disclosures shall be made pursuant to the following procedures.
  - a. A principal may disclose the identity of an HIV/AIDS infected student if such disclosure is absolutely necessary to meet the student's medical and/or educational needs. If the required medical or educational accommodation can be made without disclosing the reason for the accommodation, then disclosure of the student's HIV status should be avoided.
  - b. When a principal determines that disclosure of the identity of a student with HIV/AIDS is necessary, disclosure may be made to:
    - (1) the registered nurse at that school, only for Health/Education Accommodation plans or issues;
    - (2) the classroom teacher(s) in whose classes the student is enrolled, but only if knowing the child's HIV status is essential to meeting the child's needs; and
    - (3) those persons who, pursuant to federal or state law, are required to decide the placement or educational program of the student, but only if the student's HIV status is relevant to that decision.

No person to whom the student's identity is disclosed may disclose such information to any other person except as permitted or required by law. Intentional or reckless disclosure of the identity of an HIV/AIDS infected student constitutes a Class A misdemeanor, and may also result in the penalties set forth in the AIDS Confidentiality Act, 410 ILCS 305/13. Any employee who knowingly violates the confidentiality of a student's HIV/AIDS status shall be subject to any disciplinary action authorized by the Chicago Public Schools' Employee Discipline Code.

C. Confidentiality and Privacy in the Event of an Exposure Incident

An exposure incident occurs when students and/or CPS personnel are exposed to blood or other body fluids that potentially could cause the exposed individuals to contract communicable diseases. The following principles shall apply to protect the confidentiality and privacy of employees and/or students who are involved in an exposure incident:

1. Pursuant to the AIDS Confidentiality Act, 410 ILCS 305/1 *et seq.*, no person may disclose or be compelled to disclose the identity of any student or employee upon whom an HIV test is performed, or the results of such a test in a manner which would permit the identification of the tested student or employee, unless such disclosure is permitted under the AIDS Confidentiality Act.
2. Following an exposure incident, and only after receiving written informed consent for an HIV test from the subject of the test or the subject's legally authorized representative, may an HIV test be ordered. Results of the test shall be disclosed only to the test subject or a legal representative of the subject, except as disclosure is permitted under the AIDS Confidentiality Act.

III. Promoting a Healthy Work and Educational Environment for Students and Employees

The Board has an obligation to provide its employees with a safe and healthy workplace and its students with a safe and healthy learning environment in the least restrictive setting. The Board shall implement "universal standard precautions" as the most effective means of preventing and managing the spread of communicable diseases. The Board also shall engage in a program of education and training designed to inform CPS staff and community about the causes and means of preventing communicable diseases, to reinforce basic principals and outcomes of health education and to address the fears and stereotypes regarding diseases such as HIV/AIDS.

A. Managing Blood Exposure Incidents Based on Universal Standard Precautions

The universal standard precautions approach indicates that the following steps should be taken in the event of an exposure incident involving CPS students and/or employees.

1. Students

Only rarely in school and classroom settings will students run the risk of a blood exposure incident that could actually result in the transmission of a communicable disease. The universal standard precautions approach allows school officials to take actions, such as those listed below, that protect the involved student(s) and comply with all applicable privacy and confidentiality requirements:

- a. Using the information listed on the Emergency Information Form (for a sample, see Appendix B attached to this policy), notify the parent or guardian of the involved student(s) of the blood exposure incident;
- b. Explain to parent(s) or guardian(s) that preventive care medical attention needs to be provided for their children within twenty-four hours after the incident to insure against possible infection;
- c. Notify the Chief Officer of Specialized Services or designee of the possible exposure to human blood or other disease carrying body fluid so that OSS can provide any needed medical advice. OSS shall

immediately inform the Chief Executive Officer or designee of the possible blood exposure incident; and

- d. In the event that the possible exposure incident involves a CPS employee(s), OSS shall immediately notify EHS representatives so that they can contact the employee(s) and initiate procedures set forth in sections 6 and 7 of the CPS *Exposure Control Plan* ("ECP").

2. Employees

Any incident involving potential exposure to human blood or other disease carrying body fluids shall be handled using the procedures set forth in sections 6 and 7 of the CPS *Exposure Control Plan* ("ECP"). If a health care provider determines it is necessary, an employee involved in an exposure incident should begin medical treatment within no more than twenty-four hours after the incident to insure against possible infection.

B. Universal Standard Precautions and Bloodborne Disease Training

CPS principals, principal designees, school nurses, school guidance counselors, teachers and other school personnel who work with students periodically shall receive CPS Exposure Control Plan training and training on fundamental matters relating to bloodborne diseases, including the nature and prevention of these diseases, their causes and effects, assessing the risk of infection, modes of transmission and the availability of appropriate sources of counseling, referral, treatment and community resources. The training, which will be developed by OSS and EHS in consultation with the Illinois State Board of Education and the CDPH and offered for the first time during the 2003-2004 school year, also will provide information regarding the requirements of the Illinois AIDS Confidentiality Act for protecting the identity of HIV/AIDS infected students attending CPS schools.

C. Education of the CPS Community On the Causes and Prevention of Communicable Diseases

The Board shall engage in an educational program that includes instruction regarding the consistent use of universal standard precautions with an emphasis on good hygiene practices (especially hand washing) and the use of personal protective equipment to prevent exposure to potentially infectious blood and body fluids. These precautions aid in the prevention of most types of disease transmission and in the protection of employees in the cleanup of bodily fluids. The ECP provides excellent up-to-date information regarding the proper handling of body fluids, and should be consulted as needed by school personnel, parents or guardians, Local School Council members and other interested parties. The ECP is available at every CPS school or on-line at [www.cps-humanresources.org/services/EHS/Pathogen-exp.html](http://www.cps-humanresources.org/services/EHS/Pathogen-exp.html).

Pursuant to 105 ILCS 110/3, instruction in the causes, prevention and transmission of HIV/AIDS should be included in curriculum for grades 6 through 12.

**LEGAL REVIEW/REFERENCES:**


The Americans With Disabilities Act, cited as 42 U.S.C. 1201 et seq.; Section 504 of the Rehabilitation Act of 1973; the AIDS Confidentiality Act, 410 ILCS 305/1 et seq.; the Communicable Disease Prevention Act, 410 ILCS 315/1 et seq.; 105 ILCS 5/34-18.8; the Illinois Administrative Code, Title 77, Parts 690, 693, and 697 and Title 56, Part 350; the Chicago Public Schools' *Exposure Control Plan*; and the Illinois State Board of Education and Illinois Department of Public Health's *Management of Chronic Infectious Diseases in Schoolchildren* and *Communicable Disease Guide*.

**Approved for Consideration:**



Barbara Eason-Watkins  
Chief Education Officer

**Respectfully submitted:**



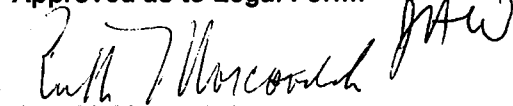
Arne Duncan  
Chief Executive Officer

**Noted:**



John Maiorca  
Chief Financial Officer

**Approved as to Legal Form:**



Ruth M. Moscovitch  
General Counsel

**APPENDIX A**  
**COMMUNICABLE DISEASES LISTED BY THE *COMMUNICABLE DISEASE GUIDE***  
**WHICH MUST BE REPORTED TO CDPH**

Chickenpox (varicella)  
Chlamydia  
Diphtheria  
E. coli 0157:H7  
Giardiasis  
Gonorrhea  
Hepatitis A  
Hepatitis B  
Hepatitis C  
Human immunodeficiency virus (HIV) or (AIDS)  
Measles  
Meningitis (bacterial)  
Meningitis (viral)  
Mumps  
Pertussis  
Polio  
Rubella  
Salmonellosis  
Shigellosis  
Syphilis  
Tuberculosis



**APPENDIX B**

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Chicago Public Schools

**REQUEST FOR EMERGENCY INFORMATION**

STUDENT NUMBER

PLEASE PRINT

DATE \_\_\_\_\_

SCHOOL \_\_\_\_\_

PARENTS/GUARDIANS: Occasionally children become ill while they are in school or they may have an accident (usually not serious). The school must have on file information that can be used to contact you. Please give the following information for emergency use only. If there is a change in this information, please notify the school quickly in writing.

Remove the pink copy of the RIGHTS OF HOMELESS STUDENTS and keep for your records.

STUDENTS NAME \_\_\_\_\_ ROOM \_\_\_\_\_  
(Last Name) (First Name) (Middle Initial)

**CONFIDENTIAL INFORMATION BOX 1**

**COMPLETE THIS BOX ONLY IF (1) IT REFLECTS YOUR CHILD'S CURRENT LIVING SITUATION; OR (2) YOUR LIVING SITUATION IF YOU ARE A YOUTH NOT LIVING WITH A PARENT OR GUARDIAN.** (Your answer will help school staff with school enrollment and may enable the student to receive additional services.) **Check one box if you are living:**

in a shelter     with relatives or others due to lack of housing     at a train or bus station, park, or in a car     in a motel/hotel, camping ground, or other similar situation due to the lack of alternative, adequate housing     in an abandoned apartment/building     temporarily housed in a shelter awaiting a DCFS permanent foster care placement

**School Principal: If any box is checked, see the Homeless Education Program Policy and Other Important Documents.**

STUDENT ADDRESS \_\_\_\_\_

STUDENT HOME TELEPHONE NUMBER (\_\_\_\_) \_\_\_\_\_

PARENT/GUARDIAN EMERGENCY INFORMATION

PARENT/GUARDIAN EMERGENCY INFORMATION

NAME \_\_\_\_\_  
HOME TELEPHONE NUMBER (\_\_\_\_) \_\_\_\_\_  
 Pager     Cellular  
(\_\_\_\_) \_\_\_\_\_

NAME \_\_\_\_\_  
HOME TELEPHONE NUMBER (\_\_\_\_) \_\_\_\_\_  
 Pager     Cellular  
(\_\_\_\_) \_\_\_\_\_

ADDRESS\* \_\_\_\_\_

ADDRESS\* \_\_\_\_\_

NAME OF EMPLOYER \_\_\_\_\_  
WORK PHONE NUMBER (\_\_\_\_) \_\_\_\_\_  
ADDRESS OF EMPLOYER \_\_\_\_\_

NAME OF EMPLOYER \_\_\_\_\_  
WORK PHONE NUMBER (\_\_\_\_) \_\_\_\_\_  
ADDRESS OF EMPLOYER \_\_\_\_\_

\*Please complete, if different from student's home telephone number and/or address

**CONFIDENTIAL INFORMATION BOX 2**

Is there a current Order of Protection or No Contact order which concerns this student: Yes \_\_\_\_\_ No \_\_\_\_\_

**School Principal: If "Yes" is checked, follow the School Board Policy 704.4.**

Please give the name of a relative or neighbor who could be notified in case of illness or accident:

NAME _____	ADDRESS _____	TELEPHONE (____) _____	RELATIONSHIP _____
NAME _____	ADDRESS _____	TELEPHONE (____) _____	RELATIONSHIP _____

If we cannot reach you and feel that your family doctor is needed, please supply this information:

FAMILY DOCTOR \_\_\_\_\_ DOCTOR'S ADDRESS \_\_\_\_\_ DOCTOR'S TELEPHONE \_\_\_\_\_

I authorize you to call my doctor, if necessary \_\_\_\_\_ PARENT/GUARDIAN SIGNATURE \_\_\_\_\_

**Teacher:** Give this form to each student at the beginning of each school semester and when you learn that the student's emergency information has changed. When the form is complete, check the information on the form with that in the preprinted Attendance Book. If necessary, make changes in the Attendance Book and give the White Copy to the School Office. Keep the Yellow Copy for your records.

**School Clerk:** Give this form to each enrolling student. Enter information in the Student information (SI) system. Use **STATUP** to update student's status information. Use **EIUP** to enter and/or update student's emergency information. If one of the boxes in the Confidential Information Box 1 section is checked, give a copy of the form to your school's Homeless Education Liaison.