

## School Policies, Exclusion of Children, Employees

Since the early 1800's, Maine laws have addressed infectious diseases, placing a duty upon public health officials and school officials to control "communicable diseases." This section attempts to show the respective responsibilities and collaboration needed, in law, policy and practice. This section includes guidelines for dealing with communicable diseases, as well as descriptions of several diseases or infestations often found in schools. The BOH uses the American Public Health Association publication, *Control of Communicable Diseases in Man* as a reference.

As potential incubators of communicable diseases, especially those to which children are susceptible, schools have a role to aid in the control of disease and infestations and to protect children and employees from illness. The law requires that each school board adopt a formal policy on this subject for the superintendent to implement. In addition, public health laws require that school physicians and other personnel report to the BOH, Department of Human Services (DHS), certain communicable diseases designated as "notifiable" so that public health measures can be taken to prevent large outbreaks among children and others. (Excerpts from the applicable laws are included in this section; see also section on Immunization). A copy of the rule on notifiable diseases is also included.

The discussion around communicable diseases relates to several distinct situations:

1. Non-reportable communicable conditions, such as pediculosis;
2. Vaccine-preventable diseases (which are also reportable);
3. Other infectious diseases, such as tuberculosis.

However, the general discussion of the role of the schools, parents, and students are similar in all situations, and are mentioned before the specific situations.

### SCHOOL POLICIES

Because of the danger to student and employee health, school boards are required by law to establish policies, consistent with the laws, governing responses to communicable diseases within the public schools. Each school board must adopt a formal policy, to be implemented by the superintendent, to safeguard the health of any student or employee who has contracted or been exposed to a communicable disease. The policy should address several components of communicable disease. The policy should address several components of communicable disease control:

1. Enforcement of state laws requiring immunization of students (and optional adoption of more stringent policies).
2. In-service education and resource material for school personnel regarding symptoms and management of communicable diseases.
3. Education of parents to keep children home when there are signs of disease and to secure appropriate treatment.

4. Record-keeping and retrieval procedures regarding non-immunized children.
5. Exclusion and follow-up of children who are not immunized against vaccine preventable diseases, or who have contracted a communicable disease or infestation.
6. Designation of a contact person as liaison with public health officials for the reporting of “notifiable” communicable diseases and receipt of DHS instructions.

Parental responsibility: Parents should be aware of symptoms of communicable diseases (understanding that some of the symptoms can relate also to non-communicable disease), keep child home and seek appropriate treatment. Where a child is excluded from school because of a communicable disease or infestation or general unsanitary condition, parents have the responsibility to do what is reasonably necessary to ensure that the child is healed or cleansed in order to return to school. Failure to act subjects the parents to a fine. (See disregard for a child's health could also be child "neglect" under the child abuse/neglect laws and reportable to Human Services.)

School nurses can aid parents by referring them to public health nurses if there is need. In some schools, the school nurse or school physician may be delegated to take on more direct responsibility for nursing or medical assistance to the child. Student responsibility: Students should be taught responsibility for prevention and control of communicable diseases and infestations. They should follow these guidelines:

Remain home when ill (notwithstanding perfect attendance awards); Report to the teacher when they feel sick at school; Avoid close contact with other children who have respiratory or communicable diseases; Practice good habits of cleanliness; dress appropriately for weather.

Role of teachers: Teachers should receive in-service training on communicable diseases and infestations so that appropriate and timely reports of suspected disease and infestation are made to the school nurse or physician. Staff should be made aware of the mode of transmission, incubation period, symptoms and periods of exclusion required for such diseases. The major characteristics which will suggest illness are:

Unusual pallor or flushed face; Unusual listlessness; Red or watery eyes; Photophobia; Skin rash; Cough; Nausea, with or without vomiting; Diarrhea; Nasal discharge; Headache, stomachache, or sore throat; and Elevated temperature.

## EXCLUSION FROM SCHOOL

Exclusion is defined in the respective laws as the responsibility of the superintendent and the DHS. In essence, DHS recommends exclusion under specific conditions, and the action is the responsibility of the superintendent.

DHS has broad powers and responsibilities regarding communicable diseases, including quarantining infected persons, investigating cases, establishing reporting requirements, and treating cases. The law specifically allows DHS to direct that a child who has been exposed to a communicable disease be excluded from school. (There is no distinction made between public and private schools in Title 22.) Under its general authority, it can also close a school, or exclude employees as well.

If a person is excluded because of infection with a communicable disease, this person is permitted to return to school upon a physician's representation (in writing or orally) to the school principal or a designated agent (which could be the school nurse) that the person is no longer carrying the disease. The school principal (or agent) is then required to notify DHS of the person's return to school, if the exclusion had been for a "notifiable" condition.

Where there is an outbreak of vaccine-preventable diseases, DHS is particularly interested in encouraging the immediate immunization of non-immunized persons to aid in controlling the spread of the disease. Although information regarding individuals who have contracted communicable diseases is generally confidential, DHS may release such information to school officials "for a public health purpose." Certainly, the names of any children required by DHS to be excluded from school must be told to school officials. DHS is not required by law to inform school officials of all known cases of communicable disease among students or employees, although the opposite is true: the school must report the identity of persons infected with notifiable conditions to DHS.

Where a public health official "has reason to believe that the continued presence in school" of a non-immunized child "presents a clear danger to the health of others, the public official must notify the superintendent. The superintendent is then required to exclude the child from school during the period of danger or until the child receives the necessary immunizing agent."

During an outbreak of a disease for which immunization is available, even if DHS does not direct exclusion of non-immunized children, the school should take action to exclude them for their own safety and the welfare of others. The school policy should explicitly state that a non-immunized child must remain at home during outbreaks in the community, until the danger passes or until the child is immunized.

In addition, school policy should address potential danger to employees. For example, children not immunized against rubella should be reassigned to other teachers if a pregnant teacher is at risk from the disease or excluded if this is not possible. Alternatively, the teacher could be placed on paid leave for her protection during an outbreak of rubella.

The law requires explicitly that when a non-immunized child is directed to be excluded by order of a public health official, the superintendent must "make arrangements to meet the educational needs of the child" if he/she is absent more than 10 days. There is no other similar provision requiring the school to meet educational needs during an exclusion. Implementation is a local decision, and may include homework assignments provided, and allowing ample opportunity at home or upon return to make up other requirements such as examinations and in-class assignments.

#### Reporting of "notifiable" communicable diseases

The requirements for reporting communicable diseases are covered in the Rules for the Control of Notifiable Conditions, Maine Department of Human Services, Bureau of Health, as Amended 1996. In essence, "Administrators (or their designees) of other public or private institutions such as penal institutions, nursing homes, schools, and day care centers, shall report any outbreak of epidemic situations prevalent within the institution." 2.A.4) This reporting includes "A constellation of symptoms exhibited; B. number of individuals affected." 2.B.4

Vaccine-preventable diseases are to be reported immediately, and appropriate action taken to ensure the protection of other children and adults in the school setting. In addition, various other condition

Reporting is done via telephone to Bureau of Health, 1-800-821-5821, or by fax, 1-800293-7534. For consultation and inquiries, call 207-287-5301.

#### Other communicable diseases; infestations:

Still other communicable diseases must be handled locally and are not reported to public health officials. Ringworm, impetigo, scabies and pediculosis (lice) are infestations spread through contact. (See descriptions in this section.) Children with these conditions should be excluded so long as they are infectious. Early detection and medical treatment usually renders the condition non-communicable and the child may return to school.

#### EXCLUSION OF CHILDREN, EMPLOYEES:

Excerpts from Title 20-A (Department of Education)  
§1001. Duties of school boards School boards shall perform the following duties:

11-A. Exposure to a communicable disease. They shall adopt a policy for enforcement by the superintendent to safeguard the health of any student or employee who has contracted or been exposed to a communicable disease, in accordance with sections 6301, 6351-A, and 6551, Title 22, chapter 251. §6301. Student health

Duty of teacher. A teacher who has reason to believe that a student is a public health

threat as a result of being infested with parasites, or having a communicable disease of the skin, mouth or eyes, shall inform the superintendent.

Duty of superintendent. A superintendent informed by a teacher under subsection 1 may:

A. Inform the student's parent;

(1) To furnish their children with the required home or medical treatment for the relief of their trouble so defined in subsection 1.

B. Exclude student from the public schools until the student is not a public health threat; and

C. Exclude the student from public school as soon as safe and proper transportation home is available.

Duty of parent. A parent informed by a superintendent under subsection 2 shall promptly do what is reasonably necessary to ensure that the student is no longer infectious.

Penalty. Any parent who fails to comply with subsection 3 shall be fined not more than \$5 for the first offense or \$10 for subsequent offenses.

Notification. The superintendent shall cause notice of the communicable disease to be given to the Department of Human Services, in accordance with the requirements of Title 22, chapter 251, and rules issued under that chapter. §6356. Exclusion from school [From Immunization Law]

Public health official action. When a public health official has reason to believe that the continued presence in a school of a child who has not been immunized against one or more diseases\* places a clear danger to the health of others, the public health official\*\* shall notify the superintendent of the school. The superintendent shall cause the child to be excluded from the school during the period of danger or until the child receives the necessary immunizing agent.

Whenever, as a result of this section, a child is absent from the public school for more than 10 days, the superintendent shall make arrangements to meet the educational needs of the child.

Superintendent's action. Notwithstanding the provisions of this subchapter on immunization against specific diseases,\* a superintendent may exclude from the public schools any child who is a public health threat, in accordance with section 6301, and the superintendent shall exclude from school any child or employee who has contracted or has been exposed to a communicable disease as directed by a physician after consultation with the BOH.

\*The term "disease" in this section refers only to those listed diseases for which immunization is required in the School Immunization Law.

\*\*A "public health official" in this section means a local health officer, the Director or

the BOH, Department of Human Services, or any designated employee or agent of the Department of Human Services.

#### EXCLUSION OF CHILDREN:

Excerpts from Title 22 (Department of Human Services)

##### §801 Definitions

Communicable disease. "Communicable disease" is a disease or condition that may cause serious illness, serious disability or death, the infectious agent of which may pass or be carried, directly or indirectly, from the body of one person to the body of another.

Infected person. "Infected person" means a person who is diagnosed as having a communicable disease or who, after appropriate medical evaluation or testing, is determined to harbor an infectious agent.

Notifiable disease. "Notifiable disease" means any communicable disease or occupational disease the occurrence or suspected occurrence of which is required to be reported to the department [DHS].

§802 Authority of department Authority. To carry out this chapter, the department may:

- A. Designate and classify communicable and occupational disease;
- B. Establish requirements for reporting and other surveillance methods for measuring the occurrence of communicable diseases, occupational diseases and the potential for epidemics;
- C. Investigate cases, epidemics and occurrences of communicable and occupational diseases; and
- D. Establish procedures for the control, detection, prevention and treatment of communicable and occupational diseases, including public immunization and contact notification programs. Health emergency. In the event of an actual or threatened epidemic or outbreak of a communicable or occupational disease, the department may declare that a health emergency exists and may adopt emergency rules for the protection of the public health relating to:

- A. Procedures for the isolation and placement of infected persons for purposes of care and treatment or infection control;
- B. Procedures for the disinfection, seizure or destruction of contaminated property; and
- C. The establishment of temporary facilities for the care and treatment of infected persons which shall be subject to the supervision and regulations of the department and to the limitations set forth in section 807.

##### §806. Exclusion from school

Dismissal. In the event of an actual or threatened outbreak of a communicable disease,

the department may order that any or all persons attending or working in any school or day care facility be excluded until the department determines that a public health threat no longer exists.

Exclusion. The department may exclude any infected person from attending or working in a school or day care facility if that infected person poses a public health threat. An individual excluded pursuant to this subsection shall be permitted to return to the school or day care facility after the department, in consultation with the physician responsible for the individual's care, determines that return is permissible and will not pose a threat to the public health. The department shall notify the superintendent or day care facility administrator of that determination.

#### §823 Time requirements

The reporting of a notifiable disease shall be made by telephone to the department immediately upon determination that a person has that disease and shall be followed by a written report mailed to the department within 48 hours.

#### §824 Confidentiality

Any person who receives information pursuant to this chapter shall treat as confidential the names of individuals having or suspected of having a notifiable communicable disease, as well as any other information that may identify those individuals. This information may be released to the department for adult or child protection purposes in accordance with chapters 958-A and 1071, or to other public health officials, agents or agencies or to officials of a school where a child is enrolled, for public health purposes, but that release of information must be made in accordance with Title 5, chapter 501, where applicable. In a public health emergency, as declared by the state health officer, the information may also be released to private health care providers and agencies for the purpose of preventing further disease transmission. All information submitted pursuant to this chapter that does not name or otherwise identify individuals having or suspected of having a notifiable communicable disease may be made available to the public.

Any person receiving a disclosure of identifying information pursuant to this chapter may not further disclose this information without the consent of the infected person.

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