

**WEST VIRGINIA**  
**SECRETARY OF STATE**  
**KEN HECHLER**  
**ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark In this Box

FILED  
1989 APR 21 AM 10:07  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE**

AGENCY: West Virginia Board of Education TITLE NUMBER: 126  
RULE TYPE: Legislative; CITE AUTHORITY WV Code 18A-5-1, 16-3-4a, 16-3-5,  
16-3C-1 thru 16-3C-9, 18-2-5,  
18-5-9, 18-5-22 and 18-5-34  
AMENDMENT TO AN EXISTING RULE: YES \_\_\_ NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 51 (Policy 2423)

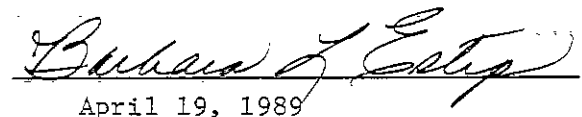
TITLE OF RULE BEING PROPOSED: Communicable Disease Control Policy

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON June 1, 1989 AT 9:00 a.m.

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Mrs. Lenore Zedosky  
West Virginia Department of Education  
Room B-304, Bldg. #6, Capitol Complex  
Charleston, WV 25305

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

  
April 19, 1989

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

TITLE 126  
LEGISLATIVE RULE  
WEST VIRGINIA BOARD OF EDUCATION  
CHAPTER 18-5 and 16-3  
SERIES 51 (2423)

FILED

1989 APR 21 AM 10:07

TITLE: COMMUNICABLE DISEASE CONTROL POLICY

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

Section 1

General

- 1.1 Scope -- The legislative rule requires establishment of county policies related to communicable disease control.
- 1.2 Authority - WV Code §18A-5-1, 16-3-4, 16-3-4a, 16-3-5, 16-3C-1 thru 16-3C-9, 18-2-5, 18-5-9, 18-5-22, and 18-5-34.
- 1.3 Filing Date - January 9, 1989
- 1.4 Effective Date - July 1, 1989.
- 1.5 Repeal of Former Rule - none - This is a new policy.

Section 2

Applicability

Effective July 1, 1989 each of the fifty-five county boards of education will adopt or amend communicable disease policies to reflect understanding of disease transmission in the school setting and to reflect understanding of students/staff rights to attend school or remain employed. The goal of the policy is to protect individual students, staff members and the school population in general. The policy should provide consistent means for handling reports of infections/diseases such as AIDS, Hepatitis B or other like diseases and for decision making related to remaining in the school.

The potential for unnecessary exclusion from the school setting is cause for concern. This problem makes it necessary for counties to develop a policy that is protective of the educational process and the rights, health and safety of students and staff.

Section 3

Components

The following components shall be addressed in each county board policy:

- 3.1 Distinctions will be made related to diseases that are communicable in the school setting versus those known not to be spread by casual contact e.g., AIDS, Hepatitis B and other like diseases.

A communicable disease is defined as a disease which may be transmitted directly or indirectly from one individual to another. Diseases such as streptococcal sore throat and influenza can be spread by discharge from nose or throat, either by droplet through the air, or by contact with objects contaminated by these discharges. Thus, they can be spread by casual contact such as that that occurs in a school setting. AIDS is spread by direct blood transmission into the blood stream of another and by semen or vaginal fluid contact. Hepatitis A can be spread by direct or indirect contact with feces while Hepatitis B can be spread by direct contact with semen and blood. These diseases do not pose a risk in school if body fluids such as blood and feces are correctly handled.

3.2 Each reported case of disease known not to be spread by casual contact will be validated by a designated individual such as a school nurse. --

3.3 Procedures for case decision making will be outlined and will be consistent with current laws and regulations, both state and federal.

State Laws 18A-5-1, 16-3-4, 16-3-4a, 16-3-5, 16-3C-1 thru 16-3C-9 and 18-5-22, -18-20-5

Federal regulations: PL 94-142.- Education of the Handicapped Act; Federal 504 Regulations - Vocational Rehabilitation Act of 1973

3.4 Confidentiality procedures will be outlined and strictly followed.

For reference see: Family Educational Rights and Privacy; Final Regulations. Part II, 34 CFR Part 99. Federal Register, April 11, 1988.

3.5 Prevention methods such as instructional programs and environmental sanitation (cleaning up of body fluid spills).

#### Section 4

##### Policy Implementation

4.1 Each county should seek the assistance of school personnel, public health and medical personnel and community leaders in developing the communicable disease policy. Technical assistance will be provided by the West Virginia Department of Education to any county upon request. ...

4.2 Policies are to be submitted to the State Superintendent of Schools for approval on or before July 1, 1989.