

### **F.3.1.2 (Procedure) Communicable Diseases as a Disability**

Responsible Departments: Vice Chancellor for Student Success

Based on Board Policy: [F.3.1](#) - Student Health

Approved: 5-19-09

Last Amended: 5-19-09

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#### **Accommodations**

If academic or activity restrictions are deemed appropriate because a student has a communicable disease as defined in [F.3.1.1](#), the college President or designee shall determine whether the student is a "disabled person." If it is determined that the student is disabled, a further determination shall be made as to whether the student is "qualified." A "qualified disabled person" is one who, with reasonable accommodation, meets the academic and technical standards requisite to admission or participation in College District educational programs and activities.

If it is determined that the student is a "qualified disabled person," the student must be reasonably accommodated. In determining whether the accommodation is reasonable, the College District shall balance its interest and the interest of the student, considering financial expense, effects on the learning environment for other students, and the severity of the changes to the normal academic and activity procedures. Accommodation is not reasonable if it poses undue financial or administrative burdens, or if it would require fundamental alterations in the conduct of academic programs and activities.

#### **Exclusion or Modification**

Based on medical information and the requirements of the educational program or activity in which the student is enrolled, the college President or designee shall determine any appropriate exclusion or modification.

A student may be excluded from an educational program or activity if the college President or designee determines, in accordance with College District policies and procedures, that the student poses a risk of contagion to others, or poses a threat to personal health by continued participation in educational programs or activities, or if the student's physical condition would interfere with participation in educational programs or activities.

The student must present evidence or information relevant to the question of fitness to continue participation in educational programs or activities.

#### **Definitions**

Definitions used in this procedure follow:

1. "**Disabled person**" means one who has a record of, or who is regarded as having, or who has a physical or mental impairment that substantially limits one or more major life activities. Students who would otherwise be "disabled persons" are not excluded from the definition solely because they are contagious.

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An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as: medication, medical supplies, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies, use of assistive technology, reasonable accommodation or auxiliary aids or services, or learned behavioral or adaptive neurological modifications. The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity. As used herein, the term “ordinary eyeglasses or contact lenses” means lenses that are intended to fully correct visual acuity or eliminate refractive error. As used herein, the term “low-vision devices” means devices that magnify, enhance, or otherwise augment a visual image.

2. **“Physical or mental impairment”** means:
  - a. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hermic and lymphatic; skin; and endocrine.
  - b. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
3. **“Major life activities”** include, but are not limited to, functions such as caring for oneself, performing manual tasks, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, seeing, breathing, learning, reading, concentration, thinking, communicating, and working. A “major life activity” also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
4. **“Has a record of”** an impairment means the person has a history of, or has been classified as having, a mental or physical impairment that substantially limits one or more major life activities.

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5. An individual meets the requirement of “**being regarded as having such an impairment**” if the individual establishes that he/she has been subjected to an action prohibited under the Americans with Disabilities Act (ADA) because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. However, the impairment (whether perceived or actual) does not qualify if it is transitory and minor. Transitory means having an actual or expected duration of six months or less, and minor means a trivial impairment (such as a common cold, stomach ache, seasonal allergies).

*Legal Reference - TACC Policy Reference Manual*

FFAA(LEGAL) – Wellness and Health Services: Immunizations

FFAC(LEGAL) – Wellness and Health Services: Communicable Diseases