



## School Bd. Of Nassau County, Fla. V. Arline, 480 U.S. 273, 287-88 (1987)

Respondent's job as an elementary school teacher was terminated solely because she had three relapses of tuberculosis within two years. She filed an action against petitioners, alleging that she discriminated against as a handicapped person under § 504 of the Rehabilitation Act. The district court held that a contagious disease was not a handicap under the Act, but the decision was reversed by the court of appeals. On certiorari, the Court held that since respondent's tuberculosis was an impairment that limited her activities, she was a handicapped person within the meaning of the Act. The fact that tuberculosis was contagious did not change her handicapped status. However, if her pupils had a significant risk of contracting the disease from her, and no reasonable accommodation could be found to eliminate that risk, then she would not be otherwise qualified for her job, and her discharge was proper.

### **The Court Deferred to the AMA's *Amicus* Brief Defining the Scope of Risk of Contagious Diseases**

The basic factors to be considered in conducting this inquiry are well established. In the context of the employment of a person handicapped with a contagious disease, we agree with *amicus* American Medical Association that this inquiry should include: "[findings of] facts, based on reasonable medical judgments given the state of medical knowledge, about (a) the nature of the risk (how the disease is transmitted), (b) the duration of the risk (how long is the carrier infectious), (c) the severity of the risk (what is the potential harm to third parties) and (d) the probabilities the disease will be transmitted and will cause varying degrees of harm." Brief for American Medical Association as *Amicus Curiae* 19.