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**School Board of Nassau County v. Arline**

**480 U.S. 273 (1987)**

**Facts:** Employee Arline, a teacher with tuberculosis, was terminated from her job. The employer argued that the termination was not because of Arline's disease, but instead because of the threat that her relapses posed to the health of others since tuberculosis is contagious. The Court held for Arline.

**Issue:** Whether an employer violates The ADA by terminating a teacher from her job because she has a contagious disease.

**Decision:** Yes

**Reasoning:** Brennan, J.: We must consider whether Arline can be considered a handicapped individual. This impairment was serious enough to require hospitalization, a fact more than sufficient to establish that one or more of her major life activities were substantially limited by her impairment. Thus, Arline's hospitalization for tuberculosis in 1957 suffices to establish that she has a “record of impairment” within the meaning of the regulations and is therefore a handicapped individual.

The Board maintains that Arline's record of impairment is irrelevant in this case, since the School Board dismissed her not because of her diminished capabilities, but because of the threat that her relapses of tuberculosis posed to the health of others.

We do not agree that, in defining a handicapped individual, the contagious effects of a disease can be meaningfully distinguished from the disease's physical effects on a claimant in a case such as this. Arline's contagiousness and her physical impairment each resulted from the same underlying condition, tuberculosis. It would be unfair to allow an employer to seize upon the distinction between the effects of a disease on others and the effects of a disease on a patient and use that distinction to justify discriminatory treatment.

The fact that *some* persons who have contagious diseases may pose a serious health threat to others under certain circumstances does not justify excluding from the coverage of the Act *all* persons with actual or perceived contagious diseases. It would mean those accused of being contagious would never have the opportunity to have their condition evaluated in light of medical evidence and a determination made as to whether they were “otherwise qualified.” The fact that a person with a record of a physical impairment is also contagious does not suffice to remove that person from coverage under the law.

The remaining question is whether Arline is otherwise qualified for the job of elementary schoolteacher. The basic factors to be considered should include: findings of facts, based on reasonable medical judgment 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 to harm third parties), and (d) the probabilities the disease will be transmitted and will cause varying degrees of harm. The next step in the “otherwise qualified” inquiry is for the court to evaluate whether the employer could reasonably accommodate the employee under the established standards for that inquiry.

Because there were few factual findings by the district court, we are unable at this stage to resolve whether Arline is otherwise qualified for her job. We remand the case to the district court to determine whether Arline is otherwise qualified for her position. REMANDED.