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POLICY 5.322

4-D I recommend the Board adopt the proposed revised Policy 5.322, entitled "Students with Chronic Illnesses and Infectious Diseases (Including HIV/AIDS)."

[Contact: Lashandra Span, 434-8791; or Danette Fitzgerald, 357-7570.]

Adoption

CONSENT ITEM

- The DOE Educational Equity Opportunity Program Office requested that this Policy be revised at line 56 to clarify and emphasize that the confidentiality provisions for HIV/AIDS status, which were already stated in Section (4), apply to lines 56-60.
- The Board approved this proposed new Policy as a first reading on December 2, 2002.
- The Rule Development Notice was advertised on Nov. 25, 2002; and the Rule Adoption Notice was advertised on December 16, 2002.

1	PROPOSED REVISION TO POLICY 5.322		
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4	STUDENTS WITH CHRONIC ILLNESSES AND		
5			INFECTIOUS DISEASES (INCLUDING HIV/AIDS)
6			- Discrimination and Dartisination - The Oak set Decad of Dates Decade Occurry
7	1.	<i>Non-Discrimination and Participation</i> The School Board of Palm Beach County acknowledges all federal and state laws protecting students with disabilities and	
8 9		acknowledges that those individuals shall not be discriminated against on the basis	
10		of their disabilities, including those involving illness.	
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12		a.	Students shall not be prevented from participating in the continuation of their
13			education solely on the basis of a diagnosis of having a chronic illness or
14			infectious disease; testing positive for Human Immunodeficiency Virus ("HIV")
15			antibodies, antigen, or infection; or having Acquired Immune Deficiency
16			Syndrome ("AIDS"). Further, restrictions will not be placed upon the
17			attendance or participation of a student on the basis of his/her sibling having a
18			chronic illness or infectious disease, testing HIV positive, or having AIDS.
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20		b.	To determine the most appropriate educational setting, the District will comply
21			with the established requirements of the Individuals with Disabilities Education
22			Act ("IDEA") and Americans with Disabilities Act ("ADA") and Section 504 of
23 24			The Rehabilitation Act of 1973 ("Section 504"), for students eligible for
24 25			services under these Acts. If an individual plan is necessary for a student with a chronic illness or infectious disease, it will be compliant with said Acts.
25 26			a chronic liness of finectious disease, it will be compliant with said Acts.
20 27	2.	Medical Coordination When a student has a chronic illness or infectious disease,	
28		the student's personal physician shall be the medical manager providing general	
29		guidance and specific recommendations regarding the following:	
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31		a.	whether the student is medically able to participate in the regular school
32			program, including consideration of risk to the student's own health or the
33			health of others in the school environment; and
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35		b.	whether accommodations may be needed for school attendance or
36			participation.
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38 39	3.	<i>Infection Control</i> Pursuant to their responsibility for student health and safety under Fla. Stat. § 1006.07 [230.23(6)], schools are to take the following steps:	

- 41a.Bloodborne Pathogens.--For the protection of student health and safety, the42District's Bloodborne Pathogens Exposure Control Plan ("the Plan") shall be43followed in all settings and at all times, including, but not limited to,44classrooms, locker rooms, athletic settings, and field trips.
 - i. The Plan is updated annually and distributed by the District's Safety Manager to all schools.
 - ii. Copies of the Plan shall be available in the school clinic and the school administrative office.
 - b. *Communicable Disease of an Individual Student*.-- When a communicable disease is known or reasonably believed to affect an individual student, the following procedures shall apply:
 - i. <u>Subject to the confidentiality requirements of Section (4) for HIV/AIDS</u> and sexually-transmitted disease ("STD"), Aany school staff member who becomes aware, or reasonably suspects, that a student's health condition presents a significant risk of transmitting a communicable disease shall report the same by:
 - A. completing the Communicable Diseases/Conditions Report form (PBSD 1634);
 - B. reporting the situation by calling the Health Department's telephone number listed on the form;
 - C. promptly and discretely alerting the school nurse or building administrator; and
 - D. expeditiously providing the form to the District Health Services Specialist.
- ii. The Health Department will determine the appropriate action required for
 follow-up of any confirmed case(s) of communicable diseases and will
 communicate any needed action to the school through the District Health
 Services Specialist.

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79 In concurrence with the Health Department, the school nurse or iii. administrator will inform the infected student (and the custodial 80 parent(s)/guardian thereof) of appropriate action. (However, paragraph 81 (3)(b)(iv), below, must be followed in cases of sexually-transmitted 82 disease ("STD") or HIV/AIDS.) Follow-up must maintain the student's 83 84 privacy as provided by law. 85 86 Notwithstanding paragraph (3)(b)(iii) above, District employees shall not iv. 87 communicate any information concerning STD or HIV/AIDS to the 88 parent(s)/guardian/custodian of any student, without first verifying in 89 writing *from the student*. 90 91 A. that the student has provided written consent to communicate, 92 reveal, or disclose such information to the student's custodial 93 parent(s)/guardian/ custodian, provided that no student shall be 94 required or compelled to give such consent; or 95 B. that the student's custodial parent(s)/guardian/custodian already 96 97 knows that the student has tested positive, or claims to have tested 98 positive, for STD or HIV/AIDS. 99 100 Outbreaks of Communicable Disease.-- In cases of a communicable disease C. 101 outbreak in any school (other than a disease governed by paragraph (2)(d), 102 below), the following procedures, when applicable) shall apply: 103 104 The school nurse or building administrator and the District Health i. 105 Services Specialist will coordinate with the Health Department to assess 106 the situation and take appropriate action necessary to prevent the spread 107 of disease within the school. 108 109 ii. If the Health Department deems such actions necessary, the school 110 principal, in collaboration with the Health Department, will inform the 111 student's parent(s)/guardian of any health threat to a pupil who is 112 exposed to a communicable disease. 113 114 d. Authority to Declare an Emergency.-- Pursuant to Fla. Stat. § 1003.22(9) [232.032(7)], the presence of any communicable disease for which 115 116 immunization is required by the Department of Health shall permit the Health 117 Department to declare a communicable disease emergency.

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119i.Pursuant to F.A.C. Rule 64D-3.011 and Fla. Stat. § 1003.22(3)120[232.032(1)], the diseases for which immunization is required include (at121the time of adoption of this Policy): diphtheria, pertussis (whooping122cough), tetanus, poliomyelitis, rubeola, rubella, mumps, Haemophilus123influenzae type b, hepatitis B, and varicella.

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- ii. As required by Fla. Stat. § 1003.22(9) [232.032(7)], the declaration of
 such emergency shall mandate that all children in attendance in the
 school who are not in compliance with the immunization requirements
 must be identified, and their immunization records shall be made
 available to the Health Department director or administrator.
- iii. Pursuant to Fla. Stat. § 1003.22(9) [232.032(7)], those children identified
 as not being immunized against the disease for which the emergency is
 declared shall be temporarily excluded from school until such time as is
 specified by the Health Department.
- 4. Confidentiality of Student HIV/AIDS or STD Information. Information relating to a
 student's HIV/AIDS or STD status shall remain strictly confidential in accordance
 with law, and shall be exempt from disclosure under the Public Records Act.
- 140a.Statements, reports, records, or any other materials concerning students'141HIV/AIDS or STD status shall not be placed in student files. Any such142information existing at a school site shall be maintained in a locked cabinet in143a secure location designated by the school principal.
- 145 b. Where the parent/quardian, or adult student, reveals the HIV/AIDS or STD 146 status of a student, the information must be kept confidential. Such 147 information shall not be disclosed to anyone except pursuant to Fla. Stat. §§ 148 381.004 or 384.29 or other applicable law, unless the minor student and custodial parent(s)/quardian thereof (or adult student acting alone) have 149 150 signed a consent to release this information to certain staff. The following 151 restrictions apply concerning such consent:
- 153i.Information about the student's HIV/AIDS or STD status must not be154divulged to any source person other than staff designated by the155parent/guardian or adult student in such written consent; and such staff156shall guard the confidentiality of the information against further disclosure.

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157 158 ii. Because only the Florida Department of Children and Families ("DCF") is authorized to give written consent to disclose HIV-related information 159 concerning a child in foster care (and only with the foster child's consent), 160 foster parents are not able to consent to disclosure of such information, 161 162 but should be referred to the DCF to obtain such written consent. 163 164 5. Confidentiality of HIV Test Reports from the Department of Health.-- If the 165 Superintendent/designee receives notice from the Department of Health, pursuant 166 to § 384.25(5), Fla. Stat., that any student has tested positive for HIV infection, the Superintendent shall maintain the confidentiality of the report and shall not release 167 it to anyone, except as authorized or required by law, such as Fla. Stat. § 381.004. 168 169 These confidential records shall be maintained separate and apart from any files 170 that are subject to public inspection under Fla. Stat. § 119.07 or that are generally 171 accessible by District employees or Board members. 172 173 STATUTORY AUTHORITY: §§ 1001.41(2) [230.22(2)]; 1001.42(22) 174 175 [230.23(22)]; 1001.43(7) [230.23005(7)], 176 1003.22(4) [232.032(2)], Fla. Stat. 177 178 §§ 1001.41(1) [230.22(1)]; 1006.07 [230.23(6)]; LAWS IMPLEMENTED: 1003.22(3), (4), (9), (10) [232.032(1), (2), (7), 179 180 (8)]; 381.003; 381.004; 381.0056(5)(l), (n), (o); 384.29, 392.65, Fla. Stat. 181 182 183 HISTORY: 3/16/88; 8/19/02; __/__/03

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Legal Signoff:

The Legal Department has reviewed proposed Policy 5.322 and finds it legally sufficient for development by the Board.

Attorney

Date