

**POLICY 5.322**

**6-A** I recommend the Board approve the proposed revisions to Policy 5.322, to be renamed "Students with Chronic Illnesses and Infectious Diseases (Including HIV/AIDS)."

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

◆ Development

- Among other changes, this proposed revision incorporates a suggestion from the DOE Education Equity Act Monitoring Work Plan, to remove the outdated reference to AIDS-Related Complex ("ARC").
- A draft of this Policy was submitted for review by the Medical Director for School Health and the Health Department attorney.

CONSENT ITEM

PROPOSED REVISIONS TO POLICY 5.322

~~HUMAN IMMUNODEFICIENCY VIRUS DISEASE (HIV) – STUDENT~~  
~~STUDENTS WITH CHRONIC ILLNESSES AND~~  
~~INFECTIOUS DISEASES (INCLUDING HIV/AIDS)~~

- 1 1. **Non-Discrimination and Participation.**– The School Board of Palm Beach County  
2 acknowledges all federal and state laws protecting students with disabilities and  
3 acknowledges that those individuals shall not be discriminated against on the basis of  
4 their disabilities, including those involving illness.  
5  
6 a. Students shall not be prevented from participating in the continuation of their  
7 education solely on the basis of a diagnosis of having a chronic illness or  
8 infectious disease; testing positive for Human Immunodeficiency Virus ("HIV")  
9 antibodies, antigen, or infection; or having Acquired Immune Deficiency  
10 Syndrome ("AIDS"). Further, restrictions will not be placed upon the attendance  
11 or participation of a student on the basis of his/her sibling having a chronic illness  
12 or infectious disease, testing HIV positive, or having AIDS.  
13  
14 b. To determine the most appropriate educational setting, the District will comply  
15 with the established requirements of the Individuals with Disabilities Education  
16 Act ("IDEA") and Americans with Disabilities Act ("ADA") and Section 504 of The  
17 Rehabilitation Act of 1973 ("Section 504"), for students eligible for services under  
18 these Acts. If an individual plan is necessary for a student with a chronic illness  
19 or infectious disease, it will be compliant with said Acts.  
20  
21 2. **Medical Coordination.**– When a student has a chronic illness or infectious disease,  
22 the student's personal physician shall be the medical manager providing general  
23 guidance and specific recommendations regarding the following:  
24  
25 a. whether the student is medically able to participate in the regular school  
26 program, including consideration of risk to the student's own health or the health  
27 of others in the school environment; and  
28  
29 b. whether accommodations may be needed for school attendance or participation.  
30  
31 3. **Infection Control.**– Pursuant to their responsibility for student health and safety

32 under § 230.23(6), schools are to take the following steps:

33  
34 a. **Bloodborne Pathogens.**– For the protection of student health and safety, the  
35 District's Bloodborne Pathogens Exposure Control Plan ("the Plan") shall be  
36 followed in all settings and at all times, including, but not limited to, classrooms,  
37 locker rooms, athletic settings, and field trips.

38  
39 i. The Plan is updated annually and distributed by the District's Safety  
40 Manager to all schools.

41  
42 ii. Copies of the Plan shall be available in the school clinic and the school  
43 administrative office.

44  
45 b. **Communicable Disease of an Individual Student**– When a communicable  
46 disease is known or reasonably believed to affect an individual student, the  
47 following procedures shall apply:

48  
49 i. Any school staff member who becomes aware, or reasonably suspects, that a  
50 student's health condition presents a significant risk of transmitting a  
51 communicable disease shall report the same by:

52  
53 A. completing the Communicable Diseases/Conditions Report form (PBSD  
54 1634);

55  
56 B. reporting the situation by calling the Health Department's telephone  
57 number listed on the form;

58  
59 C. promptly and discretely alerting the school nurse or building  
60 administrator; and

61  
62 D. expeditiously providing the form to the District Health Services  
63 Specialist.

64  
65 ii. The Health Department will determine the appropriate action required for  
66 follow-up of any confirmed case(s) of communicable diseases and will  
67 communicate any needed action to the school through the District Health  
68 Services Specialist.

69  
70 iii. In concurrence with the Health Department, the school nurse or  
71 administrator will inform the infected student (and the custodial  
72 parent(s)/guardian thereof) of appropriate action. (However, paragraph  
73 (3)(b)(iv), below, must be followed in cases of sexually-transmitted disease  
74 ("STD") or HIV/AIDS.) Follow-up must maintain the student's privacy as  
75 provided by law.

76  
77 iv. Notwithstanding paragraph (3)(b)(iii) above, District employees shall not  
78 communicate any information concerning STD or HIV/AIDS to the  
79 parent(s)/guardian/custodian of any student, without first verifying in writing  
80 from the student:

81  
82 A. that the student has provided written consent to communicate, reveal,  
83 or disclose such information to the student's custodial  
84 parent(s)/guardian/ custodian, provided that no student shall be  
85 required or compelled to give such consent; or

86  
87 B. that the student's custodial parent(s)/guardian/custodian already knows  
88 that the student has tested positive, or claims to have tested positive, for  
89 STD or HIV/AIDS.

90  
91 c. **Outbreaks of Communicable Disease.**-- In cases of a communicable disease  
92 outbreak in any school (other than a disease governed by paragraph (2)(d),  
93 below), the following procedures, when applicable) shall apply:

94  
95 i. The school nurse or building administrator and the District Health Services  
96 Specialist will coordinate with the Health Department to assess the situation  
97 and take appropriate action necessary to prevent the spread of disease  
98 within the school.

99  
100 ii. If the Health Department deems such actions necessary, the school  
101 principal, in collaboration with the Health Department, will inform the  
102 student's parent(s)/guardian of any health threat to a pupil who is exposed to  
103 a communicable disease.

104  
105 d. **Authority to Declare an Emergency.**-- Pursuant to § 232.032(7), Fla. Stat., the

106 presence of any communicable disease for which immunization is required by  
107 the Department of Health shall permit the Health Department to declare a  
108 communicable disease emergency.

109  
110 i. Pursuant to Rule 64D-3.011, F.A.C. and § 232.032(1), Fla. Stat., the diseases  
111 for which immunization is required include (at the time of adoption of this  
112 Policy): diphtheria, pertussis (whooping cough), tetanus, poliomyelitis,  
113 rubeola, rubella, mumps, Haemophilus influenzae type b, hepatitis B, and  
114 varicella.

115  
116 ii. As required by § 232.032(7), Fla. Stat., the declaration of such emergency  
117 shall mandate that all children in attendance in the school who are not in  
118 compliance with the immunization requirements must be identified, and  
119 their immunization records shall be made available to the Health  
120 Department director or administrator.

121  
122 iii. Pursuant to § 232.032(7), those children identified as not being immunized  
123 against the disease for which the emergency is declared shall be temporarily  
124 excluded from school until such time as is specified by the Health  
125 Department.

126  
127 4. **Confidentiality of Student HIV/AIDS or STD Information.** Information relating to a  
128 student's HIV/AIDS or STD status shall remain strictly confidential in accordance with  
129 law, and shall be exempt from disclosure under the Public Records Act.

130  
131 a. Statements, reports, records, or any other materials concerning students'  
132 HIV/AIDS or STD status shall not be placed in student files. Any such  
133 information existing at a school site shall be maintained in a locked cabinet in a  
134 secure location designated by the school principal.

135  
136 b. Where the parent/guardian, or adult student, reveals the HIV/AIDS or STD status  
137 of a student, the information must be kept confidential. Such information shall  
138 not be disclosed to anyone except pursuant to §§ 381.004 or 384.29, Fla. Stat.,  
139 or other applicable law, unless the minor student and custodial parent(s)/guardian  
140 thereof (or adult student acting alone) have signed a consent to release this  
141 information to certain staff. The following restrictions apply concerning such  
142 consent:

143  
144 i. Information about the student's HIV/AIDS or STD status must not be  
145 divulged to any source other than staff designated in such written consent;  
146 and such staff shall guard the confidentiality of the information against  
147 further disclosure.

148  
149 ii. Because only the Florida Department of Children and Families ("DCF") is  
150 authorized to give written consent to disclose HIV-related information  
151 concerning a child in foster care (and only with the foster child's consent),  
152 foster parents are not able to consent to disclosure of such information, but  
153 should be referred to the DCF to obtain such written consent.

154  
155 **5. Confidentiality of HIV Test Reports from the Department of Health.**— If the  
156 Superintendent/designee receives notice from the Department of Health, pursuant to §  
157 384.25(5), Fla. Stat., that any student has tested positive for HIV infection, the  
158 Superintendent shall maintain the confidentiality of the report and shall not release it  
159 to anyone, except as authorized or required by law, such as § 381.004, Fla. Stat.  
160 These confidential records shall be maintained separate and apart from any files that  
161 are subject to public inspection under § 119.07, Fla. Stat., or that are generally  
162 accessible by District employees or Board members.

163  
164  
165 ~~The Superintendent is authorized to develop and implement the necessary administrative~~  
166 ~~procedures to alleviate and control emotionalism and resulting irrational behavior in~~  
167 ~~relation to HIV infection and protect the health and rights of both the HIV infected student~~  
168 ~~and the uninfected student in the school setting. These procedures shall include teaching~~  
169 ~~about HIV in the curricula frameworks and parent awareness programs in the schools.~~

170 ~~—— (1) — Students diagnosed as HIV positive, having ARC or AIDS, shall be permitted~~  
171 ~~to attend regular classes.~~

172 ~~—— (2) — A committee known as the Special Study Team shall convene to review all~~  
173 ~~available information and make a recommendation to the Superintendent on~~  
174 ~~the appropriate placement of the student who evidences any of the following~~  
175 ~~behaviors or states:~~

176 ~~—— (a) — Acts that are risky or harmful to self or others;~~

177 ~~—— (b) — Unstable or decompensated neuropsychological functioning;~~

178 ~~—— (c) — Open wounds, cuts, lacerations, abrasions, or sores on exposed body~~  
179 ~~surfaces where occlusion cannot be maintained;~~

180 ~~—— (d) — Impairment of gastrointestinal, genitourinary, and/or other functions~~  
181 ~~resulting in loss of control of urine, feces and other body secretions.~~

182 ~~(3) Students with HIV infection who present above signs shall be excluded,~~  
183 ~~temporarily, pending the outcome of the Special Study Team. These~~  
184 ~~absences (5-20 days) shall be treated as excused. If there is a need on behalf~~  
185 ~~of the team for the student to remain absent in excess of five days while the~~  
186 ~~Study Committee completes its recommendation, homebound instruction~~  
187 ~~will be available to the student.~~

188 ~~The diagnosis of HIV infection is confidential and shall not be disclosed, except to the~~  
189 ~~extent required by law.~~

190

191

192 STATUTORY AUTHORITY: CS/HV 1519, 1988 §§ 230.22(2); 230.23(22);  
193 230.23005(7), 232.032(1), Fla. Stat.

194

195 LAWS IMPLEMENTED: CS/HV 1519, 1988 §§ 230.22(1); 230.23(6);  
196 232.032(1), (7), (8); 381.003; 381.004;  
197 381.0056(5)(l), (n), (o); 384.29, 392.65, Fla. Stat.

198

199 HISTORY: 3/16/88; / /2002

Legal Signoff:

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

\_\_\_\_\_  
Attorney

\_\_\_\_\_  
Date