

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.

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- a. *Bloodborne Pathogens*-- For the protection of student health and safety, the District's Bloodborne Pathogens Exposure Control Plan ("the Plan") shall be followed in all settings and at all times, including, but not limited to, classrooms, 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. Subject to the confidentiality requirements of Section (4) for HIV/AIDS and sexually-transmitted disease ("STD"). Any 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.

- 79 iii. In concurrence with the Health Department, the school nurse or
80 administrator will inform the infected student (and the custodial
81 parent(s)/guardian thereof) of appropriate action. (However, paragraph
82 (3)(b)(iv), below, must be followed in cases of ~~sexually-transmitted~~
83 ~~disease~~ ("STD") or HIV/AIDS.) Follow-up must maintain the student's
84 privacy as provided by law.
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- 86 iv. Notwithstanding paragraph (3)(b)(iii) above, District employees shall not
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 A. that the student has provided written consent to communicate,
91 reveal, or disclose such information to the student's custodial
92 parent(s)/guardian/ custodian, provided that no student shall be
93 required or compelled to give such consent; *or*
94 B. that the student's custodial parent(s)/guardian/custodian already
95 knows that the student has tested positive, or claims to have tested
96 positive, for STD or HIV/AIDS.
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- 98 c. *Outbreaks of Communicable Disease.--* In cases of a communicable disease
99 outbreak in any school (other than a disease governed by paragraph (2)(d),
100 below), the following procedures, when applicable) shall apply:
- 101 i. The school nurse or building administrator and the District Health
102 Services Specialist will coordinate with the Health Department to assess
103 the situation and take appropriate action necessary to prevent the spread
104 of disease within the school.
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- 106 ii. If the Health Department deems such actions necessary, the school
107 principal, in collaboration with the Health Department, will inform the
108 student's parent(s)/guardian of any health threat to a pupil who is
109 exposed to a communicable disease.
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- 111 d. *Authority to Declare an Emergency.--* Pursuant to Fla. Stat. § 1003.22(9)
112 [232.032(7)], the presence of any communicable disease for which
113 immunization is required by the Department of Health shall permit the Health
114 Department to declare a communicable disease emergency.
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- i. Pursuant to F.A.C. Rule 64D-3.011 and Fla. Stat. § 1003.22(3) [232.032(1)], the diseases for which immunization is required include (at the time of adoption of this Policy): diphtheria, pertussis (whooping cough), tetanus, poliomyelitis, rubeola, rubella, mumps, Haemophilus influenzae type b, hepatitis B, and varicella.
 - 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.
- a. Statements, reports, records, or any other materials concerning students' HIV/AIDS or STD status shall not be placed in student files. Any such information existing at a school site shall be maintained in a locked cabinet in a secure location designated by the school principal.
 - b. Where the parent/guardian, or adult student, reveals the HIV/AIDS or STD status of a student, the information must be kept confidential. Such information shall not be disclosed to anyone except pursuant to Fla. Stat. §§ 381.004 or 384.29 or other applicable law, unless the minor student and custodial parent(s)/guardian thereof (or adult student acting alone) have signed a consent to release this information to certain staff. The following restrictions apply concerning such consent:
 - i. Information about the student's HIV/AIDS or STD status must not be divulged to any source person other than staff designated by the parent/guardian or adult student in such written consent; and such staff shall guard the confidentiality of the information against further disclosure.

Legal Signoff:

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

Attorney

Date