

Office of School Board Attorney  
Walter J. Harvey, School Board Attorney

**SUBJECT: FINAL READING: TO REPEAL POLICY 8453, *DIRECT CONTACT COMMUNICABLE DISEASES*, AND REPLACE IT WITH POLICY 8453, *CONTROL OF COMMUNICABLE DISEASES***

**COMMITTEE: PERSONNEL, STUDENT, SCHOOL, AND COMMUNITY SUPPORT**

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At its regular meeting of September 9, 2020, the Board approved Revised Agenda Item G-1, which authorized a repeal and replacement of Board policy to address control of communicable diseases on School Board property, at School Board activities, and on School Board provided transportation by repealing current Policy 8453, *Direct Contact Communicable Diseases* and replacing it with Policy 8453, *Control of Communicable Diseases*. The recommended replacement Policy 8453, *Control of Communicable Diseases*, directs the Superintendent to develop protocols related to all communicable diseases, including those transmitted in an airborne manner, in order to protect the health, safety, and welfare of students and staff.

On March 1, 2020, Governor Ron DeSantis issued Executive Order 20-51 directing the State Health Officer and Surgeon General of Florida to declare a public health emergency in the State of Florida, due to COVID-19. Governor DeSantis referenced the Centers for Disease Control and Prevention's recommended mitigation measures in communities with COVID-19 cases to ensure that COVID-19 would remain controlled and that residents and visitors in Florida would remain safe and secure.

The proposed replacement Policy 8453, *Control of Communicable Diseases*, references diseases that are spread through direct, close, and casual contact, as well as respiratory (airborne) transmission. It directs the Superintendent to develop protocols aimed at controlling the spread of communicable diseases whenever necessary or required. It requires the Superintendent to align District guidance and directives with the recommendations of public health officials and applicable government guidance and orders. Included in the new policy is the expectation that all individuals on School Board property, at a School Board activity, and on School Board provided transportation follow the protocols during an outbreak of a communicable disease with potential consequences for non-compliance.

The Notice of Intended Action was published in the *Miami Daily Business Review* on September 14, 2020 and posted in various places for public information and mailed to various organizations representing persons affected by the amended policies and individuals requesting notification. The time to request a hearing or protest the adoption of these amendments has elapsed.

Attached are the Notice of Intended Action and repealed and replacement policies.

**RECOMMENDED:**

That The School Board of Miami-Dade County, Florida, repeal Board Policy 8453, *Direct Contact Communicable Diseases* and replace it with Policy 8453, *Control of Communicable Diseases* and authorize the Superintendent to file the replacement policy with the School Board of Miami-Dade County to be effective October 21, 2020.

## NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on September 9, 2020, its intention to repeal Policy 8453, *Direct Contact Communicable Diseases* and replace it with Policy 8453, *Control of Communicable Diseases* at its regular meeting on October 21, 2020.

PURPOSE AND EFFECT: Board Policy 8453, *Direct Contact Communicable Diseases* is proposed to be repealed and replaced with Policy 8453, *Control of Communicable Diseases*, directing the Superintendent to develop protocols related to all communicable diseases.

Proposed Board Policy 8453, *Control of Communicable Diseases*, authorizes the Superintendent to develop protocols related to all communicable diseases, not only direct contact communicable diseases, when necessary or required. It requires the Superintendent to align District protocols with the recommendations of public health officials and in accordance with government guidance and orders. The proposed policy contains the expectation that, during an outbreak of a communicable disease requiring such protocols, all individuals on School Board property, at a School Board activity, and on School Board provided transportation follow the protocols and the potential consequences for their refusal to do so.

SUMMARY: Board Policy 8453, *Direct Communicable Diseases* is recommended to be repealed and replaced with Policy 8453, *Control of Communicable Diseases*, authorizing the Superintendent to develop protocols related to all communicable diseases, as needed, that all students, employees, and others will be expected to follow.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41 (1), (2); 1001.42, (8), (10), (11)(c), (28).

LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC: F.S. 1001.43(1), 1006.07, 1006.08(1), 1006.09, 1012.23(1), 1012.27, 1012.28(6), 381.00315

IF REQUESTED, A HEARING WILL BE HELD DURING SCHOOL BOARD MEETING OF October 21, 2020 which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided in Section 120.54(1), F.S., must do so in writing by October 5, 2020, to the Superintendent, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by the School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

COPIES OF THE PROPOSED REPEALED AND REPLACEMENT POLICIES are available at cost to the public for inspection and copying in the Citizen Information Center, Room 102, 1450 N.E. Second Avenue, Miami, Florida 33132.



Book	Policy Manual
Section	October 21, 2020 - <u>Final</u> Reading
Title	CONTROL OF COMMUNICABLE DISEASES
Code	8453
Status	<u>Final</u> Reading
Adopted	May 11, 2011

### 8453 - CONTROL OF COMMUNICABLE DISEASES

In order to protect the health and safety of the District community, the Superintendent shall adopt protocols for controlling communicable diseases that occur on School Board property, at a School Board activity, and on School Board provided transportation.

#### I. Communicable Diseases

Communicable diseases can often spread by direct, close, or casual contact with germs or parasites from another individual, or by respiratory (airborne) transmission through droplets from sneezing, coughing, or speaking. Epidemics are widespread occurrences of infectious diseases that are actively spreading and substantially exceeding expected cases. Epidemics can have pandemic risk potential based on their emergence, availability of therapeutics and/or vaccines, and public health impact. A pandemic is an epidemic that has spread over several countries or continents, usually affecting large numbers of people.

Commonly known communicable diseases include, but are not limited to, coronaviruses, chicken pox, diphtheria, scarlet fever, strep infections, whooping cough, mumps, measles, rubella, tuberculosis, influenza, pediculosis (head lice), ringworm, and any others designated by the Florida Department of Health, the United States Department of Health and Human Services, and/or the Centers for Disease Control and Prevention (CDC). Direct contact diseases are transmitted through body fluids and excretions, including but not limited to, HIV (human immunodeficiency virus), AIDS (acquired immune deficiency syndrome), AIDS related complex (condition), HAV, HBV, HCV (hepatitis A, B, C), and any others specified by the Florida Department of Health, the United States Department of Health and Human Services, and/or the CDC.

#### II. Control of Communicable Diseases

The Superintendent shall develop and implement administrative procedures for the control of communicable diseases, including but not limited to:

- a. Instructing staff members and disseminating available and reliable information in the detection of common diseases and protocols for their prevention and control;
- b. Requiring that employees immediately report to their supervisor any exposure, symptoms, diagnosis and/or positive test of any casual contact communicable disease identified by the Superintendent;
- c. Isolating students and employees who have received a positive test result or may be infected with a communicable disease;
- d. Preparing standards for the readmission of students and employees who have recovered from communicable diseases and no longer pose a risk of infection to others; and
- e. Filing of reports as required by law and the Florida Department of Health.

During times of elevated communicable disease community spread, the Superintendent shall issue periodic guidance and directives aligned with the recommendations of public health officials and applicable government guidance and orders. During an outbreak of a communicable disease that can be transmitted by casual contact or in a respiratory or airborne manner, the Superintendent's directives may include mandatory protocols, including but not limited to, physical distancing, facial coverings, and/or other protective measures.

The Superintendent may develop programs for students and staff to understand the manner in which these diseases may be prevented and how they are transmitted. These programs should specify the risk factors involved, how to deal with those risks, and emphasize that these diseases are preventable if basic precautions are taken.

### III. Enforcement of Safety Protocols for Controlling the Spread of Communicable Diseases

All individuals on School Board property, at a School Board activity, and on School Board provided transportation shall comply with this policy. If a student refuses to comply, after being directed by a teacher or administrator to do so, the principal may issue discipline for a disruption to the educational process or orderly operation of a school prohibited by the Code of Student Conduct. In this instance, the student may be required to receive educational instruction via online or remote learning if the reassignment is determined necessary to protect the health and safety of the student or others.

Employees who violate this policy may be subject to disciplinary action in accordance with the applicable collective bargaining agreement and School Board policies.

Members of the public, vendors, contractors and other visitors should be informed of the application of this policy, and if they refuse to comply after being reminded, they may be denied entry to a School Board facility or required to leave.

### IV. Confidentiality

The fact that any member of the District community has contracted a communicable disease will be maintained as confidential to the extent permitted by law and safe operation of schools. This policy is not intended to abridge the rights of students, staff members and district community under the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, the Individuals with Disabilities Education Act, or any other applicable federal or state law. Should a student be unable to attend school as a result of an illness under this policy, an alternative delivery of instruction shall be provided in conformity with available options allowed by law.

The Superintendent shall comply with all applicable federal and state laws, executive orders, and health department regulations to update communicable disease protocols as necessary. Policy 5320, *Immunization*, establishes additional protocols for this purpose.

Effective 7/1/11

Legal                    F.S. 1001.41, 1001.42, 1001.43  
                              F.S. 1006.07, 1006.08, 1006.09  
                              F.S. 1012.23, 1012.27, 1012.28  
                              F.S. 381.00315

REPLACEMENT



Book	Policy Manual
Section	8000 Operations
Title	DIRECT CONTACT COMMUNICABLE DISEASES
Code	po8453
Status	Active
Adopted	May 11, 2011

#### 8453 - **DIRECT CONTACT COMMUNICABLE DISEASES**

All persons within the school community should understand the method of transmission and prevention of diseases that are not contracted through air-borne pathogens, but rather, through direct contact with body fluids and excretions, especially blood, vomit, feces, or urine. The Board shall assure the confidential status of individuals who may have been diagnosed with a blood-borne communicable disease.

These diseases shall include:

- A. HIV (human immunodeficiency virus);
- B. AIDS (acquired immune deficiency syndrome);
- C. AIDS related complex (condition);
- D. HAV, HBV, HCV (Hepatitis A, B, C);
- E. other diseases that may be specified by the State Department of Health as contact communicable diseases.

Individuals who have contracted these diseases may not exhibit symptoms for many years after exposure and may not be aware that they have contracted the disease. They are, however, able to transmit the disease to other individuals.

The Superintendent may develop programs for students and staff to understand the manner in which these diseases may be prevented and how they are transmitted. These programs should specify the risk factors involved, how to deal with those risks, and emphasize that these diseases are preventable if basic precautions are taken.

The fact that students or staff have contracted one (1) of these diseases will be confidential to the extent the law permits and the individuals' civil rights will be respected. Staff members will have access to District leave policies and negotiated agreements, and opportunities for reasonable accommodation as described by the Americans with Disabilities Act. Should a student be unable to attend school as a result of illness, an alternative education program shall be provided in compliance with Board policy and administrative procedures governing homebound instruction.

Effective 7/1/11

Legal F.S. 1001.41, 1006.07