

THE SCHOOL BOARD OF
ESCAMBIA COUNTY, FLORIDA

MINUTES, JANUARY 27, 2009

The School Board of Escambia County, Florida, convened in Special Meeting at 12:30 p.m., in Room 160, at the J.E. Hall Educational Services Center, 30 East Texar Drive, Pensacola, Florida, with the following present:

Chair: Mrs. Patricia Hightower Vice Chair: Mr. Gerald Boone

Board Members: Mr. Jeff Bergosh
Mr. Bill Slayton

School Board General Counsel: Mrs. Donna Sessions Waters

Superintendent of Schools: Mr. Malcolm Thomas

Absent: Board Member, Mrs. Linda Moultrie

Meeting was advertised in the Pensacola News Journal on January 24, 2009 – Legal No. 1380830 IT

I. CALL TO ORDER

Mrs. Hightower called the Special Meeting to order at 12:30 p.m. On motion by Mr. Slayton and second by Mr. Boone, adoption of the agenda was approved 4 to 0, with Mrs. Moultrie absent for vote.

II. POTENTIAL LITIGATION REGARDING CONFLICT BETWEEN HEALTH INSURANCE PORTABILITY & ACCOUNTABILITY ACT (HIPAA) RIGHTS AND PUBLIC RECORDS REQUEST

There was a brief discussion regarding a records request, made by Mr. Joel Chandler of Polk County, to all Florida school districts, for the personal identifying information (*names, addresses, gender, age, job title, and telephone numbers*) of all employees and dependents covered under each school district's health insurance policy. There was concern that the release of such information may violate Federal Law, specifically the Health Insurance Portability and Accountability Act (*HIPAA*), which restricts the disclosure of Protected Health Information (*PHI*) by covered entities. Because of that concern, Mrs. Waters recommended that the School Board seek a declaratory judgment from the court on the question of whether or not the information that Mr. Chandler had requested, was in fact, protected under HIPAA. Motion by Mr. Bergosh, seconded by Mr. Boone, to direct General Counsel to seek a declaratory judgment (*regarding the possible conflict between HIPAA and public records law*), was approved 4 to 0, with Mrs. Moultrie absent for vote.

III. POTENTIAL LITIGATION REGARDING LIFE SKILLS CENTER FUNDS

Mrs. Waters advised the Board of potential litigation regarding funds that the School District was holding for the now closed, Life Skills Center. She recommended, and the Board agreed, not to pursue any litigation on this matter.

IV. PUBLIC FORUM

Mrs. Hightower called for public forum; however, there were no speakers.

V. ADJOURNMENT

Motion by Mr. Slayton, seconded by Mr. Bergosh, to adjourn the Special Meeting at 12:34 p.m., was approved 4 to 0, with Mrs. Moultrie absent for vote.

Attest:

Approved:

Superintendent

Chair