

Santa Barbara School Districts

Administrative Regulation

AR 4112.4
4212.4
4312.4

All Personnel

HEALTH EXAMINATIONS

Tuberculosis Tests

No applicant shall be initially employed in a classified or certificated position unless he/she has submitted to an intradermal or other tuberculin test licensed by the Food and Drug Administration within the past 60 days and, if that test was positive, has subsequently obtained an X-ray of the lungs. The applicant shall submit to the district a certificate signed by the examining licensed physician indicating that he/she is free of active tuberculosis. (Education Code 49406; 5 CCR 5503)

The cost of the pre-employment tuberculosis examination shall be paid by the district.

An applicant who was previously employed in another California school district may fulfill the tuberculosis examination requirement by either producing a certificate showing that he/she was examined within the last four years and found to be free of active tuberculosis or by having his/her previous school district employer verify that it has on file a certificate which contains that evidence. (Education Code 49406)

Once hired by the district, employees who test negative on the initial intradermal or other tuberculin test shall undergo a tuberculosis examination at least once every four years, or more often if so directed by the Board of Education upon recommendation of the county health officer, for as long as the employee's test remains negative. An employee with a documented positive test for tuberculosis infection shall no longer be required to submit to the examination and shall be referred to the county health officer within 30 days of the examination to determine the need for follow-up care. (Education Code 49406)

Tuberculosis tests for employees shall be provided by the district or at district expense. (Education Code 44839, 45122, 49406)

If an employee's religious belief prevents him/her from undergoing a tuberculosis examination, the employee shall file an affidavit stating that he/she adheres to the faith or teachings of a well-recognized religious sect, denomination, or organization and, in accordance with its creed, tenets, or principles, depends for healing upon prayer in the practice of religion and that to the best of his/her knowledge or belief he/she is free from active tuberculosis. In order to exempt the individual, the Board shall determine by resolution, after a hearing, that the health of students would not be jeopardized. (Education Code 49406)

The Superintendent or designee may exempt a pregnant employee from the requirement that a positive tuberculin test be followed by an X-ray of the lungs, for a period not to exceed 60 days following termination of the pregnancy. (Education Code 49406)

Medical Certification for Communicable Diseases for Certificated Employees

The Board may require a certificated employee or retirant to undergo a periodic medical examination by a physician to determine that the employee is free from any communicable disease making him/her unfit to

instruct or associate with children. This periodic medical examination shall be at district expense. (Education Code 44839, 44839.5)

Mental Examination for Certificated Employees

A certificated employee may be suspended or transferred to other duties if the Board has reasonable cause to believe that the employee is suffering from mental illness of such a degree as to render him/her incompetent to perform his/her duties. In such a case, the district shall follow the process specified in Education Code 44942 and the district's collective bargaining agreement, including the opportunity for the employee to be examined by a panel of psychiatrists or psychologists.

(cf. 4032 - Reasonable Accommodation)

(cf. 4118 - Suspension/Disciplinary Action)

Legal Reference:

EDUCATION CODE

- 44839 *Medical certificate; periodic medical examination*
- 44839.5 *Requirements for employment of retirant*
- 44932 *Grounds for dismissal of permanent employee*
- 44942 *Suspension or transfer of certificated employee on ground of mental illness, psychiatric examination; mandatory sick leave*
- 45122 *Physical examinations*
- 49406 *Examination for tuberculosis*

CODE OF REGULATIONS, TITLE 5

- 5502 *Filing of notice of physical examination for employment of retired persons*
- 5503 *Physical examination for employment of retired persons*
- 5504 *Medical certification procedures*

COURT DECISIONS

Raven v. Oakland Unified School District (1989) 213 Cal.App.3d 1347

Management Resources:

WEB SITES

- California Department of Public Health: <http://www.cdph.ca.gov>*
- Centers for Disease Control and Prevention: <http://www.cdc.gov>*
- Public Health Institute: <http://www.phi.org>*
- U.S. Food and Drug Administration: <http://www.fda.gov>*

Regulation: SANTA BARBARA SCHOOL DISTRICTS
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