

All Personnel

HEALTH EXAMINATIONS

TUBERCULIN TEST

No applicant shall be initially employed by the District, or employed under contract, in a classified or certificated position unless he/she has submitted to a tuberculosis risk assessment within the past 60 days and, if tuberculosis risk factors are identified, has submitted to an intradermal or other approved tuberculosis examination to determine that he/she is free of infectious tuberculosis. If the results of the examination are positive, the applicant shall obtain an x-ray of the lungs. At his/her discretion, an applicant may choose to submit to the examination instead of the risk assessment. (Education Code 49406)

(cf.1240 – Volunteer Assistance)

Prior to employment by the District, an applicant shall submit a certificate from an authorized health provider stating that the applicant was assessed and/or examined and found to be free of infectious tuberculosis. (Education Code 49406)

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

An applicant who was previously employed in another school District or private or parochial school shall be deemed to have fulfilled the tuberculosis testing requirement if he/she produces a certificate showing that he/she was found to be free of infectious tuberculosis within 60 days of initial hire or if his/her previous employer verifies that it has a certificate on file showing that the applicant is free from infectious tuberculosis. (Education Code 49406)

Each District employee who tests negative on his or her initial tuberculosis examination shall undergo a tuberculosis risk assessment and an examination whenever risk factors are identified to determine that the employee is free from active tuberculosis at least once every four years, or more often if so directed by the Board upon recommendation of the county health officer. For continued employment, the employee must file with the Assistant Superintendent for Human Services a certificate from an authorized health provider stating that the employee was assessed and no risk factors were identified or examined and found to be free of infectious tuberculosis.

All Personnel

HEALTH EXAMINATIONS (continued)

An employee with a documented positive test for tuberculosis infection which has been followed by an X-ray shall no longer be required to submit to the tuberculosis risk assessment, 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)

The District shall reimburse the employee for the cost, if any, of subsequent tuberculosis risk assessments and examinations. The District may provide for the risk assessment and examination or may establish a reasonable fee for the examination that is reimbursable to the employee. (Education Code 49406)

Whenever the District contracts for the transportation of students, the contract shall require that all drivers who will be transporting students complete the tuberculosis risk assessment and, if indicated, the examination for infectious tuberculosis within 60 days of initial hire. (Education Code 49406)

(cf. 3312 - Contracts)
(cf. 3540 - Transportation)
(cf. 3542 – Roles and Duties of Employees)

The following applicants or employees shall be exempted from the requirement to submit to a tuberculosis risk assessment and/or examination: (Education Code 49406)

1. If an employee's religious belief prevents him or her from undergoing a risk assessment and/or tuberculosis examination, the employee must file an affidavit stating that he or 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 or her knowledge or belief he or she is free from active tuberculosis. If the Board determines by resolution, after hearing, that the health of students would not be jeopardized, the employee shall be exempt from taking a tuberculosis examination.

Such an exemption shall be allowed only if the Board determines by resolution, after a hearing, that the health of students would not be jeopardized. If at any

All Personnel

HEALTH EXAMINATIONS (continued)

time there is probable cause to believe that the applicant/employee is afflicted with infectious tuberculosis, he/she may be excluded from service until the Board is satisfied that he/she is not afflicted.

(cf. 4030 - Nondiscrimination in Employment)

2. This policy shall not apply to Board members or those employees not requiring certification qualifications who are employed for less than a school year and whose functions do not require frequent or prolonged contact with students.
3. A pregnant employee who has positive results on a tuberculosis skin test, in which case she shall be exempted from the requirement to follow up with an x-ray of the lungs for a period not to exceed 60 days after the end of the pregnancy.
4. A private contracted driver who transports students infrequently without prolonged contact with students.

EXAMINATION OF CERTIFICATED EMPLOYEES FOR DISABLING DISEASES

When a new employee in a position requiring certification has not previously been employed in such a position in California or a retiree has not previously been employed as a retiree, he or she must have a medical certificate on file with the District stating that he or she is free from any disabling disease which would render him or her unfit to instruct or associate with children. The certificate must be completed and returned to the District by an authorized health care provider. The medical examination referred to in the certificate must have been conducted within six months of the date on which the certificate is filed.

Applicants and retirees must pay for the cost of obtaining the medical certification.

All Personnel

HEALTH EXAMINATIONS (continued)

The Board may require a certificated employee or retiree to undergo a periodic medical examination by a physician to determine that he or she is free from any communicable diseases making him or her unfit to instruct or associate with children. Periodic medical examinations will be at District expense. (Education Code 44839, 44839.5)

MENTAL EXAMINATION FOR CERTIFICATED EMPLOYEES

Whenever the Board is considering the suspension or transfer of a certificated employee based on its reasonable belief that the employee is suffering from mental illness of such a degree as to render him/her incompetent to perform his/her duties, the employee shall be offered the opportunity of being examined by a three-member panel of psychiatrists and psychologists in accordance with Education Code 44942. The employee shall select the members of the panel from a list of psychiatrists and psychologists provided by the District. The examination shall be conducted, at District expense, within 15 days of the ordered suspension or transfer. The employee shall submit to the examination, but shall also be entitled to present a report of any psychiatrist, psychologist, or physician of his/her own choice. (Education Code 44942)

Legal Reference:

EDUCATION CODE

44839 Medical certificate; periodic medical examination

44839.5 Requirements for employment of retiree

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

BUSINESS AND PROFESSIONS CODE

2700-2838 Nurses

3500-3546 Physician assistants

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

All Personnel

HEALTH EXAMINATIONS (continued)

COURT DECISIONS

Doe v. Lincoln Unified School District , (2010) 188 Cal.App.4th 758

Leonel v. American Airlines, Inc., (2005) 400 F.3d. 702

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

(11/09 11/100 12/14

Policy

Approved: 11/13/90

Revised: 10/20/09

Revised: 03/09/16

CHULA VISTA ELEMENTARY SCHOOL DISTRICT
Chula Vista, California