

**Personnel**

AR 4112.4 (a)  
AR 4212.4  
AR 4312.4

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 an authorized health care provider indicating that he/she is free of active tuberculosis. (Education Code 49406; 5 CCR 5503)

An applicant who was previously employed in another California school district or private or parochial school 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 employer verify that it has on file a certificate which contains that evidence. (Education Code 49406)

Every district employee 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 Trustees 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)

**Medical Certification for Communicable Diseases**

The Board shall not fill a position requiring certification with an applicant who has not previously been employed in a certificated position in California or a retiree who has not been employed as a retiree, unless the district has on file a medical certification completed and submitted directly to the district by an authorized health care provider.

(c.f. 4117.14/4317.14 – Postretirement Employment)

The medical examination referred to in the certificate must have been conducted within six months of the time when the certificate is filed. (Education Code 44839, 44839.5; 5 CCR 5503)

(cf. 4119.41/4219.41/4319.41 - Employees with Infectious Disease)

## Personnel

AR 4112.4 (b)  
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AR 4312.4

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

##### HEALTH AND SAFETY CODE

121525 Private and parochial school employees, 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

##### COURT DECISIONS

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

Leonel v. American Airlines, Inc. (2005) 400 F.3<sup>rd</sup> 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: <http://www.fda.gov>

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ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California