

# Santa Barbara Unified School District

## Administrative Regulation

All Personnel

AR 4112.4

4212.4

HEALTH EXAMINATIONS

4312.4

### Tuberculosis Tests

No applicant shall be initially employed in a classified or certificated position unless, within the past 60 days, he/she has submitted to an intradermal or other tuberculin test licensed by the Food and Drug Administration 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 either by 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)

Every district employee who tests negative shall undergo a tuberculosis examination at least once every four years, or more often if so directed by the Governing Board 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 but 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 from the tuberculosis testing requirement classified employees who are employed for less than a school year if their functions do not require frequent or prolonged contact with students. (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 shall not fill a position requiring certification with an applicant who has not previously been employed in a certificated position in California or a retirant who has not been employed as a retirant, unless the district has on file a medical certification completed and submitted by a physician, physician assistant, registered nurse, or commissioned medical officer. (Education Code 44839 and 44839.5)

*(cf. 4117.14/4217.14 - Postretirement Employment)*

The medical certification shall certify that the applicant or retirant is free from any disabling disease which would render him/her unfit to instruct or associate with children. The medical examination referred to in the certificate must have been conducted within six months of the date that the certificate is filed. (Education Code 44839, 44839.5; 5 CCR 5503)

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

Applicants and retirants shall pay for the cost of obtaining the medical certification. (Education Code 44849, 44839.5)

The Board may require certificated employees and/or retirants to undergo, at district expense, a periodic medical examination pursuant to Education Code 44839 or 44839.5 to determine that they are free from any communicable disease making them unfit to instruct or associate with children. (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*
- 45122       *Physical examinations*
- 49406       *Examination for tuberculosis*

##### BUSINESS AND PROFESSIONS CODE

- 2700-2838   *Nurses*
- 3500-3503.5 *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

- 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: <http://www.fda.gov>*

Regulation: SANTA BARBARA UNIFIED SCHOOL DISTRICT  
Approved: January 26, 2010 Santa Barbara, California  
Revised: April 12, 2011