

**Health Examinations**

**Tuberculosis Tests**

No applicant shall be initially employed by the Solano County Office of Education (SCOE), or employed under contract, in a classified or certificated position unless they have 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 they are free of infectious tuberculosis. If the results of the examination are positive, the applicant shall obtain an x-ray of the lungs. At their discretion, an applicant may choose to submit to the examination instead of the risk assessment. (Education Code section 49406)

The tuberculosis (TB) Risk Assessment form, Screening Requirements flowchart, and Frequently Asked Questions (FAQ) are on SCOE's website under Human Resources..

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

Applicants who are subsequently terminated by SCOE, except substitutes, will be reimbursed for the cost of the pre-employment tuberculosis examination.

An applicant who was previously employed in another school district, county office of education, private or parochial school shall be deemed to have fulfilled the tuberculosis testing requirement if they produce a certificate showing that they were found to be free of infectious tuberculosis within 60 days of initial hire or if their previous employer verifies that it has a certificate on file showing that the applicant is free from infectious tuberculosis. (Education Code 49406)

Thereafter, each SCOE employee who was found free of infectious tuberculosis shall undergo a tuberculosis risk assessment, and an examination whenever risk factors are identified, at least once every four years, or more often when required by the County Superintendent (Superintendent) upon recommendation of the county health officer. However, once an employee has a documented positive test for tuberculosis infection followed by an x-ray, they are no longer required to submit to the tuberculosis risk assessment 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)

Subsequent tuberculosis risk assessments, examinations, and tests for employees shall be provided by SCOE or at SCOE's expense by reimbursing the employee for the cost.

Whenever SCOE 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)

An applicant or employee shall be exempted from the requirement to submit to a tuberculosis risk assessment and/or examination if they file an affidavit stating that they adhere 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, to the best of their knowledge or belief they are free from infectious tuberculosis. (Education Code 49406)

Such an exemption shall be allowed only if the Superintendent determines by resolution, after a hearing, that the health of students would not be jeopardized. If at any time there is probable cause to believe that the applicant/employee is afflicted with infectious tuberculosis, they may be excluded from service until the Superintendent is satisfied that they are not afflicted.

**Policy 4112.4 (Continued)**

Medical Examination/Certification of Certificated Employees for Communicable/Disabling Diseases

To fill a certificated position with an applicant who has not previously been employed in a certificated position in California or with a retiree who has not been employed as a retiree, SCOE shall have on file a medical certification stating that the applicant or retiree is free from any communicable/disabling disease which would render them unfit to instruct or associate with children. (Education Code §44839, 44839.5)

The certificate shall be completed and submitted directly to SCOE by an authorized health care provider. The medical examination referenced in the certificate must have been conducted within six months of the date when the certificate is filed. (Education Code 44839, 44839.5; 5 CCR 5503)

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

Certificated employees and/or retirees shall be required to periodically undergo, at SCOE's expense, a 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.

Mental Health Examination for Certificated Employees

A certificated employee may be suspended or transferred to other duties if SCOE administration has reasonable belief that the employee is suffering from mental illness of such a degree as to render them incompetent to perform their duties. In such cases, SCOE shall follow the process specified in Education Code 44942 and SCOE's collective bargaining agreement, including the opportunity for the employee to be examined by a three-member panel of psychiatrists and psychologists. The employee shall select the members of the panel from a list of psychiatrists and psychologists provided by SCOE. The examination shall be conducted, at SCOE's 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 their own choice at their own expense. (Education Code §44942)

Pre-Employment Post-Offer Test

As part of the hiring process, SCOE has a Post-Offer Employment Testing Program (POET) for applicants in specific job classifications. Applicants selected for employment in the POET job classifications will be offered conditional employment pending successful completion and a passing score on a post-offer employment physical abilities test to assure the applicant possesses the required physical ability to perform the essential functions of the job.

The POET classifications are:

- Bus Driver
- Custodial
- Food Service
- Maintenance
- Paraeducator
- Special Education
- Warehouse Worker

**Policy 4112.4 (Continued)**

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
- 45122 Physical examinations
- 49406 Examination for tuberculosis

BUSINESS AND PROFESSIONS CODE

- 2700-2837 Nursing
- 3500-3546 Physician assistants

HEALTH AND SAFETY CODE

- 121525 Private and parochial school employees, 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

- 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

Policy Cross-Reference:

- 0430 Local Plan for Special Education