

Personnel

Health Examinations

Tuberculosis Tests

No classified or certificated applicant shall be initially employed unless he/she has placed on file with the district a certificate from a physician licensed under the Business and Professions Code indicating that a tuberculosis examination within the past 60 days shows that he/she is free from active tuberculosis. (Education Code [49406](#); 5 CCR [5503](#))

Applicants shall pay for the cost of a pre-employment tuberculosis examination which will be reimbursed to those applicants subsequently hired by the district (not to exceed \$15).

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 the school district that last employed him/her verify that it has on file a certificate which contains that evidence. (Education Code [49406](#))

Employees who test negative on the initial tuberculin skin test shall undergo a tuberculosis examination at least once every four years. However, upon recommendation of the county health officer, the district may order more frequent testing. (Education Code [49406](#))

Tuberculosis tests for employees shall be provided by the district or at district expense (not to exceed \$10). (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 any 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 Governing 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 for Certificated Employees

When a new employee in a position requiring certification has not previously been employed in such a position in California or a retirant has not previously been employed as a retirant, he/she shall have a medical certificate on file with the district stating that he/she is free from any disabling disease which would render him/her unfit to instruct or associate with children. The certificate shall be completed by a licensed physician and returned to the district by the physician. 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](#))

Applicants and retirants shall pay for the cost of the medical certification examination. (Education Code [44839](#), [44839.5](#))

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.

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