



# Huntington Beach Union High School District Board Policies and Administrative Regulations

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## Personnel Health Examinations

### New Employees

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)

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)

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)

Thereafter, each district 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 Governing Board upon recommendation of the county health officer. However, once an employee has a documented positive test for tuberculosis infection followed by an x-ray, he/she shall no longer be 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)

The cost of the pre-employment tuberculosis risk assessment and/or examination shall be paid by the applicant, unless the Board has determined that the district will reimburse an applicant who is subsequently hired by the district. 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)

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New Employees (continued)

An applicant/employee who files 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 and belief, he/she is free from infectious tuberculosis

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 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.

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)

Whenever the Superintendent has probable cause to suspect that any certificated employee has any infectious, contagious or communicable disease, or any illness or ailment which would directly affect the health and welfare of students, he/she shall have the authority to require a medical examination administered by a physician licensed under the Business and Professions Code. The cost of such examination shall be at the expense of the district. (Education Code 44839, CODE OF REGULATIONS, Title 5 Section 5504)

Personnel

Health Examinations (continued)

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
- 3500-3546 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

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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