

School Bus Drivers A person shall not drive a school bus, school activity bus, or multi-function school activity bus unless he or she is physically qualified to do so. Each school bus driver shall undergo and successfully complete an annual physical examination in accordance with the requirements of 49 C.F.R. 391.41 and 391.43, which list those physical and mental conditions for which the medical examiner is directed to disqualify an applicant. A driver shall not operate a school bus, school activity bus, or multifunction school activity bus unless he or she has in his or her possession the original, or photographic copy, of the medical examiner's certificate stating that the driver is physically qualified to drive a school bus, school activity bus, or multifunction school activity bus. *Transp. Code 521.022; 37 TAC 14.12*

A person disqualified on the basis of the medical examination may request special consideration in accordance with 37 Administrative Code 14.13.

Definitions The definitions related to individuals with disabilities and exceptions to those definitions included in policy DAA shall be used in applying and interpreting this policy and any local policy adopted in conjunction with this policy.

Bloodborne Pathogen Control A district that employs employees who provide services in a public or private facility providing health-care-related services, or who otherwise have a risk of exposure to blood or other material potentially containing bloodborne pathogens in connection with exposure to sharps shall comply with the minimum standards set by the Texas Department of State Health Services (TDSHS). This includes a district that operates a public school health clinic.

"Sharp" Defined A "sharp" is an object used or encountered in a health-care setting that can be reasonably anticipated to penetrate the skin or any other part of the body and to result in an exposure incident, including a needle device, a scalpel, a lancet, a piece of broken glass, a broken capillary tube, an exposed end of a dental wire, or a dental knife, drill, or bur.

Exposure Control Plan The TDSHS has developed an exposure control plan as a model plan to achieve the minimum standards in Health and Safety Code 81.304. The plan is designed to minimize exposure of employees to bloodborne pathogens and includes policies relating to occupational exposure to bloodborne pathogens, training and educational requirements for employees, measures to increase vaccination of employees, and increased use of personnel protective equipment by employees.

The TDSHS Bloodborne Pathogens Exposure Control Plan requires a district to:

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
MEDICAL EXAMINATIONS AND COMMUNICABLE DISEASES

DBB
(LEGAL)

1. Develop, review annually, update as necessary, and document its actions regarding a comprehensive exposure control plan appropriate to the district and its particular facilities;
2. Provide, at district expense, personal protective equipment and Hepatitis B vaccinations to affected employees, and if an employee declines to be vaccinated, maintain a record of the employee's written refusal;
3. Provide to affected employees pre-service and annual refresher training as described in the TDSHS Exposure Control Plan;
4. Record all exposure incidents (e.g., "sticks" by needles or other "sharps") in a sharps injury log and report the sharps injury to TDSHS on a standardized form; and
5. Provide a post-exposure evaluation and follow up with an employee who has a sharps injury.

Health and Safety Code 81.301-.307; 25 TAC Ch. 96

Cost of Testing

If certified emergency medical services personnel, an emergency response employee or volunteer, or a first responder who renders assistance at the scene of an emergency or during transport to the hospital is accidentally exposed to blood or other body fluids of a patient, the hospital to which the patient is transported shall take reasonable steps to test the patient for hepatitis B, hepatitis C, HIV, or any reportable disease. A district that employs the person, or for which the person works as a volunteer in connection with rendering the assistance, is responsible for paying the costs of the test.

Health and Safety Code 81.095(b)

**Pre-employment
Inquiries and
Employment
Entrance
Examinations**

A district shall not conduct a pre-employment medical examination or make a pre-employment inquiry of an applicant as to whether the applicant is a person with disabilities or as to the nature or severity of the disability, except as provided below. However, a district is permitted to make pre-employment inquiries into an applicant's ability to perform job-related functions. *29 U.S.C. 794; 34 C.F.R. 104.14(a)*

A district may condition an offer of employment on the results of a medical examination conducted prior to the employee's beginning job duties, provided that all entering employees are subjected to such an examination regardless of disability and that the results of such an examination are used only to determine an applicant's ability to perform job-related functions. *29 U.S.C. 794; 34 C.F.R. 104.14(c)*

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
MEDICAL EXAMINATIONS AND COMMUNICABLE DISEASES

DBB
(LEGAL)

Confidentiality

Information obtained regarding the medical condition or history of the applicant shall be collected and maintained on separate forms and shall be accorded confidentiality as medical records. However, supervisors and managers may be informed regarding necessary restrictions on the person's work or duties and necessary accommodation; first aid and safety personnel may be informed, when appropriate, if the condition might require emergency treatment. *29 U.S.C. 794; 34 C.F.R. 104.14(d)*

**Placement on
Temporary Disability**

A board may adopt a policy providing for placing an educator on leave of absence for temporary disability if, in the board's judgment and in consultation with a physician who has performed a thorough medical examination of the educator, the educator's condition interferes with the performance of regular duties. Such a policy must reserve to the educator the right to present to the board testimony or other information relevant to the educator's fitness to continue the performance of regular duties. *Education Code 21.409(c)* [See also DEC]