

OPINION 65-77

Syllabus:

The provisions of Section 3319.30, Revised Code, relating to the requirement of a teaching certificate issued pursuant to Section 3319.22, Revised Code, are not applicable to "leaders" under the "Head Start" program of the Economic Opportunity Act.

To: E. E. Holt, State Superintendent of Education, Columbus, Ohio
By: William B. Saxbe, Attorney General, April 30, 1965

Your request for my opinion reads as follows:

"Under one of the provisions of Public Law 88-452, otherwise known as the Economic Opportunity Act of 1964, there is federal assistance available to communities sponsoring 'Project Head Start.'

"The purpose of this program is to help children of limited opportunity who will enter kindergarten in the fall of 1965. The goals of this program are:

- "1. Improving the child's health.
- "2. Helping the child's emotional and social development.
- "3. Improving and expanding the child's mental processes.
- "4. Developing in the child and his family a responsible attitude toward society.
- "5. Helping both child and his family to a greater confidence, self-respect and dignity.

"Such programs, which are eight weeks in duration, may be sponsored or operated by local departments or health or welfare, schools, a college or university, Grange, Women's Clubs, etc.

"I respectfully request your opinion as to whether employees in such programs sponsored and operated by schools must hold a certificate as required by Sections 3319.22 and 3319.30, Revised Code.

"I might add that, since there is no legal provision for public education at the pre-kindergarten level, the State Board of Education has not prescribed standards, rules and regulations for the certification of school employees at this level."

Section 3319.30, Revised Code, reads in part as follows:

"No person shall receive any compensation for the performance of duties as teacher in any school supported wholly or in part by the state or by the federal funds who has not obtained a certificate of qualification for the position as provided for by section 3319.22 of the Revised Code and which certificate shall further certify to the good moral character of the holder thereof."

Section 3319.22, Revised Code, referred to in Section 3319.30, supra, provides that the State Department of Education of Ohio

shall certify teachers based upon the requirements found in the Revised Code and in such standards, rules, and regulations as may from time to time be adopted by the Department. The following types of certificates may be issued pursuant to Section 3319.22, Revised Code:

- A. Kindergarten-primary - for teaching in kindergarten and grades 1-3.
- B. Elementary - for teaching in grades 1-8.
- C. High School - for teaching specified subjects in grades 7-12.
- D. Special - for teaching specified subjects in all grades of elementary or high school.
- E. Elementary principal.
- F. High School principal.
- G. Supervisor - for supervising and teaching named subjects in elementary and high school.
- H. Superintendent.
- I. Vocational.
- J. Assistant Superintendent.
- K. Pupil - personnel workers.
- L. Executive Head.
- M. Educational Administrative Specialists.

As you will note, Section 3319.22, Revised Code, does not provide for a certificate for pre-kindergarten activities. Since the "leaders" will not be engaged in teaching or other instructional duties for which a teaching certificate has been in the past issued pursuant to Section 3319.22, supra, the provision of Section 3319.30, supra, regarding the requirement of a teaching certificate before a teacher may be compensated is inapplicable to the "leaders" under the "Head Start" program.

The provisions of Section 3319.22, Revised Code, do not provide for certification of persons engaged in pre-kindergarten activity. That, coupled with the fact that the "leaders" will not be teaching, in the ordinary sense of the words, leads to the conclusion, that the "leaders" under the "Head Start" program are not governed by Section 3319.30, Revised Code.

Therefore, it is my opinion and you are advised that the provisions of Section 3319.30, Revised Code, relating to the requirement of a teaching certificate issued pursuant to Section 3319.22, Revised Code, are not applicable to "leaders" under the "Head Start" program of the Economic Opportunity Act.