

2459

BOARD OF EDUCATION MAY EMPLOY AS STUDY HALL MONITORS NON-TEACHING EMPLOYEES WHICH NEED NOT BE CERTIFICATED—§§3319.081, 3319.22, R.C.

SYLLABUS:

A board of education may employ as study hall monitors non-teaching employees pursuant to Section 3319.081, Revised Code, which employees need not be certificated pursuant to Section 3319.22, Revised Code.

Columbus, Ohio, August 17, 1961

Hon. Everett Fahrenholz, Prosecuting Attorney
Preble County, Eaton, Ohio

Dear Sir:

I have before me your request for my opinion, which request reads as follows:

“The Superintendent of Schools for this county has requested that I obtain your opinion upon the following question.

“ ‘May a school district employ persons who do not have teaching certificates as study hall monitors or study hall supervisors?’ ”

The boards of education of each school district in this state have broad, general powers granted them pursuant to Section 3313.17, Revised Code, to provide for the effective administration of the schools in the district under their control.

If a board of education determines that the employment of study hall monitors is necessary for the efficient operation of its school system, it has the power to employ such persons. Contracts of employment of non-teaching employees are specifically authorized by Section 3319.081, Revised Code. Section 3319.22, Revised Code, provides for certification of certain employees among which are included teachers and administrative or supervisory personnel. A study hall monitor is not expressly included in any of the categories listed thereunder and the question then is whether a study hall monitor is a teacher, administrator or supervisor so as to require one of these certificates. It is readily apparent, I believe, that a person who is charged merely with the operation of a study hall is not engaged in the duties of teaching and is, therefore, not a teacher. Similarly, the position of supervisor is one which has been established by the State Board of Education for the supervision of the school curriculum and its presentation to the student body. A supervisor, as the term is used in Section 3319.22, Revised Code, supervises the effective presentation of the educational program and does not in any way supervise the students.

For this reason, it would appear that there is no certificate especially designed for study hall monitor. As no certificate is required for such position, any board of education may employ study hall monitors who do not possess a teaching or any other type of certificate.

It is, therefore, my opinion and you are accordingly advised that a board of education may employ as study hall monitors non-teaching employees pursuant to Section 3319.081, Revised Code, which employees need not be certificated pursuant to Section 3319.22, Revised Code.

Respectfully,

MARK MCELROY

Attorney General