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SCHOOL NURSE IS NOT ELIGIBLE FOR CERTIFICATION AS
PUPIL-PERSONNEL WORKER—§3313.68 AND 3319.22, R.C.

SYLLABUS:

A school nurse employed under Section 3313.68, Revised Code, is not eligible, as such, for certification as a pupil-personnel worker under the provisions of Section 3319.22, Revised Code.

Columbus, Ohio, October 28, 1959

Hon. James K. Leedy, Prosecuting Attorney
Wayne County, Wooster, Ohio

Dear Sir:

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

“We respectfully ask your opinion regarding the question hereinafter posed. We feel obliged to set forth a few preliminary remarks.

“The Revised Code is quite devoid of explicit statements regarding the status of school nurses. The only pertinent sentence regarding the duties and status of a school nurse is contained in Section 3313.68, and we quote the sentence in its entirety.

“ ‘The board of education may also employ trained nurses to aid in such inspection in such ways as are prescribed by it.’

“We find no further references to school nurses in the code and are at a loss to explain what ‘such inspection’ refers to, because no inspection is set forth in Section 3313.68 prior to the quoted sentence.

“To learn of the duties of school nurses we had to be advised by others. We are advised that it is common practice for school nurses to engage in many services for pupils beyond the ordinary duties usually attendant to the practice of nursing. For example, school nurses make home calls and are included in conferences with parents, teachers and administrators regarding many matters and especially when a child’s educational progress is affected by his physical or emotional health. School nurses also participate in PTA programs and act in an advisory capacity to teachers on health materials. In general we are advised that school nurses spend much of their time in the area of ‘* * * home-school-community relations incident to the adjustment of pupils to the facilities available for their education.’

“In the light of the foregoing and assuming it to be true, are school nurses, ‘pupil personnel workers,’ within the meaning of paragraph (K) of Section 3319.22 of the Revised Code, so that said nurses are eligible to be considered for certification under sections of the code?”

The question for our determination is whether a school nurse, hired pursuant to Section 3313.68, Revised Code, may also qualify for certification under Sections 3319.22 to 3319.30, inclusive, of the Revised Code, and specifically under Section 3319.22 (K), Revised Code, inasmuch as she performs duties beyond those generally recognized as pertaining to the field of nursing.

Section 3319.22, Revised Code, sets forth the types of employment for which certificates may be issued. In so far as pertinent that section reads as follows:

“Teachers’ certificates of statewide validity shall be issued pursuant to sections 3319.22 to 3319.31, inclusive, of the Revised Code, or in accordance with standards, rules, and regulations authorized by law. The grades of certificates shall be designated as ‘temporary certificates,’ ‘provisional certificates,’ ‘professional cer-

tificates,' and 'permanent certificates.' Each of such grades of certificates may be issued in each or any of the following types :

“* * *

“(K) Pupil-personnel workers, valid for the conduct of all home-school-community relations incident to the adjustment of pupils to the facilities available for their education ;

“* * *

To see whether a school nurse meets the qualifications of a pupil-personnel worker, Section 3313.68, Revised Code, should be examined. This section authorizes the employment of a school physician, a school dentist and school nurses. The duties of such school nurse, as set forth in that statute, are not very clear, but read as follows :

“* * * The board of education may also employ trained nurses to aid in such inspection in such ways as are prescribed by it. * * *”

Although the word “inspection” does not appear in any other place in that section, the succeeding section—Section 3313.69, Revised Code—reads as follows :

“The board of education or board of health providing a system of medical and dental inspection of school children, as authorized by section 3313.68 of the Revised Code, shall include in such inspection tests to determine the existence of hearing and visual defects in school children. The methods of making such tests and the testing devices to be used shall be such as are approved by the department of health.

“Any child shall be exempted from a dental inspection if he has been examined for dental defects by a regularly licensed dentist, from a hearing test if he has been examined by a regularly licensed physician and from a visual test if he has been examined by a regularly licensed physician or optometrist upon presentation to the school authorities of a certificate to the effect that he has been so examined during the twelve months immediately preceding the date of each inspection.”

While it may be seen that Section 3313.69, Revised Code, in referring to Section 3313.68, Revised Code, uses the term inspection, while Section 3313.68, Revised Code, except when referring to nurses, uses the term “examination,” it would appear that the General Assembly used these words interchangeably and intended them to have the same meaning. The duties of the school nurse are, therefore, to aid the school physician and the school dentist in examining pupils for dental, visual, hearing and other

physical defects. As these duties cannot be said to fall under the statutory definition of a pupil-personnel worker, contained in Section 3319.22, Revised Code, it follows that a school nurse, as such, can not be considered eligible to be certified as a pupil-personnel worker. Nothing in this opinion should be construed, however, as preventing a board of education from hiring a school nurse on a part-time basis, and also from retaining the same person as a part-time pupil-personnel worker, provided, such person can otherwise meet the requirements established by the state board of education for certification for such position.

It is my opinion, therefore, and you are accordingly advised that a school nurse employed under Section 3313.68, Revised Code, is not eligible, as such, for certification as a pupil-personnel worker under the provisions of Section 3310.22, Revised Code.

Respectfully,
MARK McELROY
Attorney General