

*Health, Public
City & County
Health Matters*



STATE OF KANSAS

Office of the Attorney General

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VERN MILLER
Attorney General

October 23, 1974

Opinion No. 74-350

Mr. H. R. Howe, Superintendent
West Elk Unified School District 282
P. O. Box 355
Howard, Kansas 67349

Dear Superintendent Howe:

You pose several questions concerning the relationship of the county health nurse to the unified school district. First, you inquire whether the county health nurses "have any responsibility to the Unified School Districts of the State of Kansas."

Under K.S.A. 65-202, the county health nurse is employed by the county health officer, with the approval of the local board of health. Thereunder, that officer's duties are described in pertinent part thus:

"He shall upon the opening of the fall term of school, make a sanitary inspection of each school building and grounds, and shall make such additional inspections thereof as are necessary for the protection of the public health of the students of the school."

The county health nurse is thus an employee of the board of health and not of the school board. The nurse is employed to assist the county health officer, and in that capacity is empowered to make inspections of the school as are necessary for the protection of the public health of the student. In that capacity of county nurse, that individual has no legal obligation by virtue of that employment to act as a school nurse, i.e., to render day-to-day nursing and medical attention to individual students.

If the unified school district wishes to share the services of the county health nurse, or to engage the services of the nurse as a school nurse on a part-time basis, the board of education should arrange for this with the nurse and his or her employer, the local board of health. By virtue of employment

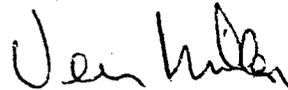
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as a county health nurse, that individual does not become legally obligated to serve as an employee of each school district within the jurisdiction of the county and to perform for each district within the jurisdiction those services of a school nurse, as a school employee.

To the extent, of course, that public health problems arise in the schools, as elsewhere, the county health nurse is concerned with the public health problems which arise among the school population. That concern, however, does not necessarily involve the county health nurse in the duties commonly thought as those of a school nurse, such as furnishing, on a regular basis, nursing and medical attention to individual students. If this service is to be provided by the school district, it must make arrangements therefor, either cooperatively with the local board of health or otherwise, and must, of course, pay the costs of such services.

If you should have further questions concerning this matter, please feel free to call upon us. I would point out that under ch. 315, L. 1974, the state board of education is empowered to adopt standards, criteria, guidelines, or rules and regulations for certification of school nurses, among other employees of the district. The board may be able to provide you with further guidance on the questions you pose.

Yours very truly,



VERN MILLER
Attorney General

VM:JRM:tp
cc: C. Taylor Whittier
Commissioner of Education