Hon. Doris L. Dorbecker  
409 Mellowood Drive  
Indianapolis, Indiana 46217

Hon. Robert E. Humphrey  
2431 Highland Avenue  
Anderson, Indiana 46011

Hon. John R. Sinks  
13311 West Hamilton Lane  
Fort Wayne, Indiana 46804

Dear Representatives Dorbecker, Humphrey, and Sinks:

This Opinion is written in response to questions submitted by all three of you concerning the application of Acts of 1949, Ch. 157, Sec. 810 as last amended by Acts of 1969, Ch. 180, Sec. 1, as found in Burns' (1970 Supp.), Section 35-1111. Your specific questions are as follows:

1. What tests apply?
2. Who bears the expense of such tests?
3. Do such tests apply to employees of state colleges and universities?

ANALYSIS

The pertinent part of Burns' Section 35-1111, supra, reads as follows:

"* * * It shall be unlawful for school authorities to employ administrative personnel, clerical personnel, teachers, janitors, maintenance personnel, bus drivers or food handlers who are addicted to drugs, or who are intemperate, or who have tuberculosis or syphilis in an infectious stage * * * Every board of education and school trustee shall require an annual physical examination for tuberculosis, including adequate laboratory tests and diagnostic X-rays of all such employees of the board or school trustee * * * The cost of such examinations, laboratory tests, X-rays and the provid-
The above statute also provides specifically for the type of tests that may be used for tuberculosis. It is clear the “annual physical examination” provided for in the third sentence of the statute applies only to tuberculosis. The 1969 amendment of the statute changed this requirement for physical examination for tuberculosis from an examination each three years to an annual examination.

In addition, the statute makes it unlawful for the school authorities to employ such personnel who have syphilis in an infectious stage. It is, therefore, apparent that the statute contemplates that school authorities be properly advised that the employee does not have syphilis in an infectious stage at the time of initial employment and has not acquired such condition during the period of employment. It is implied that the school authorities may so provide for customary testing to obtain this information.

The Act specifically provides that the cost of such examinations, with reference to tests for tuberculosis, shall be borne by the board of education. If the school board determines that school personnel must take periodic serology tests, then the expense of these tests, also, should be borne by the board of education.

The statute in question refers to “board of education,” “school trustee,” and “school authority”; and there is nothing to indicate that the Legislature intended colleges and universities to be included. Words and phrases will be taken in their plain, ordinary, or usual sense unless a different purpose is clearly manifested by the statute itself.

In Lawrence v. Cain (1969), — Ind. App. —, 245 N. E. (2d) 663, 666, it was held that a school “is an institution of learning of a lower grade, below a college or university.”

This authority is not meant to imply that the word “school” can never include colleges and universities; however, as the word is used in Burns’ 35-1111, supra, with nothing else in the statute to indicate a broader meaning of “school,” it should be given its ordinary and common meaning. The last
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sentence of the statute provides that the cost of examinations, tests, and diagnostic data "shall be borne by the board of education." Few, if any, Indiana colleges and universities are operated by a board of education. This term is usually applied to the operation of secondary and primary school systems.

CONCLUSION

It is, therefore, my opinion that your specific questions should be answered as follows:

1. The statute in question specifically applies to an annual test for tuberculosis and sets out by statute the specific tests which may be used. Local school boards may also provide for periodic serology tests.

2. The expense of any such tests must be borne by the local school board.

3. The above-cited statute does not apply to personnel of state colleges and universities.