

after allowing all just credits, and that no part of the same has been paid.”

The provisions of Burns' 61-116, *supra*, prohibit the drawing of a warrant in payment of any claim, “unless the same has been fully itemized and its correctness properly certified to by the claimant.” The Claim Voucher set out above clearly shows that there has been no itemization of this claim, but just a general request for the transfer of the two hundred fifty thousand dollars (\$250,000).

In addition, the certification required by Burns' 61-117, *supra*, as shown by the Claim Voucher set out above has not been completed. Thus, there has not been a compliance with the requirements of said section.

Therefore, it is my opinion that you have no authority as Auditor of State to issue a warrant transferring two hundred fifty thousand dollars (\$250,000) from the Special Employment Security Fund of the Employment Security Division to the Employment Security Administration Fund of the Employment Security Division.

OFFICIAL OPINION NO. 17

May 13, 1963

Mr. William F. O'Neill
State Service Officer
Veterans' State Service Department
100 N. Senate Avenue
Indianapolis 4, Indiana

Dear Mr. O'Neill:

Your letter of April 30, 1963, has been received requesting an Official Opinion on the following question:

“Does the principal of a public school have the authority to order a dental examination for children who are to be enrolled for the first time?”

After considerable research, I fail to find any statute specifically authorizing school officials to require children to sub-

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mit to a dental examination who are to be enrolled for the first time. There are many statutes concerning the duties of school physicians and school nurses in relation to the pupil's health. The closest approach to the question of examination of teeth is found in Acts of 1911, Ch. 200, Secs. 1 and 2, as found in Burns' (1948 Repl.), Sections 28-3601 and 28-3602, which provide as follows:

28-3601 "All school trustees and township trustees are herewith permitted and recommended to institute medical inspection of school children at any time the said trustees may require teachers to annually test the sight and hearing of all school children under their charge, the said tests and uses thereof to be made according to the rules hereinafter authorized."

28-3602 "The term 'medical inspection,' as used in this act, shall be held to mean the testing of the sight and hearing of school children *and the inspection of said children by school physicians for disease, disabilities, decayed teeth or other defects which may reduce efficiency or tend to prevent their receiving the full benefits of school work.*" (Our emphasis)

However, it is emphasized that the foregoing requirements set forth in Burns' 28-3601 and 28-3602, *supra*, are to be accomplished by the school physician. The Acts of 1911, Ch. 200, Secs. 3 and 4, as amended and found in Burns' (1962 Supp.), Sections 28-3603 and 28-3604, provide for the employment of a school physician and prescribe the school physician's duties.

Where an office is created by statute, public officers may exercise only such powers as are expressly authorized by statute.

Blue v. Beech (1900), 155 Ind. 121, 131, 56 N. E. 89;

Department of Insurance v. Church Members Relief Assn. (1940), 217 Ind. 58, 60, 26 N. E. (2d) 51;

Chicago etc. R.R. Co. v. Public Service Commission (1943), 221 Ind. 592, 594, 49 N. E. (2d) 241.

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I am therefore of the opinion a principal of a public school does not have authority to order a dentist to examine children who are to be enrolled for the first time.

OFFICIAL OPINION NO. 18

May 23, 1963

Mr. Albert Kelly, Administrator
Department of Public Welfare
701 State Office Building
Indianapolis 4, Indiana

Dear Mr. Kelly:

This is in response to your letter of May 16, 1963, which reads as follows:

“Your official opinion is requested regarding the question of whether or not a detention home established by a juvenile court under the provisions of Burns’ Revised Statutes Sec. 9-3222 is required to be licensed under the provisions of Burns’ Revised Statutes Sec. 22-2416.”

In answering your question, it is essential that the provisions of the two statutes which you have cited be considered in relation to each other. The first of these being the Acts of 1945, Ch. 356, Sec. 22, as found in Burns’ (1956 Repl.), Section 9-3222, which reads in part as follows:

“* * * Provision shall be made for the temporary detention of children in *a detention home to be conducted as an agency of the court*, or the court may arrange for the boarding of such children temporarily in private homes, subject to the supervision of the court, or may arrange with any authorized institution or agency, to receive for temporary care children within the jurisdiction of the court.

“Where a *detention home is established as an agency of the court* it shall be furnished and carried on, as far as possible, as a family home in charge of a super-