

**OPINION  
57-134**

October 29, 1957 (OPINION)

NURSING

RE: Scholarships - Eligibility

Pursuant to your letter request of October 21, 1957, for an opinion of this office on the eligibility of nursing students for the scholarship loans established by Chapter 150 of the 1957 Session Laws, please note the following:

Section 2 of that Act makes eligible students "\* \* \*who are residents of the state of North Dakota and graduated from a North Dakota high school who shall be selected by the board and who desire to attend the state university, the state agricultural college, any state normal school or teacher's college, or any state trade school or junior college, or other institution of higher learning in the state of North Dakota, \* \* \*." (Emphasis supplied).

Webster's New International Dictionary defines the word "attend" as: "To be present at; as, to attend church, school, a concert, a business meeting." It is the opinion of this office that the word "attend" as used in section 2 contemplates "official attendance", or in other words, that the person be enrolled as a student of the school and participate in the school curriculum. The place of residence of the student while attending school is immaterial to determining whether the student is in fact "attending" the school - i.e., living off-campus in hospital facilities or a private home will not render a student ineligible who would otherwise be eligible.

It is our understanding that a nursing education is considered a professional education, and that except for practical nurse's training (considered "vocational") the student nurse is required to have graduated in the upper half of her high school class. We further understand that a professional nursing education in this state may be obtained through either a three-year program or four-year program, both of which lead to the professional designation of Registered Nurse. It is only through the four-year program, however, which may be pursued at either Jamestown College or the University of North Dakota by regularly enrolled students that a baccalaureate degree may be obtained.

Students pursuing the three-year course do so by enrolling at one of the accredited hospital nursing schools in the state. In the course of their training they are required to enroll in affiliated colleges in pre-clinical courses for a period of approximately six months. Thereafter, and while acquiring their clinical training, they are required from time to time to enroll in few required academic courses at the affiliated college.

We have been unable to discover any legal authority defining "institution of higher learning", which is the language used in section 2 of the Act. Undoubtedly, the term embraces colleges in

this state, and the Jamestown College would be one of the schools referred to under section 2. We understand the term as meaning any institution whereat a student receives formal training beyond the high school level in professional or academic courses. It is true that hospitals are not usually considered to be institutions of higher learning, but undoubtedly a professional nursing education requires higher learning, and it is only because of the uniqueness of the education as compared with the normal academic courses of study that it is carried on in a hospital instead of a college. We believe, therefore, that the accredited hospital schools of nursing in this state are within the meaning of section 2 and are "institutions of higher learning."

We are persuaded to adopt this conclusion by what we believe to be the legislative intent in enacting the Scholarship Loans Act that of giving the greatest possible benefit to the people of the state and to their children by assisting them in obtaining a higher education.

It is, therefore, the opinion of the Attorney General that students enrolled in and pursuing a course in professional nursing in one of the accredited nursing schools in this state are eligible for a scholarship loan under the provisions of the Scholarship Loans Act, Chapter 150 of the 1957 Sessions Laws.

LESLIE R. BURGUM

Attorney General