

High School Building, Ventilation of. Ventilation, of High School Building. Board of Trustees, Discretion of. Board of Health, Authority of.

The matter of providing ventilation for a school building is not altogether within the discretion of the school board, but must be conducted in conformity with the state board of health.

August 9th, 1913.

Hon. R. S. Stephenson,
County Attorney,
Dillon, Montana.

Dear Sir:

I beg to acknowledge receipt of yours of the 7th instant, submitting the question as to the ventilation of a high school building, about to be constructed in your county, and note therein that you have advised the board of trustees that they may employ their own discretion in this matter.

While it is true that the school law passed by the Thirteenth Legislative Assembly and referred to by you in your letter is indefinite in its application, in that it treats the matter of ventilation only under the subject of district schools, I beg to call your attention to Secs. 1482 and 1483 of the Revised Codes of Montana of 1907. You will note by Sec. 1482:

"The state board is authorized to prepare and issue health regulations for the lighting, heating and ventilation of school houses, and make such regulations concerning the same as it may deem necessary for the persons who may attend school or services therein or resort thereto. And all school houses, churches or public buildings which are erected in such towns or cities shall conform to the regulations of the state board of health in respect to all sanitary conditions," etc.

Sec. 1483 gives power to the board of health to declare buildings not in conformity with their regulations to be a nuisance.

In connection with this law I will also call your attention to Regulation 26 of the state board of health, promulgated by them under the authority granted in Sec. 1482, R. C. of Montana, 1907, under the subtopic "Ventilation." It is as follows:

"The number of pupils seated in a room must be regulated so that each child shall have not less than 250 cubic feet of air space. The ventilating system must be such that each child will be supplied with not less than 1,250 cubic feet of fresh air per hour. When the amount of air space provided for each child does not exceed 250 cubic feet, the air in the room must be changed not less than five times per hour. In buildings of more than four rooms some form of forced ventilation must be provided."

In view of the fact that the code provides that such matters shall be regulated by the board of health, and in view also of the fact that the board of health has made a regulation in regard thereto,

which has not been repealed or changed, it is my opinion that such regulation would have the force of law, and that any building constructed not in conformity with that regulation would be subject to condemnation by the board of health if it was found upon inspection not to conform with the regulations.

You are therefore advised that the matter of providing ventilation for the school building mentioned by you is not altogether within the discretion of the school board, but that it must be conducted in conformity with the regulations laid down by the state board of health, as found in Regulation 26 of the regulations of the state board of health, made in conformity with the public health laws of the State of Montana. I am enclosing under separate cover a copy of the health laws and the regulations referred to.

Yours very truly,

D. M. KELLY,
Attorney General.