

**Opinion No. 447.****Schools—State Board of Health—  
County Board of Health—Health  
Regulations—Trachoma  
—“Pink Eye.”**

HELD: Rules and regulations of the State Board of Health do not permit exclusion from the public schools of a pupil whose family may be suffering from trachoma but who is himself free from the disease. The County Board of Health may prescribe more stringent regulations.

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February 8, 1934.

You have asked my opinion relative to the power of the school district at Landusky, Montana, to exclude from the schools a boy who has a sister and perhaps other members of the family with whom he is living, suffering from trachoma. The boy himself has been examined by doctors and from their reports does not have the disease.

I call your attention to the following rules and regulations made by the State Board of Health:

“No child suffering from trachoma shall be permitted to attend any public, private or parochial school, provided, however if such child is being regularly treated by a physician and surgeon, he may, by a special permit from the local, county or state health

officer, be allowed to attend school." (Rule XXVII, Trachoma (a) p. 32, Public Health Laws and Regulations, State of Montana.)

"Whenever any principal or teacher in any private, parochial or public school has reason to suspect that any pupil under his or her supervision is suffering from or has been exposed to any infectious, contagious or communicable disease, he or she shall send the pupil home and any pupil so excluded shall not be permitted to again enter school until such pupil shall present a certificate from the local or county health officer having jurisdiction, or from a legally qualified physician acting by authority or consent of the health officer, stating that the pupil is not infected with or suffering from any infectious, contagious or communicable disease." (Rule XXIII, Duties of Teachers and Parents (a). p. 26. Id.)

From the foregoing it will be observed that the State Board of Health has not made any rule for the State of Montana by which a child who is not himself suffering from trachoma can be excluded from the public schools. They have given to the principal or teacher in public schools a right to exclude a pupil on suspicion that a pupil is suffering from some infectious, contagious or communicable disease until such pupil shall present a certificate from the local or county health officer to the effect that the pupil is not infected with or suffering from such disease.

I call your attention, however, to section 2475, R. C. M., 1921, which provides: "Each county board of health \* \* \* shall establish such sanitary rules and regulations for their county for the prevention of the spread of disease as they may deem necessary; provided that no such rule shall conflict with the rules and regulations of the State Board of Health \* \* \*."

Should the County Board of Health choose to establish a rule preventing a child from attending school, members of whose family are suffering from trachoma, I am of the opinion that such rule would not conflict with the rule of the State Board of Health above quoted.

I am advised that while trachoma is a germ disease that medical authorities lean to the opinion that defective diet has an important bearing on the

susceptibility to it. If this is true then the germ as well as the defective diet must exist in order to bring about disease. It is possible that the power which a teacher has of excluding a pupil upon suspicion until he can be examined as set forth in Rule XXIII above quoted is a sufficient safeguard. However, the problem is one whose solution seems to be within the wise discretion of the County Board of Health.