

February 3, 1939

Honorable L. A. Wood  
State Superintendent of Public  
Instruction  
Austin, Texas

Dear Sir:                   Opinion No. 268  
                              Re: Rural High School Districts of  
                              more than one hundred square miles

Under date of February 1, 1939, you requested an opinion  
by the Attorney General, which letter I quote to you, in part:

"Under Article 2922a, Revised Civil Statutes  
of 1925, does the County Board of School Trustees  
have authority to call an election for the purpose  
of forming a rural high school district of more  
than one hundred square miles where one of the  
districts involved is a rural high school district  
composed of four nuclear districts?"

In reply thereto, we wish to advise.

Article 2922a of Revised Civil Statutes, 1925, reads in  
part as follows:

"In each organized county in this State and  
in any county which shall hereafter be organized,  
the county school trustees shall have the author-  
ity to form one or more rural high school dis-  
tricts, by grouping contiguous common school dis-  
tricts having less than four hundred scholastic  
population and independent school districts hav-  
ing less than two hundred and fifty scholastic  
population for the purpose of establishing and  
operating rural high schools."

Article 2922c, Revised Civil Statutes, 1925, reads in  
part as follows:

"No rural high school district, as provided  
for herein, shall contain a greater area than one  
hundred square miles, or more than seven element-  
ary school districts, except that the county school  
board of school trustees may form rural high school

districts, as provided in Article 2922a, containing more than one hundred square miles, upon a vote of a majority of the qualified electors in the said proposed rural high school district voting at an election called for such purpose."

The approval of district trustees is not necessary when a rural high school district is formed by "grouping" districts.

Bell vs. Kirkland, 41 S.W. (2d) 443.

Approval of trustees of districts affected in annexing districts to form a rural high school district is not necessary where an election is required and held under provision of Article 2922c.

Cox vs. Beard, 87 S.W. (2d) 883.

Therefore, we hold that where the district is located wholly within one county and the area of the proposed district is more than one hundred square miles, and not more than seven school districts are involved, that the county school trustees of the particular county may call an election for the purpose of forming a rural high school district of more than one hundred square miles, and not to exceed seven elementary districts without the consent of the trustees of the nuclear districts involved; and if a majority of all of the electors voting at the election held for that purpose, and the whole of the territory involved, vote in favor of such formation of a rural high school district, it is the duty of the county school trustees to so organize the same.

Yours very truly

ATTORNEY GENERAL OF TEXAS

  
Assistant

GSB:FG

APPROVAL:

  
ATTORNEY GENERAL OF TEXAS