



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Honorable T. M. Trimble  
First Assistant State Superintendent  
Department of Education  
Austin, Texas

Dear Sir:

Opinion No. O-1055

Re: Does the Division of Equalization have authority to accept tuition reports after June 15th and consider same for payment out of the Equalization Fund?

This will acknowledge receipt of your letter of request made June 22, 1958, which request is as follows:

"During the administration of the previous Attorney General, there was a ruling given from his office to the effect that late tuition applications -- that is, applications which were submitted to the Department of Education after June 15th, as set forth in the Equalization Law -- could be accepted for consideration. Since there has been some controversy on this question, we should like to have your opinion as to whether or not the Division of Equalization has the authority to accept tuition reports after June 15, and consider these reports for payment out of the Equalization Fund."

In reply to the above request this to advise that this department has heretofore held on the identical question in an opinion by H. L. Williford, Assistant Attorney General, dated September 14, 1938, addressed to Senator Clay Cotton, as follows:

"I am, therefore, of the opinion the statutory provisions above referred to are directory, and that if the director of equalization received the application and supporting data called for in such statute within time sufficient to discharge his duty in making apportionment of State aid money, that such director is empowered and authorized to approve such application and appropriate state aid money for such school on account of transfers into such schools from outlying districts. "

Mr. Williford's opinion above referred to and quoted from is full and covers the point in question, and in view of the fact that we agree with such holding, we see no necessity for the writing of a further opinion thereon.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By

George S. Berry  
Assistant

APPROVED JUL 8, 1939  
W. F. Moore /s/  
First Assistant  
Attorney General

GSB-MR