



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

Gerald C. Mann  
~~XEROX COPY~~  
ATTORNEY GENERAL

*Modified by  
0-2357A  
as per as Graham  
District is  
concerned*

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

Dear Sir:

Opinion No. 2357  
Re: Eligibility of Ranger Independent School District for participation in the transportation fund under provisions of current equalization law.

In your letter of May 14, 1940, you request our opinion as to whether or not the Ranger Independent school district is eligible for participation in the transportation fund under Section 2 of House Bill No. 933, 46th Legislature. The facts submitted to us in connection with your request are that said district has more than five hundred scholastics, it is nine miles long, has more than forty-eight square miles in area and has within its boundaries a city having a population of more than thirty-six hundred (3600) inhabitants according to the last preceding Federal Census.

Section 2 of said House Bill No. 933, being Chapter 10, beginning at page 468, Volume 2, Acts of the 46th Legislature, Regular Session, 1939, reads as follows:

"Sec. 2. Scholastic Population of the District.-  
State aid under the provisions of this Act shall be distributed in such a way as to assist all school districts of not fewer than twenty (20) scholastics and not more than five hundred (500) scholastics, and consolidated and/or rural high school districts which have an average of not more than two hundred (200) scholastics of each original district composing the consolidated and/or rural high school district unit;

provided that the maximum limitations as to scholastic population herein set forth shall not apply for any type of aid to any school district which is nine miles (9) or more in length or contains forty-eight (48) square miles of territory or more, provided there is not located in such district an incorporated city or town having a population of more than thirty-six hundred (3600) inhabitants, according to the last preceding Federal Census; if the budgetary needs of such school district coming within the provisions of this exception show a need therefor as provided in this Act. Provided that schools in sparsely settled counties may be exempt from the minimum restrictions of twenty (20) scholastics, as hereinafter defined; provided, however, that the Joint Legislative Advisory Committee may extend teacher aid not to exceed one in common school districts of less than thirty-five scholastics where there is located in such school districts two school plants and when in such districts there are physical barriers between such school plants of such nature as to render it impractical to have one school plant when such additional teacher is recommended by the Director of Equalization; provided that in such cases the district applying for aid shall be levying and collecting the limit of local tax support as provided by Section 6 of this Act."

You will recall that in our opinion No. 0-1300, we held that this district was eligible for transportation aid out of the equalization fund provided for the 1937-1939 biennium. However, House Bill No. 133, 45th Legislature, providing the equalization fund for that biennium, expressly excepted from the maximum scholastic limit, in so far as transportation aid was concerned, all school districts containing forty-eight square miles of territory or more or which were nine miles or more in length. That exception is not contained in the current act, House Bill No. 933, 46th Legislature. Under this act, it is generally provided that a school district having more than five hundred scholastics may not receive aid under this act. However, an exception is then provided for those districts which are nine miles or more in length or which contain forty-eight square miles of territory or more, provided such long or large school district does not have within its boundaries a city having a population of more than thirty-six hundred inhabitants. Since the school district in question does have within its boundaries a city of more than thirty-six hundred inhabitants according to the last preceding Federal Census it receives no benefit

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from the exception and is, therefore, not entitled to receive transportation aid under the present equalization law, being House Bill No. 933 aforesaid. Our answer is, therefore, a negative one.

You also include in your request the Graham Independent School District and since the facts are the same with reference to it as to the Ranger Independent School District, the answer would be the same.

Yours very truly

ATTORNEY GENERAL OF TEXAS

(signed)

By

Glenn R. Lewis  
Assistant

GRL:N:ddt

Approved  
May 29, 1940  
signed:  
Gerald C. Mann  
Attorney General  
of Texas

Approved  
Opinion  
Committee  
By B. W. B.  
Chairman