



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**JOHN BEN SHEPPERD
ATTORNEY GENERAL**

June 26, 1953

Hon. F. T. Graham
County Attorney
Cameron County
Brownsville, Texas

Letter Opinion No. MS-66

Re: Several questions relating to the authority of the Board of School Trustees to group, annex, or consolidate a common school district and two independent school districts under the submitted facts.

Dear Sir:

You have requested the opinion of this office concerning the validity of an order passed by the Cameron County Board of Trustees on January 27, 1953, which purported to "group" under Articles 2922a, et seq., Vernon's Civil Statutes, to form a rural high school district, a common school district of more than 400 scholastics and two independent school districts, one of which had more than 250 scholastics.

Article 2922a, V.C.S., authorizes grouping only where common school districts have less than 400 scholastics and independent school districts have less than 250 scholastics.

Consequently the order of January 27th was void. However, the 53rd Legislature passed a general school validation statute which became effective February 23, 1953. Chapter 9, Acts of the 53rd Legislature, 1953, p. 14, codified as Article 2815g-47, Vernon's Civil Statutes. This act specifically validates the acts of the various county boards of school trustees in grouping school districts. Moreover, it also validates the names and boundaries of school districts, and in general validates all school districts, including rural high school districts.

The Legislature may validate anything that it could have authorized in the first instance. Mason v. West Texas Utilities Co., ___ Tex. ___, 237 S.W.2d 273, (1951); Abernathy County Line Consolidated Independent School District v. New Deal Rural High School District No. 3, 175 S.W.2d 446 (Tex.Civ.App. 1943, error ref.) Therefore, unless the rural

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high school district was involved in legal proceedings excepted in Section 3 of Article 2815g-47, Vernon's Civil Statutes, the statute validated the order of January 27th and the creation of the rural high school district.

You also ask whether one of the component independent districts included in this rural high school district may be consolidated under the provisions of Article 2806, V.C.S., with another independent school district. Article 2806 authorizes the consolidation of entire districts. It clearly does not authorize the consolidation of an elementary district of a rural high school district with another district.

Yours very truly,

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Attorney General

By
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 Assistant

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