



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

**WILL WILSON  
ATTORNEY GENERAL**

September 27, 1957

Honorable J. W. Edgar  
Commissioner of Education  
Texas Education Agency  
Austin, Texas

Opinion No. WW-214

Re: Whether or not the Comptroller of Public Accounts is justified in refusing to approve the salary of a professional person hired to be an instructor in the development of a television project on teacher education and recruitment in this State.

Dear Dr. Edgar:

You have requested the opinion of this Department on the following question:

"Whether or not the Comptroller of Public Accounts is justified in refusing to approve the salary of a professional person hired to be an instructor in the development of a television project on teacher education and recruitment in this State."

House Bill 133, 55th Legislature, Regular Session, Article III, Chapter 385, page 973 (biennial appropriation) and House Bill 140, 54th Legislature, Regular Session, Article III, Chapter 519, page 1433, state in part:

"The proper officer or officers of the Texas Central Education Agency are hereby authorized to make application for and accept any other gifts, grants or allotments from the United States Government or other sources to be used on cooperative and other projects and programs in Texas. Any such Federal and other funds as may be deposited in the State Treasury are hereby appropriated to the specific purposes authorized by the Federal Government and other contracting organizations, and the State Board of Education is authorized to expend these funds in accordance

with the terms of the contract with the contracting agent." (Emphasis added).

We are advised that pursuant thereto, a contract was made between the Texas Education Agency and a private organization, Fund for the Advancement of Education, for the purpose of developing a television project on teacher education and recruitment in this State. Under this contract Texas Education Agency has contracted for services of a professional person as instructor of the project beginning July 15, 1957, and terminating May 31, 1958.

We are of the opinion that the limitation which is placed upon the number of employees and the maximum salary which they may receive by the salary grouping in which this special professional instructor would normally fall, is not applicable to such persons who do not fill regular positions as contemplated by the salary group in which they fall. The professional person who has been employed to conduct the television project performs work of a special nature, which is authorized by the provisions of House Bill 133, 55th Legislature, and House Bill 140, 54th Legislature, as implemented by the contract between the Agency and the private organization. See Attorney General's Opinion WW-211.

We conclude, therefore, that the Comptroller of Public Accounts is not justified in refusing to approve the salary of a professional person hired to be an instructor in the development of a television project on teacher education and recruitment in this State.

#### SUMMARY

The Comptroller of Public Accounts is not justified in refusing to approve the salary of a professional person hired to be an instructor in the development of a television pro-

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ject on teacher education and re-  
cruitment in this State.

Yours very truly,

WILL WILSON  
Attorney General of Texas

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APPROVED:

OPINION COMMITTEE

Geo. P. Blackburn, Chairman

J. C. Davis, Jr.

Wayland C. Rivers, Jr.

John H. Minton, Jr.

Leonard Passmore

REVIEWED FOR THE ATTORNEY GENERAL

BY:

James N. Ludlum