



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

March 24, 1959

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

Opinion No. WW-576

Re: May an independent school district legally expend its local funds (Article 2827) for the costs or charges incident to the televising of the meetings of its Board of Trustees.

Dear Mr. Edgar:

This office is in receipt of your recent letter in which you have asked the above question.

Article 2827, Vernon's Civil Statutes, enumerates several purposes for which school funds may be used, and concludes the list with the following phrase:

" . . . and for other purposes necessary in the conduct of the public schools to be determined by the Board of Trustees . . . "

This office, upon several occasions, has construed this phrase of Article 2827; however, the most acceptable and clear-cut construction is found in Attorney General's Opinion No. O-1722, by James P. Hart, in which it was held:

"It is true that Article 2827 prescribes that local school funds may be used 'for other purposes necessary in the conduct of the public schools to be determined by the Board of Trustees.' Under this provision of the law, it has been held that the Board of Trustees may, within certain limits, exercise a discretion as to the purposes for which the public free school funds may be expended. *Moseley v. City of Dallas*, 17 S.W. (2d) 36 (Commission of Appeals.)

"We believe, however, that the school board is limited in the exercise of its discretion to 'purposes necessary in the conduct of the public schools', and that the purposes which are set out in your questions do not come within the statutory provisions. There is nothing to indicate that the existence of the state-wide

organization of school trustees or their meetings in state-wide conventions is necessary in the conduct of the public schools. As you state in your letter, there is no statutory authority for the creation of a state organization of local school board members, and there is no statutory requirement that they belong to such an organization. Whatever benefit might accrue to the schools through the membership of the school trustees in the state-wide organization or their attendance upon state-wide meetings, would be remote and indirect. We are therefore of the opinion that the local school board cannot lawfully use school funds to pay the membership dues of the members of the local board in the state organization, nor can the local school board lawfully use school funds to pay the expenses of the local board members incident to and incurred by them in their attendance upon meetings of the state organization."

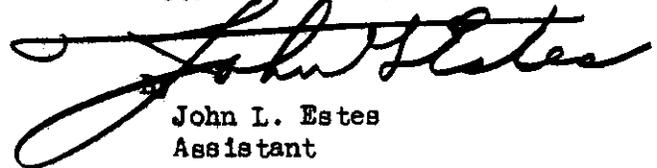
The Board of Trustees should be commended for their efforts in attempting to inform the public of their activities, and should be urged to endeavor to accomplish this result by some lawful means, however, it is the opinion of this office that the expenditure of school funds to pay for the televising of meetings of the Board of Trustees is neither authorized nor permitted by Article 2827.

SUMMARY

Article 2827 does not give an independent school district the authority to use school funds to pay for the cost of televising the meetings of the Board of Trustees.

Very truly yours,

WILL WILSON
Attorney General of Texas



John L. Estes
Assistant

JE:rm:me

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APPROVED:

OPINION COMMITTEE

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REVIEWED FOR THE ATTORNEY GENERAL

By W. V. Geppert