



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

**WILL WILSON  
ATTORNEY GENERAL**

April 6, 1959

Honorable William J. Gillespie  
County Attorney  
Lubbock County  
Lubbock, Texas

Opinion No. WW-588

Re: Whether the office of  
county superintendent  
for Lubbock County was  
abolished by Article  
2688c of Vernon's Civil  
Statutes.

Dear Mr. Gillespie:

We quote from your request for an opinion as follows:

"Article 2688C, Vernon's Texas Civil Statutes, provides that counties having a population of not less than 28,000, according to the last preceding Federal census in which there are no common school districts, that the office of county school superintendent is abolished and that the duties performed by the county school superintendent shall thereafter be performed by the county judge of such county.

"Lubbock County has a population in excess of 28,000 by the last preceding Federal census. The county school superintendent was again elected in the general election of November, 1958, for a four year term and has taken office as such county school superintendent.

"There are four rural high school districts in Lubbock County, and Article 2922B, Vernon's Texas Civil Statutes provides that for some purposes rural high school districts are classified as common school districts.

"Please advise whether or not Lubbock County should have a county school superintendent and if such school superintendent could legally be paid."

Honorable William J. Gillespie, page 2 (WW-588)

Section 1 of Article 2688c of Vernon's Civil Statutes, as amended by Acts of the 53rd Legislature, Regular Session, 1953, Chapter 322, reads as follows:

"From and after the effective date of this Act the duties now performed by county superintendents in all counties in this State having a population of not less than thirty thousand (30,000) according to the last preceding Federal Census and in which there are no common school districts, shall be performed by the county judges of such counties, and the office of county superintendent, as such, shall cease to exist; provided, however, that the county superintendents in such counties who have been heretofore elected to the office of county superintendent shall serve until the expiration of the time for which they were elected, and that thereafter the duties now performed by county superintendents in such counties shall be performed by the county judge of such counties."

It is noted that Article 2688c only applies to those counties having the prescribed population and in which there are no common school districts. The question presented is whether a Rural High School District, of which Lubbock County has four (4), is a common school district within the meaning and intendment of Article 2688c. We think that it is.

Provision for the establishment of Rural High School Districts is made by Article 2922a of Vernon's Civil Statutes. Article 2922b provides:

"Rural High School Districts as provided in the preceding Article shall be classed as common school districts, . . ."

We find no other provision of the statutes which abolishes the office of county superintendent of schools of Lubbock County.

You are therefore advised that Lubbock County is authorized to maintain the office of county superintendent of schools.

Honorable William J. Gillespie, page 3 (WW-568)

S U M M A R Y

Lubbock County is authorized to maintain the office of county superintendent of schools since the office has not been abolished by any provision of existing statutes.

Very truly yours,

WILL WILSON  
Attorney General of Texas

By   
Leonard Passmore  
Assistant

LP:rm:zt

APPROVED:

OPINION COMMITTEE  
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REVIEWED FOR THE ATTORNEY GENERAL  
BY: W. V. Geppert