



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

September 4, 1962

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

Opinion No. WW-1434

Re: Whether Article 2775a,
Vernon's Civil Statutes,
applies to county line
school districts.

Dear Dr. Edgar:

You have requested the opinion of this office as to whether Article 2775a, Vernon's Civil Statutes, applies to an independent school district which includes portions of two counties.

Article 2775a reads as follows:

"In all independent school districts in counties having a population of eight hundred thousand (800,000) or more according to the last preceding Federal Census, created or organized as independent school districts under the General Laws, the position or office of each member of the Board of Trustees shall be identified by a number. Immediately upon the taking effect of this Act, the positions shall be numbered in the order in which the terms of office expire, the first two (2) or three (3) terms which next expire after the effective date of this Act to be numbered one (1) and two (2), or one (1), two (2) and three (3) as the case may be, and the next succeeding terms expiring to take the next larger numbers, until all of the positions have been numbered. Thereafter, any candidate offering himself for a position as Trustee of such district in any election shall in filing as a candidate indicate the number of the position for which he desires to run. His application for a place on the ballot shall disclose the position number for which he is a candidate, or the name of the member he desires to oppose. Acts 1953, 53rd Leg., p. 112, ch. 76, § 1."

The Carrollton Independent School District, created or organized under General Law, lies in part in Dallas County and

in part in Denton County. Dallas County now has a population in excess of 800,000, while Denton County has less than 50,000, and a question has been raised as to whether the Carrollton Independent School District should be required to elect the members of its Board of Trustees in accordance with the provisions of Article 2775a. It is the conclusion of this office that the said statute does not apply to county line school districts.

Article 2775a provides "In all independent school districts in counties having a population of eight hundred thousand (800,000) or more . . ." (Emphasis supplied). Black's Law Dictionary, 4th Edition, under the word "in", states:

"An elastic preposition in other cases, expressing relation of presence, existence, situation, inclusion, action, etc.; inclosed or surrounded by limits, as in a room; also meaning for, in and about, on, within, etc., according to context."

Thus we must hold that the phrase "in counties," as used in Article 2775a, does not mean "partially within." The phrase connotes limits, and the only descriptive limit with which we are provided by the statute is the county. Therefore, it follows that the limit of the statute's effect is the perimeter of the county which has a population in excess of 800,000. The same election rules must apply to the whole of an independent school district, so we must hold that Article 2775a applies only to independent school districts wholly contained within the boundaries of counties having a population of eight hundred thousand (800,000) or more according to the last preceding Federal Census.

Further support for the above holding may be found in Article 2775b, which specifically provides for place election of school trustees in county line school districts. This statute, of course, is of limited application, due to the inclusion of population brackets, and the Carrollton Independent School District is not affected. The statute does, however, indicate the intent of the Legislature, inasmuch as it reflects a legislative awareness of the difference between single-county districts and county line districts.

SUMMARY

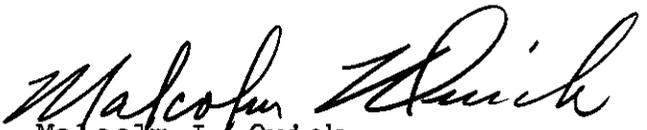
Article 2775a, Vernon's Civil Statutes, which provides for place election of

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school trustees in independent school districts located in counties having a population of 800,000 or more, does not apply to county line school districts, since such school districts are not located "in" any single county.

Yours very truly,

WILL WILSON
Attorney General of Texas

By 
Malcolm L. Quick
Assistant

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APPROVED:

OPINION COMMITTEE
W. V. Geppert, Chairman

L. P. Lollar
Arthur Sandlin
Ernest Fortenberry

REVIEWED FOR THE ATTORNEY GENERAL
By: Leonard Passmore