



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN, TEXAS 78711**

**CRAWFORD C. MARTIN  
ATTORNEY GENERAL**

February 21, 1968

Hon. J. W. Edgar  
Commissioner of Education  
Texas Education Agency  
201 East 11th Street  
Austin, Texas 78711

Opinion No. M-205

Re: Whether the Rio Grande Independent Rehabilitation District is an independent school district within the meaning of the Foundation Program Act (Article 2922-15, V.C.S.) authorizing the payment of state transportation aid to it for transportation of eligible pupils on school buses, and related questions.

Dear Dr. Edgar:

In your recent request to this office for an opinion, you asked the following questions:

". . .

"1. Is the Rio Grande Independent Rehabilitation District an independent school district within the meaning and intendment of the Foundation Program Act (Article 2922-15 V.C.S.), authorizing the payment of State transportation aid to it for transportation of eligible pupils on school buses?

"2. Assuming the Rio Grande Independent Rehabilitation District operates an exceptional children program for such exceptional pupils as are defined in subsection a of Section (4A), Article 2922-13 (added to the law, effective beginning the scholastic year, 1967-68): Is the District an independent school district within the meaning and intendment of the Foundation Program Act, authorizing

payment . . . (for) . . . transportation . . .  
(of eligible pupils)? (Parenthesis wording ours.)

"3. If Article 2875k cannot be construed to authorize payment of transportation benefits directly to the Rehabilitation District, may the cited Foundation Program Act transportation benefits be paid indirectly to school district(s) or county unit(s) operating transportation system(s) within the two-county comprised Rio Grande Independent Rehabilitation District, who may cooperate to transport eligible pupils to the Rio Grande Independent Rehabilitation District central schools?"

The Foundation School Program is contained in Article 2922-11, et seq., Vernon's Civil Statutes. In paragraph (4) of Article 2922-13, provision is made to provide comparable education services for exceptional children in Texas who are over six (6) and not over twenty-one (21) years old at the beginning of the scholastic year, for whom the regular school facilities are inadequate or not available. This Section provides for exceptional children teacher units for each school district and defines the meaning of "exceptional children." In 1965 the 59th Legislature amended Article 2922-13, by adding paragraph (4A) to Section 1, to provide an annual transportation cost allotment for each district operating an approved exceptional child program as a part of the Foundation School Program.

The statute providing for rehabilitation districts is Article 2675k, Vernon's Civil Statutes. This statute was amended by House Bill No. 528 in 1967 (Acts 60th Leg., R.S., 1967, ch. 519, p. 1165). The caption to said amending Act, in part, provides that the Central Education Agency is authorized to allocate Foundation School Program funds directly to rehabilitation districts. Section 6 of Article 2675k was amended, in part, in 1967 as follows:

". . .

"(d)(1) To provide for the continuance of an educational program for handicapped persons between the ages of six (6) and twenty-one

(21) inclusive, the training facility(s) operated by and within the District shall be eligible for and allotted exceptional children teacher units to the extent herein provided directly through the Foundation School Program of the Central Education Agency.

"(2) The basis for establishing, operating and the formula to be used for determining allocation of said exceptional teacher units shall be as required by the Central Education Agency of independent school districts except that the District's allocation shall be limited, computed upon and restricted to include only exceptional children between the ages of fourteen (14) and twenty-one (21), both inclusive. Provided, however, that no local fund assignment shall be charged to a Rehabilitation District.

"(3) The cost of approved professional units authorized including the per unit operational cost provided by law shall be considered by the Foundation Program Committee in estimating the funds needed for Foundation Program purposes."

This Act also amended Subsection (1) of Section 7 of Article 2675k, to read, in part, as follows:

". . .

"(1) Powers of the Board of Directors. In addition to other powers granted herein, the Board of Directors is empowered and required to:

"(1) Govern the District; employ all administrators, Teachers, special and/or exceptional children teachers, psychologist, social workers, housekeeping and other personnel as may be required to carry out the purposes of the District; and to discharge persons so employed.

"The teachers and other employees of any

such Rehabilitation District shall be eligible to become members of the Teacher Retirement System of Texas on the same basis and under the circumstances as teachers and employees of an independent school district; . . .

". . .

"(5) Conduct the business affairs of the District with the same powers and duties provided by law for the Board of Trustees of independent school districts; . . .

". . .

"(8) Make reasonable limitation on the duration of residence and attendance by trainees, according to standards adopted by it;

". . .

"(10) Apply to any agency of the Federal Government for funds made available, as loans or grants, by the United States Government to carry out the purposes of such Rehabilitation District, in the same manner, according to the same procedures, and in all respects as provided for the receipt of such funds by independent school districts." (Emphasis added.)

Under the above statutory authority, it is our opinion that the first two questions should be answered in the affirmative. In view of these conclusions, it is not necessary to answer the third question.

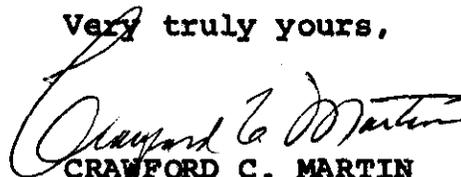
It should be noted that Attorney General's Opinion No. C-548 (1965) has been rendered moot by the above cited statutory amendments insofar as question No. 1 therein was concerned.

S U M M A R Y

1. The Rio Grande Independent Rehabilitation District is an independent school district within the meaning and intendment of the Foundation Program Act (Article 2922-15, Vernon's Civil Statutes) and is entitled to receive payment of state transportation aid for transporting eligible pupils on its school buses.

2. Assuming the Rio Grande Independent Rehabilitation District operates an exceptional children program for such exceptional pupils, as are defined in subsection (a) of Section (4A) of Article 2922-13, it is operating as an independent school district within the meaning and intendment of the Foundation Act program, and is entitled to receive payment of state transportation aid for transporting eligible pupils on its school buses.

Very truly yours,



CRAWFORD C. MARTIN  
Attorney General of Texas

Prepared by Jack Sparks  
Assistant Attorney General

APPROVED:  
OPINION COMMITTEE

Hawthorne Phillips, Chairman  
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Edward H. Esquivel  
A. J. CARUBBI, JR.  
Executive Assistant