



THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS 78711

JOHN L. HILL
ATTORNEY GENERAL

November 8, 1974

The Honorable M. L. Brockett
Commissioner of Education
Texas Education Agency

The Honorable Bevington Reed
Commissioner of Higher Education
Coordinating Board
Texas College and University System
Austin, Texas

Opinion No. H- 446

Re: Validity of contract
between State Board of
Education and Coordinating
Board for coordination of
post-secondary technical-
vocational education and
related questions.

Gentlemen:

You have requested our opinion concerning the authority of the State Board of Education and the Coordinating Board, Texas College and University System, to enter into an interagency agreement regarding the administration of technical-vocational programs in post-secondary institutions.

Section 61.067, Texas Education Code, specifically allows the Coordinating Board to "contract with any other state governmental agency . . . to reduce duplication and achieve better use of personnel and facilities." However the Coordinating Board "shall perform only the functions which are enumerated . . . [by statute]." Sec. 61.021, Texas Education Code.

General authority for interagency agreements is granted by Art. 4413(32), V. T. C. S., the Interagency Cooperation Act. Section 4 of this act requires advance approval of the agreement or contract by the Board of Control. The considerations to be passed on by the Board of Control are set out in Section 5, which provides:

No agreement or contract may be entered into or performed which will require or permit an agency of the State to exceed its constitutional or statutory duties and responsibilities, or the limitations of its appropriated funds. In reviewing proposed agreements or

The Honorable M. L. Brockette
The Honorable Bevington Reed, page 2 (H-446)

contracts of the character described in this Act, the Board of Control is authorized and directed to consider the following factors, which shall not be construed to be exclusive:

(a) Whether the services specified are necessary and essential for activities and work that are properly within the statutory functions and programs of the affected agencies of the State Government;

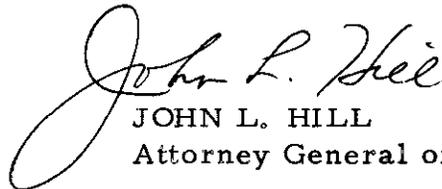
. . .

It is our opinion that since review of the validity of a proposed inter-agency agreement or contract is within the statutory responsibility of the Board of Control, your questions concerning a particular proposal should be addressed initially to that office. See Attorney General Opinion H-407 (1974).

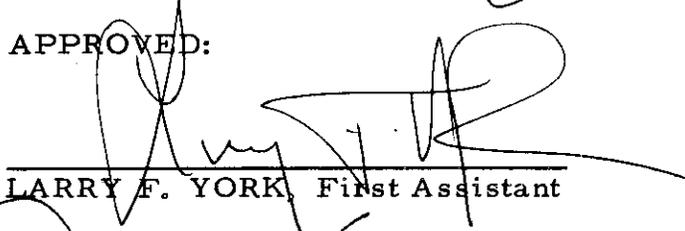
S U M M A R Y

Questions concerning the validity of a proposed interagency agreement should be submitted initially to the Board of Control for its determination.

Very truly yours,


JOHN L. HILL
Attorney General of Texas

APPROVED:


LARRY F. YORK, First Assistant


DAVID M. KENDALL, Chairman
Opinion Committee