



**THE ATTORNEY GENERAL  
OF TEXAS**

**Serald C. Mann**  
**OFFICE GENERAL**  
**ATTORNEY GENERAL**

**AUSTIN, TEXAS**  
**February 7, 1939**

Honorable L. A. Woods  
State Superintendent of Public Instruction  
Austin, Texas

Dear Mr. Woods:

Opinion No. 0-270  
Re: Necessity to have signatures  
of local board of trustees  
on check or draft to transfer  
funds.

Under date of January 31, 1939, you requested an opinion by letter, and we quote the letter as follows:

"Section 19 of the Equalization Law reads in substance as follows:

"Upon a petition signed by a majority of the qualified voters of the district, and subject to the approval of the County Superintendent and State Superintendent, a school district may transfer the entire scholastic population to a convenient school of higher rank.

"If the contract to transfer a school is made on a petition of a majority of the qualified voters of the district, without the approval of the local trustees, is it necessary to have the signatures of the local board of trustees on the check or draft drawn on the funds of the sending district in order to transfer the funds to the receiving district?

"Your ruling on the above question will be appreciated."

In reply thereto, this is to advise that we have studied Section 18 of the Rural Aid Law and also we have taken into consideration Article 2749, Revised Statutes, which reads in part as follows:

". . . they shall approve all claims against school funds of their district."

You will see that the quoted part of Article 2749 is with reference to the control of schools by trustees of common districts and is explicit in the powers granted.

Therefore, if on a petition of a majority of the qualified voters of a common school district and upon approval of the County Superintendent and State Superintendent, the entire scholastic

Hon. L. A. Woods, February 7, 1939, Page 2

enrollment of a school is transferred, and such transfer has been effected, the sending district is liable, but it is necessary to procure the signatures of the trustees, or a majority of them, of the sending district on a draft or check for the transfer of the funds in question.

Believing that this covers the questions propounded,  
we are

Yours very truly

ATTORNEY GENERAL OF TEXAS

By /s/ Geo. S. Berry  
Geo. S. Berry  
Assistant

CSB:N:jrb

APPROVED  
s/s Gerald C. Mann  
ATTORNEY GENERAL OF TEXAS