



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable Fred Morris
County Auditor
Polk County
Livingston, Texas

Dear Sir:

Opinion No. O-2623
Re: Qualifications of County
School Trustees.

We are in receipt of your letter of August 12, 1940, which reads as follows:

"Mr. X lives in Commissioners Precinct No. 4 of Polk County. Too, Mr. X lives in a school district that is a county line district and sends his children to school in Tyler County. Mr. X was elected by the voters of Commissioners Precinct No. 4 of Polk County to serve as a County School Board member for that precinct. May he legally serve as such?"

Article 2676, R. C. S. 1925, provides that one county school trustee shall be elected from each commissioner's precinct of the county. See also Sec. 8 of Art. 2742b, Vernon's Texas Civil Statutes (acts 40th Legislature, 1st Called Session, page 222, chapter 84) for a similar provision.

Article 2677, R. C. S., 1925, prescribing the qualifications for county school trustees, provides:

"The county school trustees shall be qualified voters of the precinct or county from which they are elected, and four of them shall reside in different commissioners precincts. They shall be of good moral character, able to read and speak the English language, shall be persons of good education, and shall be in sympathy with public free schools. The returns of

Honorable Fred Norris, page 2

"their election shall be made to the county clerk within five days after such election shall have been held, to be delivered by him to the commissioners court at its first meeting thereafter to be canvassed and the results declared as in cases of other elections. The county clerk shall issue to said trustees their commissions and impress thereon the seal of the said court after they have taken the official oath and filed same with said clerk." (Emphasis added)

The foregoing statute makes no requirement that a county school trustee live in a particular district in his precinct or that his children attend school in the county. We find no facts stated in your letter of request which would disqualify the trustee in question from serving as county school trustee for Commissioners' Precinct No. 4 of Folk County, Texas, and are therefore of the opinion that he may legally serve as such.

Yours very truly

APPROVED AUG 19, 1940

ATTORNEY GENERAL OF TEXAS

John P. Miller

FIRST ASSISTANT
ATTORNEY GENERAL

By

Cecil C. Cammack
Cecil C. Cammack
Assistant

CCC:AMM

