



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable Cecil H. Tate
County Attorney
Bailey County
Muleshoe, Texas

Dear Sir:

Opinion No. O-3365
Re: Authority of common school
trustees to employ bus driver.

We are in receipt of your recent request for an opinion in which you submit the following question:

"In a common school district having only 39 scholars, is it within the province of the three trustees of said common school district, or of the Commissioners Court of Bailey County, to hire a school bus driver, where funds used are from the Local Fund, and no aid of any kind being received from the State of Texas?"

The County Commissioner's Court has not had authority to supervise and control the management and administration of the public schools of the county since 1915. Articles 2676 and 2681, R. C. S. 1925. The general management and control of the affairs of a common school district are vested in the local board of trustees of the district and their approval is required on all claims against the school funds of their district. 2749 R. C. S. 1925. Article 2627 R. C. S. 1925 provides that the local maintenance fund of a school district may be used for the purpose of paying "janitors and other employees . . . and for other purposes necessary in the conduct of the public schools to be determined by the board of trustees. . . ." Article 2667a, Vernon's Texas Civil Statutes, regulates and provides the conditions upon which trustees of common school districts may employ bus drivers to transport pupils to and from school. That the district has only 39 resident scholars and is not a rural aid school does not operate as a limitation upon the statutory authority of the trustees in this respect.

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It is our opinion that the board of trustees of a common school district may employ a school bus driver and pay for same out of the local maintenance fund although such school has only 39 scholastics and is not a rural aid school.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By

Cecil C. Cammack
Cecil C. Cammack
Assistant

CCC:AMM

APPROVED APR 8, 1941

Ernest C. Mann
ATTORNEY GENERAL OF TEXAS

