



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable T. M. Trimble
First Assistant
State Superintendent of Public Instruction
Austin, Texas

Dear Sir:

Opinion No. 0-5687
Re: Transfer of scholastics from
school districts of one county
to a school district of another
county.

We received your letter dated June 4, 1941,
together with a letter from Mr. H. F. Morris, Superintendent
of the Naples Public Schools. Said letter is self-explanatory
and reads as follows:

"The Naples Independent School District is located
on the edge of Morris County and draws high school pupils
from Cass County. High school pupils from eight districts
in Cass County are transferred to Naples for high school
work. Only two of these districts join the Naples dis-
trict line. This leaves six districts in Cass County
with fifty-two pupils in high school whose grades are
not taught at home and which are not contiguous to the
Naples district.

"Under the present law it seems that a county
superintendent is prohibited from transferring pupils
from one county to another unless the district lines
join. Now, since these pupils do not have their high
school work taught at home and live in districts which
do not join the Naples district, I am wondering, since
they have been routed to the Naples High School by
the County Board of Cass County since 1934 and have
not the opportunity to attend high school in Cass County,
if the Attorney-General would not rule that these pupils
could be transferred by the County Superintendent of
Cass County to the Naples Independent District.

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"The Naples Independent School District needs to apply for salary aid, and we need these fifty-two pupils in order to help count up our teacher-pupil load. I will appreciate it if you will get an Attorney-General's ruling for me on this question."

Article 2696, Vernon's Annotated Civil Statutes, provides the method for transferring students from one district to another within the same county. Article 2697, Vernon's Annotated Civil Statutes, provides the method of transferring students from a district of one county to a district of another county. Said Article reads as follows:

"Any child specified in the preceding article, and its portion of the school fund, may be transferred to an adjoining district in another county, in the manner provided in said article. It must be shown to the county superintendent that the school in the district in which such child resides, on account of distance or some uncontrollable and dangerous obstacle, is inaccessible to such child." (Emphasis ours)

You are advised that under the plain language of Article 2697, supra, the students from the six school districts in Cass County cannot be transferred to the Naples Independent School District of Morris County since, under the facts, the said six districts are not adjoining to the Naples Independent School District.

We trust that we have satisfactorily answered your question.

Yours very truly

ATTORNEY GENERAL OF TEXAS

APPROVED JUL 18, 1941

Tommy Collier
FIRST ASSISTANT
ATTORNEY GENERAL

By

Lee Shoptaw
Lee Shoptaw
Assistant

LS:AMM

APPROVED