



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GROVER SELLERS
ATTORNEY GENERAL

Honorable Royall R. Watkins, President
State Board of Education
Austin, Texas

Dear Sir:

Opinion No. 0-6118
Re: Under the given facts and under the provisions of Article 2680, Revised Civil Statutes, can the textbooks in question, be called for in a proclamation to be issued in August 1944, and considered for adoption by the Board of Education at its meeting in October, 1944?

Your letter of July 17, 1944, is as follows:

"The Agricultural Division of the State Board for Vocational Education has requested the State Board of Education to call for bids upon a textbook on Farm Management, which is to be used in the high schools of the State of Texas in the teaching of agriculture under the terms of the contract with the Federal Government and the State Board for Vocational Education.

"Likewise, the Homemaking Division of the State Board for Vocational Education has asked for a textbook to be used in the highschools of the state, teaching family relations and home management, this being a subject under Home Economics.

"In view of the fact that no such books or courses are authorized under and by virtue of Art. 2843-44-44a of the Revised Civil Statutes, the State Board of Education desires to seek your advice and upon the following question:

"Under Article 2680 of the Revised Civil Statutes can such textbooks be called for in a proclamation to be issued in August, 1944, and considered for adoption by the Board at its meeting in October, 1944?

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"In considering this question please bear in mind that the Board will have to issue a proclamation asking for the submission of bids at its next meeting, August 7, in order that such bids may be filed in due time to be considered by the Board at the October meeting, and we shall greatly appreciate your early reply to this inquiry."

We find no statute providing for the adoption by the State Board of Education of free textbooks to be purchased by the State of Texas on the subjects of farm management, or on teaching family relations and home management. As observed in your letter, Articles 2843, 2844 and 2844a, Vernon's Annotated Civil Statutes, do not make provision therefor. The list of authorized free textbooks is expressly limited to those enumerated in the statutes. Article 2843, supra.

Article 2680, Revised Statutes, to which you refer, is as follows:

"Besides the subjects prescribed by law to be taught in the public schools of Texas, such additional subjects as agriculture, manual training, domestic economy or other vocational branches shall be included in the course of study in all high schools provided for herein which are located outside of incorporated towns and cities, and special attention shall be given to teaching said subjects."

The subject matter of this statutory provision is not the adoption of free textbooks, but is merely authority for the teaching in high schools outside of incorporated cities and towns of the subjects listed in the statute. You are, therefore, advised that Article 2680 does not confer upon the State Board of Education authority to call for bids in and to adopt free textbooks upon the subjects outlined in your inquiry.

Very truly yours

ATTORNEY GENERAL OF TEXAS

Gaynor Kendall
By

Gaynor Kendall
Assistant

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Royall R. Watkins