

Article 2753, supra, relates only to common school districts and does not apply to independent school districts. See Opinion No. 0-6554 of this department, a copy of which is enclosed herewith. Said opinion No. 0-6554 also holds that sales of independent school district property may be made at either private or public sale.

The discretion and powers of school trustees must be exercised so as to best serve the interests of the public. Union Independent School District v. Sawyer, 259 S. W. 637. However, in the absence of a showing of corruption, fraud or bad faith, the discretion of school trustees will not be reviewed. Davis vs. Hemphill, 243 S. W. 691.

The courts will not interfere with boards of education in carrying out the powers and duties required of them by law unless there has been a clear abuse of discretion or a violation of law; unwarranted interference would be to substitute the discretion of the courts for that of the boards. 37 Texas Jurisprudence, p. 942.

Many federal and state laws alike make preferences in favor of veterans who have rendered services to their country, however, Article 2753, supra, does not make any such preferences, and it is, therefore, our opinion that Article 2753, supra, does not authorize the limitation of bidding on school property to veterans only as outlined in your letter.

However, we wish to point out that Article 2753, supra, does not require a public sale of such property and it is our opinion that the Board would clearly have the authority to make a valid sale of said property to a veteran, or to any other person for that matter, at private sale, so long as the sale was regular, fairly made and for the best price obtainable. Any person desiring to attack such a sale would have the burden of showing wherein the Board had abused its discretion in the matter.

APPROVED MAR 22, 1946
/s/ Grover Sellers
ATTORNEY GENERAL OF TEXAS

Very truly yours
ATTORNEY GENERAL OF TEXAS

APPROVED: OPINION COMMITTEE
BY: BWB, Chairman

By /s/ Wm. J. Fanning
Wm. J. Fanning, Assistant

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