



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN, TEXAS 78711**

**JOHN L. HILL,  
ATTORNEY GENERAL**

August 31, 1976

The Honorable Sam Baxter  
Criminal District Attorney  
Harrison County  
P. O. Box 776  
Marshall, Texas 75670

Opinion No. H-873

Re: Whether several school districts may use proceeds of the county permanent school fund to construct a jointly-owned vocational school.

Dear Mr. Baxter:

You have asked whether the independent school districts of Harrison County may use the proceeds distributed to them by the Commissioner's Court pursuant to sale of Permanent School Fund land under article 7, section 6b of the Texas Constitution to finance the building of a countywide vocational school to be owned and operated by, and for the use of, all the school districts participating.

In response to your earlier request in Attorney General Opinion H-391 (1974), we determined that the County Commissioner's Court has clear constitutional and statutory power to sell land belonging to the County Permanent School Fund. Tex. Const. art. 7, §§ 6, 6b; Education Code §§ 17.81, 17.82. The distribution is subject to express restrictions pursuant to article 7, section 6b of the Texas Constitution:

[A]ny county, acting through the commissioners court, may reduce the county permanent school fund of that county and may distribute the amount of the reduction to the independent and common school districts of the county on a per scholastic basis to be used solely for the purpose of reducing bonded indebtedness of those districts or for making permanent improvements. . . . (Emphasis added).

Although we determined in Attorney General Opinion H-391 that the constitutional funds could not be returned to the county for it to use in establishing a countywide vocational school, we indicated that there might be ways in which the funds could be used to benefit vocational school programs.

You now ask:

May the independent school districts of Harrison County use proceeds distributed to them by the Commissioner's Court of Harrison County pursuant to the sale of Permanent School Fund land under the Texas Constitution, to finance the building of a county-wide vocational school to be owned and operated by, and for the use of, all the school districts participating?

The Constitution does not prohibit the joint construction of the permanent improvements by several school districts under article 7, section 6b; furthermore, the Education Code specifically provides for joint efforts between school districts where vocational schools are involved. The Education Code recognizes that an accumulation of school districts may provide for the joint construction and operation of a countywide vocational school

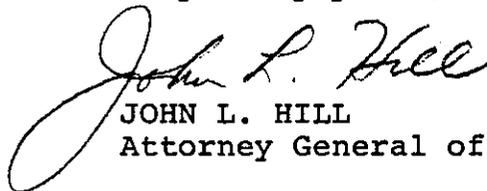
[w]here any public school district or accumulation of districts of this state operates . . . an area vocational school . . . and/or which participates in such a designated area vocational school program, its annual county available school fund apportionment, if any, shall be employed in the operation of such school and/or in financing facilities therefor. . . . Education Code § 20.481. (Emphasis added).

Thus, section 20.481 contemplates joint financing of facilities of area vocational schools. Since the "county available fund" mentioned in section 20.481 is generated from the county permanent school fund, we believe it follows that the proceeds from the distribution of the permanent fund may also be used for joint projects such as the construction of an area vocational school. The vocational school you propose would be operated by the boards of trustees of the school districts who are "authorized and empowered to conduct and supervise" the administration and governance of the vocational school; furthermore, the board of trustees of a school district may also elect to contract with another school district "to provide vocational classes for students in the district." Education Code §§ 21.111(a), 21.1111(a). See Interlocal Cooperation Act, V.T.C.S., art. 4413(32c).

S U M M A R Y

Article 7, section 6b of the Texas Constitution does not prohibit the use of proceeds realized from the sale of County Permanent School Fund lands and distributed to the school districts of the county to construct a vocational school facility jointly owned by the school districts.

Very truly yours,

  
JOHN L. HILL  
Attorney General of Texas

APPROVED:

  
DAVID M. KENDALL, First Assistant

  
C. ROBERT HEATH, Chairman  
Opinion Committee

jwb