



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

November 3, 1961

Honorable J. W. Edgar
Commissioner of Education
Texas Education Agency
Austin, Texas

Opinion No. WW- 1185

Re: Whether the boundaries and jurisdiction of a military reservation independent school district, created pursuant to Article 2756b of Vernon's Civil Statutes with boundaries co-extensive with the boundaries of the reservation automatically extend to include area or acreage that later becomes a part of or is added to the reservation under the circumstances.

Dear Dr. Edgar:

Your request for opinion informs us that Lackland Independent School District is the recognized military base or reservation independent school district serving Lackland Air Force Base, and that its authorization provides that "the boundaries to be co-extensive with boundaries of Lackland Air Force Base."

We note that only a mile from Lackland Air Force Base lies the Medina base, another federal reservation, located partly within the Northside Independent School District of Bexar County. Request for this opinion arose from the recent transfer by the Federal Government of two-hundred and thirty-five (235) acres of the Medina base section of the Northside District to Lackland Air Force Base, the new tract to be known as Lackland Base Annex and is to be used by Lackland for all purposes. Further facts are that the Northside District has authorized bonds for construction, only some of which, however, have been issued.

Your specific questions are as follows:

"1. Do the boundaries and jurisdiction of a military reservation independent school district created

pursuant to Article 2756b with boundaries co-extensive with the boundaries of the reservation automatically extend to include area or acreage that later becomes a part of or is added to the reservation in the circumstances outlined.

"2. Will the issuance of school district bonds voted but unissued be prohibited should military reservation area within the district automatically become included within the boundaries and jurisdiction of a military reservation independent school district originally created pursuant to Article 2756b."

Article 2756b of Vernon's Civil Statutes provides in part as follows:

"Section 1. That the State Board of Education is hereby authorized and empowered to establish independent school districts upon any military reservations located within the State of Texas, upon such terms and conditions as may be agreed upon by the State Board of Education and the military authorities; and such districts may be entitled to enumerate its scholastics, to share in the State per capita apportionment, and such other privileges as are now granted to independent and common school districts.

"Provided, that the children who are entitled to attend the schools thus established, shall be those of the officers, warrant officers, soldiers and civilian employees residing or employed upon such reservations.

"And provided, that wherever in the opinion of the State Board of Education, the number of children resident upon any military reservation is not sufficient to warrant the establishment of a separate school district, that such military reservation shall for the purpose of this Act be included in any other school district

under such regulations as the Board of Education may determine. Provided further, that the Board of Trustees of such district shall have the authority to transfer to any other independent or common school district maintaining adequate facilities and standards for elementary, junior or senior high schools, as set up by the State Department of Education and Southern Association, any school children who can not be provided for by the district of their residence."

We are of the opinion that there has been no change in the boundaries of the Northside and Lackland School Districts. The ownership of land does not affect the boundaries of a school district, nor did the transfer by the Federal Government of land from one military reservation to another change the boundaries of the school districts involved. The scholastics residing on the Lackland Annex portion of the Northside District are residents of that District. Central Education Agency v. Independent School District of El Paso, 152 Tex. 56, 254 S.W.2d 357, 359 (1953).

Our holding makes it unnecessary to consider your second question.

S U M M A R Y

The boundaries and jurisdiction of a military reservation independent school district created pursuant to Article 2756b of Vernon's Civil Statutes with boundaries co-extensive with the boundaries of the reservation do not automatically extend to include area or acreage which is a part of another independent school district when that area later becomes a part of the military reservation.

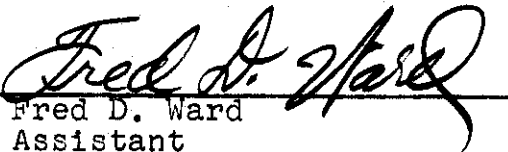
Honorable J. W. Edgar, page 4 (WW-1185)

Yours very truly,

WILL WILSON
Attorney General of Texas

FDW:lgh

By


Fred D. Ward
Assistant

APPROVED:

OPINION COMMITTEE
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REVIEWED FOR THE ATTORNEY GENERAL
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