



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

**WAGGONER GARR  
ATTORNEY GENERAL**

February 23, 1965

Hon. Grady Hazlewood  
Chairman, State Affairs  
Senate of the State of Texas  
Capitol Building  
Austin, Texas

Opinion No. C-390

Re: Constitutionality of  
Senate Bill 35 of the  
59th Legislature.

Dear Senator Hazlewood:

You have requested our opinion on the constitutionality of Senate Bill 35 of the 59th Legislature, authorizing the State Board of Education to supply free textbooks to blind and visually handicapped scholastics. Free textbooks, under the definition contained in the Bill include books in Braille, and blind and visually handicapped scholastics include any child whose visual acuity is impaired to the extent that he is unable to read the print in regularly adopted textbooks used in the class concerned.

Section 3 of Article VII of the Constitution of Texas requires the State Board of Education to provide free textbooks for the use of children attending public free schools of this State. Charles Scribner's Sons v. Marrs, 114 Tex. 11, 262 S.W. 722 (1924); American Book Co. v. Marrs, 113 Tex. 291, 253 S.W. 817 (1923).

In view of the provisions of Section 3 of Article VII of the Constitution of Texas, it is our opinion that free textbooks designed for the use of blind and visually handicapped scholastics is authorized. You are therefore advised that the provisions of Senate Bill 35 of the 59th Legislature are constitutional.

**S U M M A R Y**

Senate Bill 35 of the 59th Legislature, authorizing the purchase of free textbooks, including books in Braille, for the use of the blind and visually handicapped children attending public schools of this State is constitutional. Section 3 of Article VII of the Constitution of Texas.

Hon. Grady Hazlewood, page 2 (C-390)

Very truly yours,

WAGGONER CARR  
Attorney General

By:   
John Reeves  
Assistant

JR:ms:mkh

APPROVED:  
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