

SCHOOLS: Tuition cannot be paid for negro students attending college outside of Missouri for courses beyond those offered at the University of Missouri.

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Honorable Roy Scantlin  
State Superintendent of Schools  
Jefferson City, Missouri

Attention: Mr. Joy O. Talley, Supervisor  
Vocational Rehabilitation

Dear Sir:

We have your letter of recent date, which reads as follows:

"We should like an opinion as to whether or not the State of Missouri will pay the tuition for negroes outside the State for medical school beyond the two-year medical course offered at the University of Missouri."

It has been and is now the policy of this state to provide its colored citizens educational opportunities equal to those afforded to white citizens. In discussing the statutes relative to higher education for negroes, our Supreme Court, in the case of Lincoln University v. Hackmann, 295 Mo. 118, 243 S. W. 320, said:

" \* \* \* The act changed the name of Lincoln Institute to Lincoln University, vested the control thereof in a board of curators, and authorized the board to reorganize the institution so that it shall afford the negroes of the state opportunity for training up to the standard furnished at the State University of Missouri, \* \* \*."

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Again, in the same case, 243 S. W. 1. c. 321, the court said:

" \* \* \* The statute in this respect may be said to be mandatory in its nature in order that its great beneficent purposes may be carried into effect and the state realize the benefits of extending to the negroes of our state the education, culture, and training afforded by the University of Missouri."

Providing equal educational opportunities for whites and negroes, even though in separate schools, meets the equal protection requirements of the Federal Constitution. (State ex rel. v. Canada, 305 U. S. 337, 83 L. Ed. 208.)

Section 10774, R. S. Mo. 1939, reads, in part, as follows:

"The Board of Curators of the Lincoln University shall be authorized and required to reorganize said institution so that it shall afford to the negro people of the state opportunity for training up the standard furnished at the State University of Missouri. \* \* \* "

Section 10779, R. S. Mo. 1939, reads as follows:

"Pending the full development of the Lincoln University, the Board of Curators shall have the authority, if and when any qualified negro resident so requests, to arrange for his attendance at a college or university in some other state to take any course or to study any subjects provided for at the State University of Missouri, and which are not taught at the Lincoln University, and to pay the reasonable tuition fees for such attendance."

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The two statutes above referred to clearly show that the Legislature intended to grant to negro people the opportunity to secure the same educational advantages which white people have in Missouri. White people can only obtain two years' instruction in medicine at the University of Missouri. By Section 10779, supra, the Board of Curators of Lincoln University is authorized to pay the tuition of negro students in a college or university in another state for the purpose of allowing them to take a course or to study subjects now provided at the University of Missouri and not provided at Lincoln University. Since only two years' instruction in medicine is offered at the University of Missouri, it must follow that even though no instruction in medicine is offered at Lincoln University, the Board of Curators of that school could only pay the tuition of colored students in a college or university in another state to allow them to procure a two-year course in medicine. If the tuition of colored students could be paid for more than a two-year course in medicine in another state, then white students would not have equal educational opportunities with the negroes, since white students must pay their own tuition beyond a two-year course in medicine.

#### CONCLUSION

It is, therefore, the opinion of this department that there is no provision in the laws of Missouri providing for the payment of the tuition of negroes for attending colleges or universities outside the state to obtain a medical course beyond the equivalent of the two-year course offered by the University of Missouri.

Respectfully submitted

HARRY H. KAY  
Assistant Attorney General

APPROVED:

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J. E. TAYLOR  
Attorney General

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