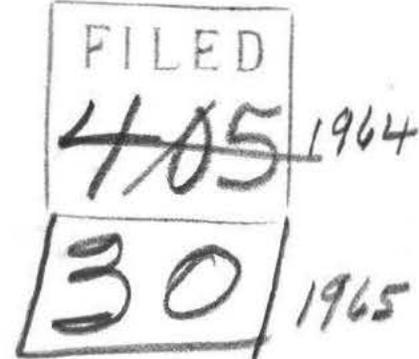


Opinion No. 405 (1964)  
Answered by Letter (DeFeo)

January 14, 1965

Honorable Peter J. Grewach  
Prosecuting Attorney  
Troy Building  
Troy, Missouri



Dear Mr. Grewach:

This letter is in response to your request of November 30, 1964, for an official opinion of this office. You inquire:

"If a student found technically eligible for placement in a class for young educable mentally retarded adolescents and for whom the school establishes a modified curriculum in accordance with the curriculum guide and suggestions received from the State Department of Education can compel the School District to pay tuition for such child in another district or be required to furnish transportation to a Special School District when such child has not officially enrolled in the school and the district in which such child is located and the modified curriculum placement has not been tried and evaluated?"

Section 163.310 RSMo 1959, imposes a duty upon school districts, to wit:

"The board of education of any school district shall provide appropriate instruction for all handicapped children residing in the district between the ages of six and twenty years, who are educable and capable of benefiting by special training. \* \* \*"

Honorable Peter J. Grewach

The school district has three options by which it may fulfill this obligation. These are set out in subsection 2, to wit:

"School districts shall provide instruction for handicapped children under the provisions of this section by establishing special classes, by contracting with nearby districts for the training of one or more such children or when any child cannot attend classes economically, safely or conveniently by providing adequate home instruction. Five hours of home instruction is considered to equal one week of school work per child."

Your letter informs us that your school district has elected to "establish special classes." Having thus fulfilled its duty under Section 163.310 the district cannot be compelled to send educable handicapped pupils to another district.

Of course, if the district cannot be compelled to send such pupils to another district, it follows that it cannot be compelled to furnish transportation to another district.

If the above leaves any particular areas of doubt, we shall be pleased to answer further specific questions.

Yours very truly,

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NORMAN H. ANDERSON  
Attorney General

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