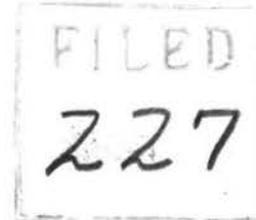


May 16, 1967



Honorable Donald L. Manford
State Representative
18th District
9409 Oakland
Kansas City, Missouri 64138

Dear Representative Manford:

This letter is in response to your request for an official opinion. Your inquiry is stated in a six-part question as follows:

- "(1) Is there discrimination with the meaning and intent of the law in:
- (a) providing accelerated educational groups in public education?
 - (b) in the assignment of better qualified teachers to the accelerated classes?
 - (c) in providing accelerated groups with specialist mathematics and sciences courses?
 - (d) in providing more and newer text and related materials to the accelerated classes?
 - (e) in the fact that girls predominate the accelerated classes as contrasted with boys of the same age level?
 - (f) in the assignment of discipline cases to the so called low level or non-accelerated class?"

Honorable Donald L. Manford

These questions pertaining to public education present a general situation in indefinite terms, thus we cannot make any specific ruling on your inquiries. However, we shall note hereinafter the general law regarding the operation of public schools which we hope will be of sufficient guidance to you.

Section 171.011, RSMo Supp. 1965, provides as follows:

"The school board of each school district in the state may make all needful rules and regulations for the organization, grading and government in the school district. The rules shall take effect when a copy of the rules, duly signed by order of the board, is deposited with the district clerk. The district clerk shall transmit forthwith a copy of the rules to the teachers employed in the schools. The rules may be amended or repealed in like manner."

Our state courts have held that the course of study is a matter initially within the discretion of the public school board. Roach v. The Board of President and Directors of the St. Louis Public Schools, 77 Mo. 484. If a rule or regulation adopted by a board of education is within the power of the board the courts will not supervise its expediency. King v. Jefferson City School Board, 71 Mo. 628.

So long as their rules and regulations are reasonable and not arbitrary and capricious, the public school board may provide for the organization, grading and government of the schools of the district.

Yours very truly,

NORMAN H. ANDERSON
Attorney General

LCD/ag/df