

State Agreements: State Plan between State Board of Education
Primary and Secondary and federal office of Education regarding
Education Act: library resources, etc., Title II, P.L. 89-10.

Opinion No. 272
Answered by Letter (DeFeo)

May 12, 1967

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State Board of Education
Attention: Mr. Rex R. Wyrick
Director, Title II, P.L. 89-10
Jefferson Building
Jefferson City, Missouri

Dear Mr. Wyrick:

Per your request we have reviewed the Revised State Plan for Making Available School Library Resources, Text Books, and Other Instructional Materials, under Sections 201-207 of Title II, and Sections 701-705 of Title VII, P.L. 89-10. In this review we have taken into consideration the letter of Governor Warren E. Hearnes to Hubert Wheeler, Commissioner of Education, dated May 25, 1965, wherein the Governor designated the State Board of Education as the state agency to administer Title II, P.L. 89-10, and also Title II, P.L. 89-10 as amended by Sections 121 et seq., P.L. 89-750, 20 U.S.C. 821 et seq., and the Federal Regulations, 32 F.R. 2753, 45 C.F.R. 117.

In Section 2.21 of the State Plan the word "or" at the end of Subsection (a), should be deleted. Note: Federal Regulations, Section 117.37. Also Section 2.21 and the Federal Regulations are vague as to whether or not the State Board would be required to maintain records beyond three years after close of a fiscal year in the event that there is no notification from federal authorities that the records are no longer needed. We recommend this be clarified with the federal authorities.

The statutory references throughout the Plan refer to the Appendix to the 1963 Supplement to the Revised Statutes of Missouri (RSMo Supp. 1963 Appendix). The correct citation is RSMo Supp. 1965. Incorrect statutory citations are found in Sections 1.31, 2.32, 3.32, 3.52 and the Appendix of the State Plan.

Based upon this review, we hereby certify that:

State Board of Education

1. The State Board of Education is the designated state agency in accordance with Section 203 of Title II, P.L. 89-10;
2. The State Board has the authority under state law to submit a State Plan pursuant to Section 203, Title II, P.L. 89-10;
3. The provisions of the 1967 Revised State Plan are consistent with state law.
4. The Commissioner of Education has been duly authorized by the State Board of Education to submit the Revised State Plan and to represent the State Board in all matters pertaining thereto.

Very truly yours,

NORMAN H. ANDERSON
Attorney General

Louis C. DeFeo, Jr.
Assistant Attorney General

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