

ELEMENTARY AND SECONDARY
EDUCATION ACT: ✓
STATE BOARD OF EDUCATION: ✓
FEDERAL GRANTS: ✓

Review and certification of State Board's application for program grant to provide educational programs for migratory children of migratory agricultural workers under Title I, Public Law 89-10 as amended by Section 103, Public Law 89-750.

Opinion No. 313
Answered by Letter (DeFeo)

June 21, 1967

Honorable Hubert Wheeler
Commissioner of Education
Jefferson Building
Jefferson City, Missouri



Dear Commissioner Wheeler:

Per your request we have reviewed the Missouri State Department of Education application for a program grant (Title I, Public Law 89-10 as amended by Public Law 89-750) for the establishment or improvement of educational programs for migratory children of migratory agricultural workers.

We note that the program as presently drafted provides for the establishment of a student records and special services center, the conducting of teacher workshops and conducting of a summer school for migratory children. These functions are to be performed by contract with Southeast Missouri State College and the Gideon Public School District. Without deciding, we note that there is doubt as to the authority of the State Board of Education to carry out these functions either directly or by contract.

Article III, Section 38a, Missouri Constitution, provides:

"Money or property may also be received from the United States and be redistributed together with public money of this state for any public purpose designated by the United States."

Under Section 161.092(2), RSMo Supp. 1965, the State Board of Education has the duty to:

"Carry out the educational policies of the state relating to public schools that are provided by law and supervise instruction in the division of public schools;"

Honorable Hubert Wheeler

We believe the foregoing to authorize the State Board of Education to receive the federal grants available under Section 103, P.L. 89-750, and to regrant or redistribute the federal funds for the purposes of the federal law.

Therefore, we recommend that the functions to be performed by Southeast Missouri State College and the Gideon Public School District be performed under a grant award upon appropriate conditions and assurances and that the provision for contracting for services in the state application be deleted. We will by separate letter recommend an appropriate grant award form.

Upon your assurances that the state application will be amended per our recommendations we hereby certify that the State Board of Education of the State of Missouri has authority under state law to perform the duties and functions of a state educational agency as defined under Title I, of P.L. 89-10, including those functions arising from the assurances set forth in the application for a grant for educational programs for migratory children of migratory agricultural workers and that the State Board of Education has authority to submit and administer special educational programs and projects for migratory children as set forth in the application.

Very truly yours,

NORMAN H. ANDERSON
Attorney General

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