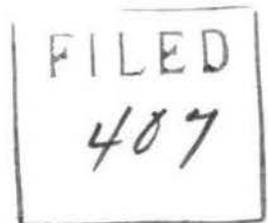


Answer by Letter (Bartlett)

July 9, 1970

OPINION LETTER NO. 407



Mr. Hubert Wheeler, Commissioner
State Board of Education
Jefferson State Office Building
Jefferson City, Missouri 65101

Dear Mr. Wheeler:

This letter is in response to your request for our review and certification of the State Board of Education's State Plan, Elementary and Secondary Education Act of 1965, Title III, for the fiscal year 1971.

Our review has taken into consideration Title III of the Elementary and Secondary Education Act of 1965, P.L. 89-10, as amended; the federal regulations (45 CFR 118 draft of May 27, 1970); Article III Section 38(a), and Article IX, Section 2(a), Missouri Constitution; Section 161.092 RSMo 1967 Supp. and related provisions.

It is the opinion of this office that:

1. The Missouri State Board of Education is the "state educational agency" required by Section 305(a)(1), Public Law 89-10, Title III, as amended;

2. The Missouri State Board of Education has authority under State Law to develop, submit, and administer, either directly or through arrangements with other state or local public agencies, the State Plan;

Mr. Hubert Wheeler, Commissioner

3. The State Educational Agency named in the attached State Plan for Title III of the Elementary and Secondary Education Act of 1965 is the agency responsible for the administration of said State Plan;

4. State law does not prohibit effective participation on an equitable basis in programs authorized by this title by children enrolled in any one or more private elementary or secondary schools of such state in the area or areas served by such programs (the undersigned does not certify to the accuracy of paragraph 16 of the State Plan);

5. The State Treasurer has authority under state law to receive, hold, and disburse in accordance with the State Plan funds received under Title III;

6. All provisions of said State Plan are consistent with state law with the exception of paragraph 16.

In conjunction with this letter opinion which constitutes our official certification of the application, we have completed a certification form consistent with this opinion letter.

Very truly yours,

JOHN C. DANFORTH
Attorney General