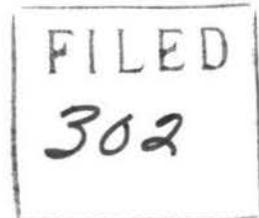


May 27, 1971

OPINION LETTER NO. 302  
Answer by Letter (Bartlett)

Dr. Arthur L. Mallory  
Commissioner of Education  
State Board of Education  
Jefferson State Office Building  
Jefferson City, Missouri 65101



Dear Dr. Mallory:

This letter is in response to your request for our review and certification of the State Board of Education's State Plan for fiscal year 1972, under Title III of the Elementary and Secondary Education Act of 1965.

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 C.F.R. 118, draft of March 19, 1971); Article III, Section 38(a) and Article IX, Section 2(a), Missouri Constitution; Section 162.092, RSMo 1969, 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;
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

Dr. Arthur L. Mallory

responsible for the administration of the State Plan;

4. State law does not prohibit children enrolled in any one or more non-profit, private elementary or secondary schools of such State in the area or areas served by programs authorized by this Title from effective participation on an equitable basis in such programs (the undersigned does not certify to the accuracy of paragraph 16 of the assurances portion of the State Plan);
5. The State Treasurer has authority under State law to receive, hold and disperse, in accordance with the State Plan, funds received under Title III;
6. All provisions of the 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 State Plan, we have completed a certification form consistent with this Opinion Letter.

Very truly yours,

JOHN C. DANFORTH  
Attorney General

CERTIFICATE OF ATTORNEY GENERAL

I, John C. Danforth, Attorney General of Missouri, hereby certify 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 the authority under State law to develop, submit and administer, either directly or through arrangements with other State or local public agencies, the State Plan;
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 this plan;
4. State law does not prohibit children enrolled in any one or more non-profit, private elementary or secondary schools of such State in the area or areas served by programs authorized by this Title from effective participation on an equitable basis in such programs (the undersigned does not certify to the accuracy of paragraph 16 of the assurances portion of the State Plan);
5. The State Treasurer has authority under State law to receive, hold and disperse, in accordance with the State Plan, funds received under Title III, and
6. All provisions of the State Plan are consistent with State law with the exception of paragraph 16.

JOHN C. DANFORTH  
Attorney General of Missouri

Dated: May 27, 1971.

Approved by:

United States Commissioner of Education

Dated: \_\_\_\_\_