



JOHN C. DANFORTH  
ATTORNEY GENERAL

OFFICES OF THE  
ATTORNEY GENERAL OF MISSOURI  
JEFFERSON CITY

June 19, 1972

OPINION LETTER NO. 157

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 1973, 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, January 1, 1972 edition); Article III, Section 38(a) and Article IX, Section 2(a), Missouri Constitution; Sections 162.092 and 178.430, 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)(c), Public Law 89-10, Title III, as amended, to have authority to act as the sole agency to submit the State Plan;
2. The Missouri State Board of Education has authority under State law to carry out or arrange for the carrying out of the programs described in the State Plan;
3. All State Plan provisions with respect to the use of funds under Title III can be carried out in the State.

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4. The Missouri State Board of Education has authority to provide for the participation on an equitable basis of all children enrolled in non-profit private schools in programs under the State Plan;
5. All provisions of the State Plan are consistent with State law with the exception of the provision of paragraph 16 of the Assurances and paragraph 3 of Section 2.3.15 of the Plan.

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,

A handwritten signature in cursive script, appearing to read "John C. Danforth".

JOHN C. DANFORTH  
Attorney General