



JOHN C. DANFORTH
ATTORNEY GENERAL

OFFICES OF THE
ATTORNEY GENERAL OF MISSOURI
JEFFERSON CITY

May 31, 1972

OPINION LETTER NO. 158

Dr. Arthur L. Mallory
Commissioner of Education
State Department 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 VI, Elementary and Secondary Education Act of 1965, Public Law 91-230, 20 U.S.C. Section 1401 et seq.

Our review has taken into consideration the Education of the Handicapped Act, Public Law 91-230, 20 U.S.C. Section 1401, et seq.; Federal Regulations (45 C.F.R. 121, January 1, 1972 Edition); Article III, Section 38(a) and Article IX, Section 2 (a), Missouri Constitution; Section 161.092, 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" defined in 20 U.S.C. Section 1401(7);

(2) the Missouri State Board of Education has authority under State law to submit the State Plan pursuant to the Education of the Handicapped Act and to administer and supervise the administration of the Plan;

(3) the Missouri State Board of Education has authority under State law to carry out, directly or through local educational agencies, the activities described in the Plan;

(4) all Plan provisions are consistent with State law; and

Dr. Arthur L. Mallory

(5) the Commissioner of Education has been duly authorized by the Missouri State Board of Education to submit a State Plan pursuant to the Education of the Handicapped Act and to represent the Missouri State Board of Education in all matters pertaining to that 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, reading "John C. Danforth". The signature is written in dark ink and is positioned above the typed name and title.

JOHN C. DANFORTH
Attorney General