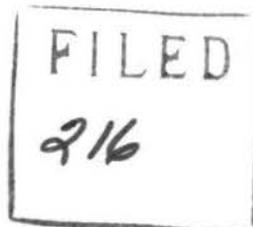


June 27, 1973

OPINION LETTER NO. 216

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 1974, under Title III of the Elementary and Secondary Education Act of 1965, as amended.

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, October 1, 1972 edition); Article III, Section 38(a) and Article IX, Section 2(a), Missouri Constitution; Section 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;

4. All provisions of the State Plan are consistent with State law with the exception of the proviso portion of paragraph 16 of the Assurances and paragraph 3 of Section 2.3.13 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,

JOHN C. DANFORTH
Attorney General