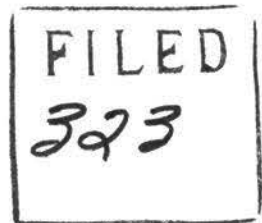


October 29, 1974

OPINION LETTER NO. 323  
Answer by Letter - Bartlett

Dr. Arthur L. Mallory  
Commissioner  
Missouri State Department of Elementary  
and Secondary Education  
Jefferson State Office Building  
Jefferson City, Missouri 65101



Dear Commissioner Mallory:

In accordance with your request of September 16, 1974, we have reviewed the Missouri State Department of Elementary and Secondary Education's "Application for Program Grant for Migratory Children (fiscal year 1975)." This application is being submitted under Title I of the Elementary and Secondary Education Act of 1965, P.L. 89-10, as amended by P.L. 89-750, P.L. 90-247, P.L. 91-230, and P.L. 92-318 (Section 20 U.S.C. Section 241 e(c)(1)).

In addition to the Elementary and Secondary Education Act of 1965 as amended, and the regulations propounded pursuant thereto (45 C.F.R. 116, April 1, 1974 edition), our review has taken into consideration Article III, Section 38(a), Missouri Constitution, and Section 161.092, RSMo 1973 Supp., and Section 178.430, RSMo 1969.

Based on the foregoing, we hereby certify that the Missouri State Department of Elementary and Secondary Education has authority under state law to perform the duties and functions of a "state educational agency" as defined in Title I of Public Law 89-10 (20 U.S.C. Section 244), including those arising from the assurances set forth in the application, and that the State Department of Elementary and Secondary Education has the authority to submit and administer the special educational programs and projects for migratory children as set forth in the application.

Dr. Arthur L. Mallory

This opinion letter constitutes our official certification and should be inserted in the appropriate place in each copy of the application.

Very truly yours,

JOHN C. DANFORTH  
Attorney General