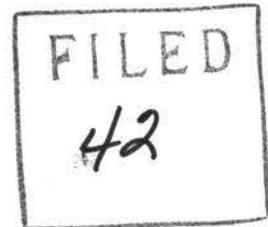


January 27, 1975

OPINION LETTER NO. 42

Honorable Lawrence J. Lee  
Missouri Senate, 3rd District  
c/o Senate Post Office  
State Capitol Building  
Jefferson City, Missouri 65101



Dear Senator Lee:

This letter is in response to your request for an opinion. In the request you have asked the following question:

"May a Public School District contract with a non-profit parochial institution to provide special educational services for handicapped children under House Bill Number 474 (effective August, 1974); and would such a contract between a Public School District and a non-profit parochial school whereby the non-profit parochial school provided the special educational services required under House Bill 474 be contrary to the provisions of Article I, Section 7 or Article IX, Section 8 of the Constitution of Missouri?"

After careful consideration of relevant legal authority and for the reasons stated in our letter to Dr. Harold P. Robb, Director of the Department of Mental Health, this date, copy enclosed, this office will presume that the answer to your question is in the affirmative unless and until a court of competent jurisdiction holds to the contrary.

Very truly yours,

JOHN C. DANFORTH  
Attorney General

Enclosure: Op. Ltr. No. 43 - 1975