

July 2, 1975

OPINION LETTER NO. 159

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

FILED
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Dear Dr. Mallory:

This letter is in response to your request for our review and certification of the State Board of Education's Annual Program Plan for the Consolidation of Libraries and Learning Resources, Educational Innovation and Support under Title IV of the Elementary and Secondary Education Act of 1965, as amended, by P.L. 93-380 (1974), 20 U.S.C. Section 1801 et seq.

Our review has taken into consideration Title IV of the Elementary and Secondary Education Act of 1965, as amended; proposed Federal Regulations (40 Federal Register 11686-11695, March 12, 1975); Article III, Section 38(a) and Article IX, Section 2(a), Missouri Constitution.

It is the opinion of this office that:

1. The Missouri State Board of Education is the "State Educational Agency" required by Section 403(a)(1), P.L. 93-380 (1974), to have authority to act as the sole agency to submit the Annual Program 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 Annual Program Plan;

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3. All Annual Program Plan provisions with respect to the use of funds under Title IV can be carried out in the state.

Very truly yours,

JOHN C. DANFORTH
Attorney General