

Answer by letter-Bartlett

September 23, 1969

OPINION LETTER NO. 415



Honorable Jack J. Schramm
State Representative, District 37
State Capitol Building
Jefferson City, Missouri 65101

Dear Representative Schramm:

This letter is in response to your request for an opinion as to whether the Constitution and Bylaws of the Governor's Advisory Council on Vocational Education, enclosed with your letter of July 21, 1969, are consistent with Missouri law, and, more particularly, the federal statute known as Public Law 90-576, Amendments to the Vocational Education Act of 1963, 20 U.S.C., Sections 1241-1248, 1261-1264, 1281-1284, 1301-1305, 1321-1323, 1341, 1351-1355, 1371-1374, 1391.

In addition to reviewing the Amendments to the Vocational Education Act of 1963, we have examined proposed regulations of the United States Office of Education. A copy of the proposed regulations which pertain to the State Advisory Council (Sec. 102.21-102.26) is enclosed herewith.

We were unable to locate any Missouri statutory provisions pertaining directly to the Advisory Council on Vocational Education. Furthermore, there is no Missouri statute dictating the form or content of the Constitution and Bylaws of the Missouri State Advisory Council on Vocational Education.

As a result of our review of the Amendments to the Vocational Education Act of 1963 and of the proposed regulations, we make the following suggestions:

1. Add an additional subparagraph in Article 2, Sec. 3, providing that the Advisory Council shall prepare and submit a statement describing its consultation with the State Board on its State plan.

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(See Reg. Sec. 102.23(a)) (According to Reg. 102.31 (e) (2) this statement must accompany the State plan for each fiscal year and any amendment thereto.)

2. Add after "as amended" in Article 2, Sec. 3, subparagraphs (a) and (b), "and any regulations propounded pursuant thereto."

3. Add a new subparagraph in Article 2, Sec. 3, providing that the Advisory Council shall prepare and submit through the State Board, within 60 days after the United States Commissioner has accepted certification of the establishment and membership of the Advisory Council, an annual budget covering the proposed expenditures of the Advisory Council and its staff for the following fiscal year. (See Reg. 102.23(e))

In addition to the foregoing, we make the following comments:

1. There is a typographical error in Sec. 3(g), Article 2. After the word "board" in the first line of that subparagraph it appears as if the word should be "to" rather than "of."

2. In Article 3, Sec. 6, it is provided that "the chairman shall see that all funds of the M.S.C.A.V.E. subject to withdrawal, are approved in the name of the M.S.A.C.V.E. by the treasurer and chairman, . . ." If this means that the treasurer and chairman must approve the withdrawal of all funds, there would appear to be a conflict with Article 3, Sec. 10, in which it is provided that a warrant or order must be signed by the chairman and recording secretary before disbursement can be made of M.S.A.C.V.E. funds.

With the exception of the matters mentioned above, we believe that the Constitution and Bylaws of the Missouri State Advisory Council on Vocational Education comply with the requirements of the applicable federal law and regulations.

Yours very truly,

JOHN C. DANFORTH
Attorney General